



## **Council Agenda**

***12 October 2016***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

**CITY OF BUSSELTON**


**MEETING NOTICE AND AGENDA – 12 OCTOBER 2016**

---

**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Council will be held in the Meeting Room One, Community Resource Centre, 21 Cammilleri Street, Busselton on Wednesday, 12 October 2016, commencing at 5.30pm.

Your attendance is respectfully requested.



---

**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

30 September 2016

**CITY OF BUSSELTON**

**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 12 OCTOBER 2016**

**TABLE OF CONTENTS**

<b>ITEM NO.</b>	<b>SUBJECT</b>	<b>PAGE NO.</b>
<b>1.</b>	<b>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....</b>	<b>5</b>
<b>2.</b>	<b>ATTENDANCE .....</b>	<b>5</b>
<b>3.</b>	<b>PRAYER .....</b>	<b>5</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>5</b>
<b>5.</b>	<b>ANNOUNCEMENTS WITHOUT DISCUSSION.....</b>	<b>5</b>
<b>6.</b>	<b>APPLICATION FOR LEAVE OF ABSENCE.....</b>	<b>5</b>
<b>7.</b>	<b>PETITIONS AND PRESENTATIONS .....</b>	<b>5</b>
<b>8.</b>	<b>DISCLOSURE OF INTERESTS .....</b>	<b>5</b>
<b>9.</b>	<b>CONFIRMATION AND RECEIPT OF MINUTES .....</b>	<b>5</b>
	Previous Council Meetings .....	5
9.1	Minutes of the Council Meeting held 28 September 2016 .....	5
	Committee Meetings.....	6
9.2	Minutes of the Policy & Legislation Committee Meeting held 29 September 2016 .....	6
9.3	Minutes of the Airport Advisory Committee Meeting held 30 September 2016.....	6
<b>10.</b>	<b>REPORTS OF COMMITTEE .....</b>	<b>7</b>
10.1	Policy and Legislation Committee - 29/09/2016 - COMPLAINTS HANDLING POLICY REVIEW .....	7
10.2	Policy and Legislation Committee - 29/09/2016 - ORGANISATIONAL WIDE RISK MANAGEMENT POLICY .....	17
10.3	Airport Advisory Committee - 30/09/2016 - BUSSELTON MARGARET RIVER AIRPORT - HELICOPTER OPERATION EOI PROPOSAL .....	23
10.4	Airport Advisory Committee - 30/09/2016 - BUSSELTON-MARGARET RIVER AIRPORT - BUSSELTON AERO CLUB LANDING FEES PROPOSAL.....	32
<b>11.</b>	<b>PLANNING AND DEVELOPMENT SERVICES REPORT .....</b>	<b>39</b>
11.1	APPLICATION FOR PLANNING CONSENT FOR A SERVICE STATION (WITH ANCILLARY WHOLESALE FRUIT AND VEGETABLE, INCLUDING SMALL SCALE RETAIL AND DRIVE-THROUGH COFFEE OUTLET) .....	39
11.2	DRAFT STRUCTURE PLAN– LOT 115, WILDWOOD ROAD, YALLINGUP - CONSIDERATION OF ADOPTION FOR FINAL APPROVAL.....	64
11.3	PROPOSED CHANGE TO DOG CONTROL DESIGNATIONS - EAGLE BAY.....	100
<b>12.</b>	<b>ENGINEERING AND WORKS SERVICES REPORT.....</b>	<b>106</b>
<b>13.</b>	<b>COMMUNITY AND COMMERCIAL SERVICES REPORT .....</b>	<b>106</b>
<b>14.</b>	<b>FINANCE AND CORPORATE SERVICES REPORT .....</b>	<b>106</b>
14.1	PROPOSED LEASE BUSSELTON SURF LIFE SAVING CLUB INCORPORATED .....	106
14.2	BUSSELTON PISTOL CLUB LEASE OF A PORTION OF RESERVE 28419 .....	129

<b>15.</b>	<b>CHIEF EXECUTIVE OFFICER'S REPORT .....</b>	<b>141</b>
15.1	AWARD OF TENDER RFT17/16 MILNE STREET SPORTS PAVILION CONSTRUCTION.....	141
15.2	COUNCILLORS' INFORMATION BULLETIN .....	146
<b>16.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>167</b>
<b>17.</b>	<b>CONFIDENTIAL REPORTS .....</b>	<b>167</b>
17.1	Airport Advisory Committee - 30/09/2016 - RFT11/16 - AIRSIDE D & C CONTRACTOR	
<b>18.</b>	<b>QUESTIONS FROM MEMBERS .....</b>	<b>167</b>
<b>19.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>167</b>
<b>20.</b>	<b>NEXT MEETING DATE .....</b>	<b>167</b>
<b>21.</b>	<b>CLOSURE .....</b>	<b>167</b>

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

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

Nil

3. **PRAYER**

The Prayer will be delivered by Pastor Sandy Wittwer of Hope Christian Church.

4. **PUBLIC QUESTION TIME**

Response to Previous Questions Taken on Notice

Public Question Time

5. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

Announcements by other Members at the invitation of the Presiding Member

6. **APPLICATION FOR LEAVE OF ABSENCE**

7. **PETITIONS AND PRESENTATIONS**

8. **DISCLOSURE OF INTERESTS**

9. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

9.1 **Minutes of the Council Meeting held 28 September 2016**

**RECOMMENDATION**

That the Minutes of the Council Meeting held 28 September 2016 be confirmed as a true and correct record.

**Committee Meetings**9.2 Minutes of the Policy & Legislation Committee Meeting held 29 September 2016**RECOMMENDATION**

- 1) That the minutes of the Policy & Legislation Committee meeting held 29 September 2016 be received.
- 2) That the Council notes the outcomes from the Policy & Legislation Committee meeting held 29 September 2016 being:
  - a) The Complaints Handling Policy Review item is presented for Council consideration at item 10.1 of this agenda.
  - b) The Organisational Wide Risk Management Policy item is presented for Council consideration at item 10.2 of this agenda.
  - c) The general discussion item on the Policy Regarding the Use of the Mayor's Vehicle is noted.

9.3 Minutes of the Airport Advisory Committee Meeting held 30 September 2016**RECOMMENDATION**

- 1) That the minutes of the Airport Advisory Committee meeting held 30 September 2016 be received.
- 2) That That the Council notes the outcomes from the Airport Advisory Committee meeting held 30 September 2016 being:
  - a) The Busselton Margaret River Airport - Helicopter Operation EOI Proposal item is presented for Council consideration at item 10.3 of this agenda.
  - b) The Busselton-Margaret River Airport - Busselton Aero Club Landing Fees Proposal item is presented for Council consideration at item 10.4 of this agenda.
  - c) The RFT11/16 - Airside D & C Contractor item is presented for Council consideration at item 17.1 of this agenda.

## **10. REPORTS OF COMMITTEE**

### **10.1 Policy and Legislation Committee - 29/09/2016 - COMPLAINTS HANDLING POLICY REVIEW**

<b>SUBJECT INDEX:</b>	Complaints Handling
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Information Services
<b>ACTIVITY UNIT:</b>	Customer Service
<b>REPORTING OFFICER:</b>	Manager, Information Services - Hendrik Boshoff
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Complaints Handling Policy with Tracked Changes

**This item was considered by the Policy and Legislation Committee at its meeting on 29 September 2016, the recommendations from which have been included in this report.**

#### **PRÉCIS**

The Complaints Handling Policy is presented for review and update as part of the ongoing policy review process. The policy has been reviewed and assessed as requiring only minor changes as outlined in this report. While only one minor alteration is recommended, the operation of the policy has been examined in detail to ensure no other changes are required. The opportunity has also been taken to provide information to Council on the work that has been undertaken in developing internal guidelines and procedures to bring the Policy into effect.

#### **BACKGROUND**

At the meeting of 24 April 2012 Council resolved (C1204/104) to adopt a policy (012) to provide a guiding document for Council and the City with regards to complaints management in order to most effectively meet their service provision obligations to the community, its residents and stakeholders.

As part of the implementation officers developed a complaint handling Operational Practise and Procedure (OPP), which set out the business rules for the City. Once approved, the OPP was used to develop a training program for all staff, a complaint register module within the City's information technology systems and a complaints reporting mechanism.

The training program included training to staff in relation to:

- The officer's role in customer service delivery;
- Identifying the circumstances of a true complaint;
- Obligations officers have to uphold the Customer Service Charter; and
- The officer's role in the complaint handling process.

The training has been delivered as part of an organisation wide training program and was adapted for inclusion to the City's new staff induction process, which is currently being delivered to all new employees.

The complaints register information technology system enables the City to track a complaint as it is:

- received;
- distributed to the appropriate officers;
- actioned;
- corresponded to; and
- resolved.

The information retained in this system forms the basis of the biannual report to Council as part of the organisational Key Performance Indicator (KPI) report. Over the past three (3) years the City has experienced a fairly steady number of complaints each year. All complaints have all been tracked and resolved as at the close of the financial year 2015/16.

The policy is to be reviewed as required. As it has been four years since the implementation, this review is now being undertaken.

## **STATUTORY ENVIRONMENT**

The policy itself includes provisions in order to comply with the State Records Act 2000.

## **RELEVANT PLANS AND POLICIES**

This report recommends changes to an existing Council policy, the Complaints Handling Policy (012).

## **FINANCIAL IMPLICATIONS**

Nil

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

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

The ongoing policy review process is part of the City's governance systems which ensure responsible, ethical and accountable decision-making.

As the policy provides guidance for Council and the City with regards to complaints management, in order to most effectively meet its service provision obligations to the community, the policy aligns with Council's Strategic Priority Key Goal Area 6:

“Open and Collaborative Leadership”

and more specifically with the Community Objective 6.3:

“An organisation that is managed effectively and achieves positive outcomes for the community”.

## **RISK ASSESSMENT**

Not required for this policy review.

## **CONSULTATION**

Whilst there has been no specific consultation with the community in relation to the review of the policy, internal consultation have been undertaken with relevant officers as it relates to the operation of the complaints handling process.

## **OFFICER COMMENT**

Generally, it is believed that the Complaints Handling Policy and in particular the internal procedures developed to give effect to that Policy, are operating effectively.

The Policy currently contains a requirement to develop a procedure for complaint handling as follows:

*‘Develop clear and accessible guidelines for dealing with vexatious and / or malicious complainant.’*

Upon review, it is believed that the complaint handling processes and guidelines that have been put in place already allow the opportunity to assess each complaint based on its own circumstances and enable vexatious and/or malicious complaints to be dealt with as part of the investigation process.

For example, in situations where a complainant might make contact with the City via multiple channels or on multiple occasions in relation to the same complaint, the process allows for each to be recorded under the original complaint and dealt with as a singular complaint. Where a complaint might be found to lack substance during any stage of the investigation, there is an opportunity to resolve the complaint and communicate the findings at that time. Similarly, if a complaint is received the subject of which has already been investigated and resolved, in the absence of new information or any change of circumstances surrounding the matter, the process allows for the complaint to be noted as resolved and the resolution communicated to the complainant.

On this basis it is seen as unnecessary and perhaps counterproductive to produce a specific procedure dealing with vexatious or malicious complaints. Ultimately the complaint investigation process will determine whether or not a complaint is substantiated and generally specifically identifying a complaint as vexatious or malicious is unnecessary and would not add to the process or assist to meet the objectives of the Policy. Thus it is proposed that the requirement to develop this procedure be deleted.

## **CONCLUSION**

The Complaints Handling Policy is a mechanism to support the City in meeting its complaints management obligations, with the ultimate aim of improving the City’s overall customer service. Given the work that has been done in developing complaint handling guidelines in the form of an Operational Practice and Procedure, it is not considered necessary to develop a further procedure to deal with vexatious and malicious complaints. Other than removing the specific requirement to develop this procedure, no further changes are recommended to the Complaints Handling Policy as part of this review.

## **OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

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

The policy amendments will be effective immediately upon adoption by the Council.

## **COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

That the Council adopts the following updated Complaints Handling Policy:

<b>012</b>	<b>Complaints Handling</b>	<b>V2 Draft</b>
------------	----------------------------	-----------------

## **STATEMENT**

Council recognizes and acknowledges the importance of providing impartial, equitable and timely complaint resolution to the community, its residents and stakeholders.

## PURPOSE

The intent of the Policy is to provide the guiding document for Council and the City with regards to complaints management in order to most effectively meet their service provision obligations to the community, its residents and stakeholders.

## SCOPE

This policy applies to all Employees of the City of Busselton.

## POLICY CONTENT

The City of Busselton regards the provision of excellent complaint resolution services as a core strategic responsibility. In development of this policy, the Council has considered community feedback and expectations, relevant internal and external processes, organizational risks and officer recommendations. In addition, this policy takes into consideration the existing City of Busselton Code of Conduct and Customer Service Policy, which broadly outlines responsible behavior for all City Officers.

This policy applies directly to the delivery of services as documented in the City of Busselton Customer Service Charter. This policy is to ensure that everyone within the organization understands the duties and responsibilities applicable at all levels.

The City of Busselton Complaint Handling Policy is our commitment to the community to address their complaints in a manner that is:

- Customer focused;
- Responsive and empathetic;
- Objective and fair;
- Confidential;
- Accountable and transparent;
- Outcome focused;
- Free of reprisals; and
- Accessible for review and improvement.

## Complaint Definition

The City of Busselton recognizes a complaint to be:

*Any expression of dissatisfaction with a level of service, repeated lack of promised service or response, or the conduct and/or behavior of any person employed by the City of Busselton, which is not anonymous, made to the City of Busselton through its Councilor, Chief Executive Officer or any of its employees in writing or verbally, where a response or resolution is explicitly or implicitly expected.*

A complaint is therefore not:

- A request for service;

A request for information is:

- A request for an explanation of a policy or procedure;
- The lodging of an appeal in accordance with a standard procedure or policy;
- A freedom of information enquiry;
- An allegation of a breach of the law by a third party; or
- An expression of dissatisfaction with a decision.

**Responsibilities:****Councilors will:**

- Ensure guidelines for complaint handling service delivery as stated in this policy and the Customer Service Charter are current and relevant and that these guidelines continue to be customer and outcome focused;
- Review this policy on a periodic basis as required by changing community needs;
- Identify performance indicators for expected complaint resolutions, including expected levels of compliance and reporting requirements;
- Support the CEO and Executives in the provision of excellent complaint resolution services;

**CEO and Executives will:**

- Endorse and support all standards documented in this policy;
- Promote a positive attitude towards complaint and complainant handling;
- Endorse and support an organizational complaint handling procedure which includes, but is not limited to:
  - Processes to capture complaints;
  - Investigation methods and results;
  - Guidelines for resolution decisions;
  - Training requirements;
- Contribute to the regular periodic review of this policy by:
  - Engaging in regular community consultation to ensure current and future customer needs are adequately addressed;
  - Identifying opportunities for improvements to complaint handling procedures;
  - Support Managers and other staff in the provision of customer-focused complaint resolution;
  - Establish mechanisms to monitor compliance with this policy;
  - Establish processes to deal with failure to meet endorsed standards;
  - Report to Council on performance indicators for Complaint resolution.

**Managers will:**

- Optimize and support complaint handling and resolution mechanisms in place to comply with this policy;
- Ensure officers under direct and indirect supervision are aware of and are following guidelines detailed in this policy and related procedures.
- Ensure new employees are made aware of the complaint policy and procedure and their requirements.
- Ensure ongoing training to foster and develop conflict resolution and other customer service related skills;
- Implement endorsed procedures to deal with failure to meet the standards of this policy;
- Report to the CEO and Executives on performance indicators for complaint resolution.

**All Employees will:**

- Comply with this policy and associated procedures;
- Actively support others in compliance with this policy and associated procedures;
- Undertake training and performance management as required to maintain an appropriate level of skill in conflict resolution and other customer service related skills;

- Report to Managers as required on performance indicators for complaint handling responsibilities.
- Support complainants through the complaints process as required:
- Seek and report on customer feedback, positive and negative, during the course of customer interaction.

**Procedures:**

Procedures developed for complaint handling will:

- Provide for various methods by which complaints can be lodged, taking into account complainants with disabilities, language issues and literacy issues.
- Include links to the Customer Service Charter agreed levels of service provision that incorporate appropriate timeframes and communication requirements.
- Be customer and outcome focused.
- Adhere to the standardized definition of 'complaint' as stated in the Policy.
- Give means to ensure as many true complaints are captured as is reasonably practical, including relevant documentation, investigation outcomes and resolutions.
- Outline a centralized complaint register format.
- Develop clear responsibilities for all officers across all levels within the organisation as set out in the Policy.
- Develop clear and accessible guidelines for appropriate complaint resolution.
- Comply with the State Records Act 2000.
- Provide clear guidelines for staff training requirements including:
  - New staff inductions;
  - Complaint handling training;
  - Conflict Resolution.
  - Periodic refresher courses;
- Provide guidelines to senior officers delegated to review all complaints, investigations and their resolutions on a regular basis with the goal of identifying trends and issues and providing guidance for service delivery.

**Policy Background**

Policy Reference No. – 012 Owner Unit – Corporate Services

Originator – Customer Service Coordinator Policy Approved by – Council

Date Approved – 24 April 2012 Review Frequency – As required

Related documents – Customer Service Policy and Customer Service Charter

**History**

Council Resolution	Date	Information
		Adjustment made to remove the line item relating to dealing with vexatious and/or malicious complainants. Version 2
C1204/104	24 April, 2012	Date of Implementation Version 1

Last updated 24/04/2012 (implementation)

012	Complaints Handling	V1 Current
-----	---------------------	------------

## STATEMENT

Council recognises and acknowledges the importance of providing impartial, equitable and timely complaint resolution to the community, its residents and stakeholders.

## PURPOSE

The intent of the Policy is to provide the guiding document for Council and the City with regards to complaints management in order to most effectively meet their service provision obligations to the community, its residents and stakeholders.

## SCOPE

This policy applies to all Employees of the City of Busselton.

## POLICY CONTENT

The City of Busselton regards the provision of excellent complaint resolution services as a core strategic responsibility. In development of this policy, the Council has considered community feedback and expectations, relevant internal and external processes, organisational risks and officer recommendations. In addition, this policy takes into consideration the existing City of Busselton Code of Conduct and Customer Service Policy, which broadly outlines responsible behaviour for all City Officers.

This policy applies directly to the delivery of services as documented in the City of Busselton Customer Service Charter. This policy is to ensure that everyone within the organisation understands the duties and responsibilities applicable at all levels.

The City of Busselton Complaint Handling Policy is our commitment to the community to address their complaints in a manner that is:

- Customer focused;
- Responsive and empathetic;
- Objective and fair;
- Confidential;
- Accountable and transparent;
- Outcome focused;
- Free of reprisals
- Accessible for review and improvement.

## Complaint Definition

The City of Busselton recognises a complaint to be:

*Any expression of dissatisfaction with a level of service, repeated lack of promised service or response, or the conduct and/or behaviour of any person employed by the City of Busselton, which is not anonymous, made to the City of Busselton through its Councillor, Chief Executive Officer or any of its employees in writing or verbally, where a response or resolution is explicitly or implicitly expected.*

*A complaint is therefore not:*

- A request for service;
- A request for information;
- A request for an explanation of a policy or procedure;
- The lodging of an appeal in accordance with a standard procedure or policy;
- A freedom of information enquiry;

Last updated 24/04/2012 (implementation)

- *An allegation of a breach of the law by a third party;*
- *An expression of dissatisfaction with a decision.*

**Responsibilities:**

Councillors will:

- Ensure guidelines for complaint handling service delivery as stated in this policy and the Customer Service Charter are current and relevant and that these guidelines continue to be customer and outcome focused;
- Review this policy on a periodic basis as required by changing community needs;
- Identify performance indicators for expected complaint resolutions, including expected levels of compliance and reporting requirements;
- Support the CEO and Executives in the provision of excellent complaint resolution services;

CEO and Executives will:

- Endorse and support all standards documented in this policy;
- Promote a positive attitude complaint and complainant handling;
- Endorse and support an organisational complaint handling procedure which includes, but is not limited to:
  - Processes to capture complaints;
  - Investigation methods and results;
  - Guidelines for resolution decisions;
  - Training requirements;
- Contribute to the regular periodic review of this policy by:
  - Engaging in regular community consultation to ensure current and future customer needs adequately addressed;
  - Identifying opportunities for improvements to complaint handling procedures;
- Support Managers and other staff in the provision of customer-focused complaint resolution;
- Establish mechanisms to monitor compliance with this policy;
- Establish processes to deal with failure to meet endorsed standards;
- Report to Council on performance indicators for Complaint resolution.

Managers will:

- Optimize and support complaint handling and resolution mechanisms in place to comply with this policy;
- Ensure officers under direct and indirect supervision are aware of and are following guidelines detailed in this policy and related procedures.
- Ensure new employees are made aware of the complaint policy and procedure and their requirements.

Last updated 24/04/2012 (implementation)

- Ensure ongoing training to foster and develop conflict resolution and other customer service related skills;
- Implement endorsed procedures to deal with failure to meet the standards of this policy;
- Report to the CEO and Executives on performance indicators for complaint resolution.

All Employees will:

- Comply with this policy and associated procedures;
- Actively support others in compliance with this policy and associated procedures;
- Undertake training and performance management as required to maintain an appropriate level of skill in conflict resolution and other customer service related skills;
- Report to Managers as required on performance indicators for complaint handling responsibilities.
- Support complainants through the complaints process as required:
- Seek and report on customer feedback, positive and negative, during the course of customer interaction.

**Procedures:**

Procedures developed for complaint handling will:

- Provide for various methods by which complaints can be lodged, taking into account complainants with disabilities, language issues and literacy issues.
- Include links to the Customer Service Charter agreed levels of service provision that incorporate appropriate timeframes and communication requirements.
- Be customer and outcome focused.
- Adhere to the standardised definition of 'complaint' as stated in the Policy.
- Give means to ensure as many true complaints are captured as is reasonably practical, including relevant documentation, investigation outcomes and resolutions.
- Outline a centralised complaint register format.
- Develop clear responsibilities for all officers across all levels within the organisation as set out in the Policy.
- Develop clear and accessible guidelines for appropriate complaint resolution.
- ~~Develop clear and accessible guidelines for dealing with vexatious and / or malicious complainant.~~
- Comply with the State Records Act 2000.
- Provide clear guidelines for staff training requirements including:
  - New staff inductions;
  - Complaint handling training;
  - Conflict Resolution.

Last updated 24/04/2012 (implementation)

- Periodic refresher courses;
- Provide guidelines to senior officers delegated to review all complaints, investigations and their resolutions on a regular basis with the goal of identifying trends and issues and providing guidance for service delivery.

#### **Policy Background**

Policy Reference No. – 012

Owner Unit – Corporate Services

Originator – Customer Service Coordinator

Policy Approved by – Council

Date Approved – 24 April 2012

Review Frequency – As required

Related documents – Customer Service Policy and Customer Service Charter

#### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1204/104	24 April, 2012	Date of Implementation Version 1

10.2 Policy and Legislation Committee - 29/09/2016 - ORGANISATIONAL WIDE RISK MANAGEMENT POLICY

<b>SUBJECT INDEX:</b>	Risk
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Employee Services and Risk
<b>REPORTING OFFICER:</b>	Manager, Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Organisation Wide Risk Management Policy with Track Changes

**This item was considered by the Policy and Legislation Committee at its meeting on 29 September 2016, the recommendations from which have been included in this report.**

## **PRÉCIS**

The Council has an existing Organisation Wide Risk Management Policy. This policy has been reviewed as part of the City's rolling review of Council policies and is now presented for updating.

## **BACKGROUND**

The purpose of the Organisation Wide Risk Management Policy (the Policy) is to demonstrate the City's commitment to the development of a culture of risk based decision making aimed at the effective management of potential opportunities and reduction of potential impacts of risk.

Council adopted version 1 of the Organisation Wide Risk Management Policy on 10 May 2006, with further improvements being adopted in:

- Version 2 on 27 July 2011; and
- Version 3 on 12 August 2015.

## **STATUTORY ENVIRONMENT**

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

## **RELEVANT PLANS AND POLICIES**

This report recommends the update of Policy 234 – Organisational Wide Risk Management.

As per the requirements of the Policy, the City has a Risk Management Framework which was endorsed by the Senior Management Group in December 2011. The framework outlines the City's formal risk management system and processes for the management of risks. Specifically it outlines:

- The definition of risk and risk management
- The City's risk reference tables
- The risk tolerance levels
- The risk management processes and procedures

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this matter.

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

This policy will contribute to the achievement of the key goal area of Open and Collaborative Leadership, and the community objectives of:

- “Governance systems that deliver responsible, ethical and accountable decision making”, and
- “An organisation that is managed effectively and achieves positive outcomes for the community.”

**RISK ASSESSMENT**

The proposed improvements do not present any risks to Council.

**CONSULTATION**

Nil

**OFFICER COMMENT**

The review of the Policy has resulted in minor improvements aimed at ensuring a clear policy statement and a clear set of responsibilities at all levels.

The Policy Statement currently reads “The Risk Management Committee has been established to be responsible for developing, maintaining and assisting in the implementation of the City’s Risk Management Framework.” Developing and maintaining the Risk Management Framework is undertaken by Responsible Officers within Corporate Service, with the Framework endorsed by the Senior Management Group and ultimately the CEO. The Risk Management Committee’s role is to assist in the Framework’s development and to generally provide advice and champion the implementation of risk management systems and processes across the organisation. Hence the Policy Statement has been edited to reflect this and now reads “The Risk Management Committee has been established to assist in developing, maintaining and implementing the City’s Risk Management Framework and is responsible for championing risk management processes throughout the organisation.”

The Policy also included a statement - “The Risk Management Committee is to ensure that all of the risk management processes are fully documented and managed through the records management system.” This is recommended for deletion as this may cause ambiguity with the responsibility of Management for the identification and documentation of risks.

**CONCLUSION**

The changes being proposed, while minor, seek to strengthen the Policy’s intent and provide a clear overview of responsibilities.

**OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policy update would be effective immediately.

**COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

That the Council adopts the following updated Organisational Wide Risk Management Policy:

<b>234</b>	<b>Organisation Wide Risk Management</b>	<b>V4</b>
------------	--	-----------

**PURPOSE**

The purpose of this policy is to demonstrate the City of Busselton's commitment to the development of a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of potential impacts of risk.

**SCOPE**

This policy applies to all Councillors and employees of the City of Busselton and covers all City operations.

**POLICY STATEMENT**

Risk Management is the systematic application of management policies, practices and procedures in order to identify, analyse, evaluate, treat and monitor risk.

The City of Busselton is committed to the effective management of risk and will implement a Risk Management Framework based on the AS/NZS ISO 31000:2009 Standard to achieve this. The Council recognises that adequate resources are needed to effectively manage risks. The Risk Management Committee has been established to assist in developing, maintaining and implementing the City's Risk Management Framework and is responsible for championing risk management processes throughout the organisation.

**Responsibilities**

The Council is responsible for:

- \* Ensuring that a Risk Management Policy has been developed, adopted and communicated throughout the City.
- \* Ensuring that the CEO has implemented the Risk Management Framework using Standard AS/NZS ISO 31000:2009.
- \* Communicating with the community about the City's approach to risk
- \* Establishment of an Audit Committee

The Audit Committee is responsible for:

- \* Assisting the Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to risk management.
- \* Providing guidance and assistance in relation to risk management initiatives and the effective conduct of risk management activities.

CEO and the Senior Management Group are responsible for:

- \* As part of the Risk Management Framework establishing the risk tolerance level of the City.
- \* Conducting risk assessments as part of decision making & future planning.

Risk Management Committee is responsible for:

- \* Communicating the policy and framework to all employees.
- \* Developing and managing the risk management plan for the City.
- \* Development of Risk Management skills through training and education.
- \* Establishing and maintaining an appropriate risk register or risk registers for the City.

Management are responsible for:

- \* Identifying and assessing all the risks in their area of responsibility as part of business planning reporting, project management and daily decision making.
- \* Collating, assessing, treating and reporting to the Risk Management Committee in relation to areas and tasks under their responsibility.

All Employees are to:

- \* Comply with the City's risk management policy and procedures.
- \* Attend relevant risk management training.
- \* Actively participate in the risk management programme.

### **Policy Background**

Policy Reference No. - 234

Owner Unit – Employee Services and Risk

Originator – Risk and OHS Officer

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency – As required

### **References**

Australian and New Zealand Standard AS/NZS ISO 31000:2009 - Risk Management Principles and Guidelines.

### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/217	12 August, 2015	Version 3
C1107/229	27 July, 2011	Version 2
C0605/146	10 May, 2006	Date of implementation. Version 1

Last updated 27/10/2014

234	Organisation Wide Risk Management	V4 Draft
-----	-----------------------------------	----------

## PURPOSE

The purpose of this policy is to demonstrate the City of Busselton's commitment to the development of a culture of risk based decision making directed towards the effective management of potential opportunities and reduction of potential impacts of risk.

## SCOPE

This policy applies to all Councillors and employees of the City of Busselton and covers all City operations.

## POLICY STATEMENT

Risk Management is the systematic application of management policies, practices and procedures in order to identify, analyse, evaluate, treat and monitor risk.

The City of Busselton is committed to the effective management of risk and will implement a Risk Management Framework based on the AS/NZS ISO 31000:2009 Standard to achieve this. The Council recognises that adequate resources are needed to effectively manage risks. The Risk Management Committee has been established to assist in be responsible for developing, maintaining and implementing assisting in the implementation of the City's Risk Management Framework and is responsible for championing risk management processes throughout the organisation. ~~The Council recognises that adequate resources are needed to effectively manage risks. The Risk Management Committee is to ensure that all of the risk management processes are fully documented and managed through the records management system.~~

## Responsibilities

The Council is responsible for:

- \* Ensuring that a Risk Management Policy has been developed, adopted and communicated throughout the City.
- \* Ensuring that the CEO has implemented the Risk Management Framework using Standard AS/NZS ISO 31000:2009.
- \* Communicating with the community about the City's approach to risk
- \* Establishment of an Audit Committee

The Audit Committee is responsible for:

- \* Assisting the Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to risk management.
- \* Providing guidance and assistance in relation to risk management initiatives and the effective conduct of risk management activities.

CEO and the Senior Management Group are responsible for:

- \* Developing and implementing the City's Risk Management Framework
- \* As part of the Risk Management Framework establishing the risk tolerance level of the City.
- \* Conducting risk assessments as part of decision making & future planning.

Last updated 27/10/2014

Risk Management Committee is responsible for:

- \* Communicating the policy and framework to all employees.
- \* Developing and managing the risk management plan for the City.
- \* Development of Risk Management skills through training and education.
- \* Establishing and maintaining an appropriate risk register or risk registers for the City.

Management are responsible for:

- \* Identifying and assessing all the risks in their area of responsibility as part of business planning reporting, project management and daily decision making.
- \* Collating, assessing, treating and reporting to the Risk Management Committee in relation to areas and tasks under their responsibility.

All Employees are to:

- \* Comply with the City's risk management policy and procedures.
- \* Attend relevant risk management training.
- \* Actively participate in the risk management programme.

#### **Policy Background**

Policy Reference No. - 234

Owner Unit – Corporate Services

Originator – Risk and OHS Officer

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency – As required

Related Documents –

Australian and New Zealand Standard AS/NZS ISO 31000:2009 - Risk Management Principles and Guidelines.

#### **History**

Council Resolution	Date	Information
C1508/217	12 August, 2015	Version 3
C1107/229	27 July, 2011	Version 2
C0605/146	10 May, 2006	Date of implementation. Version 1

10.3 Airport Advisory Committee - 30/09/2016 - BUSSELTON MARGARET RIVER AIRPORT - HELICOPTER OPERATION EOI PROPOSAL

<b>SUBJECT INDEX:</b>	Busselton Margaret River Airport
<b>STRATEGIC OBJECTIVE:</b>	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Commercial Services
<b>REPORTING OFFICER:</b>	Manager, Commercial Services - Jennifer May
<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 Airport Advisory Committee at its meeting on 30 September 2016, the recommendations from which have been included in this report.**

## **PRÉCIS**

In December 2015 Council considered a proposal to operate commercial helicopter scenic flights at the Busselton-Margaret River Airport (BMRA) and resolved (C1512/367) that it not be supported and that a formal Expression of Interest process be undertaken, outlining clear criteria and operating conditions for commercial tourism rotary wing operations at the BMRA. This report provides an update to the Council resolution.

## **BACKGROUND**

The Busselton-Margaret River Airport (BMRA) is a public aerodrome owned and operated by the City of Busselton. The BMRA supports a range of aviation operations from recreational, light and general aviation, open and closed charter services for both private individuals/companies and Fly In Fly out passengers, fixed and rotary wing emergency services, Royal Flying Doctor Service (RFDS) and the return of Regular Public Transport (RPT) services into the future. There are a number of aviation businesses that also operate from the BMRA including Margaret River Busselton Tourism Association (MRBTA), Geronimo Skydivers, Busselton Air Services, Tigermoth Adventure Flights, Westward Aviation and Mission Air Inc. Other than MRBTA, all businesses operate from their respective hangars and have obtained approval from the Council (C1507/190) to do so.

Currently, commercial rotary wing operations from the BMRA are limited to the Surf Life Saving Western Australia (SLSWA) Rescue helicopter which operates between November to April conducting mainly shark patrols and the Department of Fire and Emergency Services (DFES) firefighting helitacs which are based at the Airport between December to April each year for the firefighting season. Other helicopter operators do operate from the BMRA to support events such as the Busselton Jetty Swim and Ironman WA, however not on a regular basis.

In September 2015, City Officers were approached by Skyline Aviation Group with an initial proposal to operate helicopter scenic flights from the BMRA, this proposal was presented to the Airport Advisory Committee (AAC) in November 2015. The proposal included the operations of a Bell 206 Longranger aircraft that can carry up to six passengers at any one time, under the following operations;

- To operate up to 15 scenic flights per day;
- Operations for Monday to Sunday, 9am- 5pm;
- Access to the General Aviation parking area, located in front of the Aero Club;
- Approval to erect temporary A-frame signage during operational periods;
- Operations to commence from 1 December 2015; and

- Operations to be a trial period for two years (ending on 30 November 2017).

Skyline's former operation, known as Wild Blue Helicopters, previously operated from a site in Cowaramup in the Shire of Augusta-Margaret River before moving operations to Margaret River Silk Road, located in Metricup in 2014. At this time, City of Busselton Planning and Environmental Health Officers consulted Margaret River Silk Road and Wild Blue Helicopters as the required planning approvals for helicopter operations from a private property had not been sought. This consultation resulted in the helicopter operations being withdrawn in 2014.

Skyline's proposal in 2015 provided information on the standard time for each flight, including briefings, flight time and aircraft start/shut down times, which they estimated to be 45 minutes, implying that only one flight could operate per hour. However, their request was to conduct up to 15 flights per day which either suggested that they would not complete the standard flight procedures (listed under Standard Time Frame for a Single Flight), operating more than one flight per hour or operate outside of the proposed hours (9.00am-5.00pm).

The proposal considered the BMRA Noise Management Plan (NMP) and discussed the noise abatement zones and the importance of Fly Neighbourly procedures and provided example flight paths that would be used. Two of the three example flight paths avoided residential areas however one of the flight paths flies directly west of the CBD and over residential areas and would require further clarification on the frequency of use prior to approval.

The proposal commented on flight procedures to reduce the noise profile which includes climbing to a height of 1,000ft as soon as possible after take-off and climbing to a flying height of 1,500ft for the flight duration. Such measures would reduce the noise footprint to some extent however one of the anticipated issues was noise complaints from the community. The proposal discussed strategies such as sharing the noise over the community so that one residential area was not unduly affected, providing a noise complaint process and providing estimated noise emissions (decibels, dBA) from the proposed aircraft. The City offered assistance in performing noise monitoring of the proposed aircraft using the Environmental Health Department's noise monitors however Skyline Aviation declined the offer and actual noise emissions from the proposed aircraft have not been verified.

Skyline's proposal also stated that 'noise dissipates over both vertical and horizontal distances at a rate of approximately 30dB over 30m' and hence the noise reduction can be estimated for the proposed helicopter would be 'by more than 50dBA when directly overhead at any point on the ground', estimated to be at 1000ft. Using the implied assumptions from the proposal, the noise emitted by the Bell 206L at 1,000ft is estimated to be 35.4 dBA.

The City's Environmental Health Department and Airport Officers could find no reference material to support the reduction in noise levels by 50dBA and generally, accredited literature estimates that sound levels can decrease by 6dB per doubling of distance. Hence, if you double the distance from 500ft to 1000ft, the aircraft noise level would decrease by 6dB from 85.4dBA to approximately 79.4dBA.

The proposal also included information on the pilot and ground crew capabilities, insurance coverages and information that the operations would be based from the Busselton Aero Club building for the duration of the trial period.

Prior to and at the November 2015 AAC meeting, City Officers were approached by another helicopter operator requesting to operate under similar operating conditions to the Skyline proposal. Noting that granting approval for Skyline Aviation to operate would not exclude other helicopter operators to be based out of BMRA, and that the noise impact needed to be carefully considered as part of the NMP, it was identified that mechanisms needed to be developed and put in place to manage such operations so that they could be equitably shared amongst operators if the City is

approached for multiple approvals. Critical to this, as part of the environmental approval process for the BMRA Development Project, the BMRA NMP (2015) has been reviewed and is pending consideration from the Office of Environmental Protection Authority (OEPA).

With this information the ACC recommended (AIR1511/004) *‘that the Skyline proposal not be supported and that a formal expression of interest process is undertaken, outlining clear criteria and operating conditions for commercial tourism rotary wing operations at the BMRA, and that regular ongoing rotary wing operations be considered as part of the next Noise Management Plan review.’*

## STATUTORY ENVIRONMENT

The BMRA operates in accordance with the following: Aviation Transport Security Act 2004, Aviation Transport Security Regulations 2005, CASA MOS 139, Council’s Transport Security Plan, Busselton Airport Local Law 2012 and City policies and procedures.

## RELEVANT PLANS AND POLICIES

The BMRA NMP (2015),) and Ministerial Statement 1009 require the City to manage the operations and specifically the noise emissions associated with aircraft noise from the BMRA. Specifically, Chapter 3; Management of Operational Activities and 3.1.3 Standard Hours of Operation define operations as meeting the General Aviation criteria with the following conditions;

Operator/Aircraft Type	Standard Hours of Operation	Conditions
Light Aviation Single engine aircraft under 2000kgs MTOW not exceeding 65dB(A)	UNRESTRICTED	Flight Training approval required (only available for aircraft below 1500kg MTOW and flight training conditions apply.
General Aviation Any light aircraft that does not comply with the Light Aviation definition.	0700-1900 May-November 0600-2100 December -April	Subject to noise not exceeding 85dB(A).

Where an operator breaches the NMP, the City is required to report the non-compliances to the OEPA and at this time the non-compliance is recorded against the City, with the expectation that the City will prevent further occurrences. These regulatory controls require the City to ensure that any future operations based from the BMRA can then be compliant with the terms of the NMP and Statement 1009.

## FINANCIAL IMPLICATIONS

There are no direct expenditure implications to the City for the EOI and ongoing helicopter tourist operations as no additional facilities or upgrade to facilities are required for the operations to occur. Further, there would potentially be an increase in revenue received of approximately \$8000 based on the landing fees if all five daily operations in option one below were utilised or \$2200 if all flights on weekends were utilised over the six month trial period.

It should also be noted that the complaints process detailed in the NMP allows for ‘noise affected’ residents to request for noise monitoring to be completed at the affected residences. The City’s Environmental Health Department can complete the noise monitoring however there are the associated costs with staff time and analysis of the noise monitoring. Further, if the noise levels from an affected residence were found to exceed the acceptable levels in Chapter 6 Noise Amelioration of the NMP then noise amelioration measures could potentially apply at the City’s cost.

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

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

### **STRATEGIC COMMUNITY OBJECTIVES**

The BMRA is consistent with following the City of Busselton's strategic Objectives:

Well Planned, Vibrant and Active Places:

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

Connected City:

4.1 Transport options that provide greater links within our district and increase capacity for community participation.

### **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 sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls, has been identified as medium or greater.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
The City receives noise complaints from community members relating to the helicopter operation.	The NMP has a complaints process in place describing the timeframes and mitigating processes	Moderate	Likely	High
The helicopter operations breach the requirements of the NMP and Statement 1009.	Noise monitoring to be completed and assessment of actual noise emissions from proposed aircraft. Approval conditions will regulate the hours of operations.	Minor	Possible	Medium
The helicopter operations result in noise monitoring and noise amelioration in accordance with the NMP.	Noise monitoring to be completed and assessment of actual noise emissions from proposed aircraft.	Minor	Possible	Medium

### **CONSULTATION**

Consultation has occurred with Skyline Aviation Group regarding their proposal, Scenic Helicopter Tours and the City's Environmental Health Department on the assessment of the noise levels regarding helicopter operations.

## OFFICER COMMENT

Officers support the concept of increasing tourism opportunities and activities at the BMRA which not only benefits the City with revenue raised from landing fees but also has the potential to increase tourism in the region. However, Officers have concerns with regard to the level of noise that may be generated from the helicopter operations and any potential non-compliances and community complaints that may result.

Aircraft noise emission levels of popular tourist helicopters used at other airports in tourist destinations using the EPNdB (Effective Perceived Noise) levels are as follows;

	Over Flight (500ft)		Take Off		Approach	
Aircraft	Level	Limit	Level	Limit	Level	Limit
<b>Bell 206L-4</b>	85.4	92.1	88.3	93.1	90.8	94.1
<b>Robinson R66</b>	84.5	85.9	87.8	87.9	87.8	90.9
<b>AS350B3</b>	87.6	92.5	89.8	93.5	91.4	94.5
<b>Robinson R44</b>	80.9	NA	NA	NA	NA	NA

If the noise emissions from helicopters were in the range of 80-85dBs for each movement then it is extremely likely that noise complaints would be received by the City. The responsibility of managing these complaints, and noise affected residents once the operations have been approved would also be the responsibility of the City, including potential costs associated with noise monitoring and amelioration.

Given the opportunities that such services would have on the regional tourism industry, Officers have considered a number of options that could be considered to balance the potential impact of operations and the economic benefits derived from these services.

In order to equitably assess potential future helicopter services operating from the BMRA it is proposed that a formal Expression of Interest (EoI) is undertaken. The EoI process will allow the City to determine the conditions of operation for helicopter tourism flights so that they do not overly expose the surrounding residents to excessive noise created by these activities. Whilst the Skyline proposal was for operations to commence over the 2015/16 summer period, there may be a desire for such proposals to be presented to the City for the upcoming summer season. As part of the BMRA Development Project, the City is required to undertake an environmental approval process, which includes a review of the NMP. Following the environmental referral process construction activities will commence which will have an impact on such services. On this basis it is recommended that the EoI be delayed to enable services to commence over the 2017/18 summer season, on the basis that airside construction activities have been completed, or will not adversely impact the operations.

The conditions of the EoI will include the following:

- A need for a permit in accordance with the City's Airport local law to operate at BMRA
- Conditions of the Fly Neighbourly Agreement and NMP to be adhered to by the operator
- Permitted uses of leased areas (Busselton Aero club or hangers) for commercial activities.
- Number of flight operations per day
- Days of operation
- Hours of operation
- No fly days (public holidays)
- Allowed flight paths and exclusion zones

- Duration of flight operations (minimum) to minimise operations over residential areas
- Number of tourism helicopter operators at BMRA
- Aircraft types (Jet, piston engine)
- Provision of actual noise readings from the aircraft to be used
- Available fuel types and storage of private fuel stores
- Timing of approval (before or after development completion)

Officers recommend that noise monitoring is completed prior to any trial period using the proposed aircraft overflying at 500ft, 1000ft and 1500ft to verify the actual noise emissions that would be generated from such operations. Subject to the noise monitoring meeting the requirements of the NMP, approval could then be given for the commencement of operations based on the following conditions outlined in the below options:

### **Option 1 (Recommended)**

That a trial operation period of six months to be conducted subject to the following conditions;

- Operations to be undertaken in accordance with the BMRA Noise Management Plan (NMP)
- One operator
- Up to five scenic flights per day
- Scenic Flight Operations Monday –Sunday, between 10.00am – 4.00pm
- No scenic flights allowed on Good Friday, Christmas Day and Anzac Day
- Flight paths and utilisation of flight paths to be provided to the City of Busselton
- Monthly reports to be provided to the City of Busselton on all scenic flights conducted including times of operation and duration of flights
- Operations commencement date from Council approval.
- Signed Fly Neighbourly Agreement in accordance with the NMP.

This option takes a conservative approach to approving the helicopter operations in that the number of flights per day is kept to one per hour over a time span of six hours. The maximum number of scenic flights per week would be 35 flights. This approach allows the community to adjust to the presence of the flights without a significant impact on their amenity. The direction of approach and departure flight paths could be shared across the five flights per day ensuring that no residential area is unduly impacted.

### **Option 2**

That a trial operation period of six months be conducted subject to the following conditions;

- Operations to be undertaken in accordance with the BMRA Noise Management Plan (NMP)
- One operator
- Scenic Flight Operations, up to 6 scenic flights per day, Monday –Friday, 10.00am – 4.00pm
- Scenic Flight Operations, up to 7 scenic flights per day, Saturday - Sunday, 10.00am – 5.00pm
- No scenic flights allowed on Good Friday, Christmas Day and Anzac Day
- Flight paths and utilisation of flight paths to be provided to the City of Busselton
- Monthly reports to be provided to the City of Busselton on all scenic flights conducted including times of operation and duration of flights
- Operations commencement date from Council approval.
- Signed Fly Neighbourly Agreement in accordance with the NMP.

This option allows for one scenic flight per hour during week days and allows for additional flights to be conducted on the weekend when there may be more demand. This approach still allows the community to adjust to the presence of the flights without a significant impact on their amenity

however some residential areas may be subject to more flights during a single day due to the additional number of flights that can operate.

### Option 3

That a trial operation period of six months be conducted subject to the following conditions;

- Operations to be undertaken in accordance with the BMRA Noise Management Plan (NMP)
- Two operators
- Scenic Flight Operations, up to 5 scenic flights per day, Monday –Friday, 10.00am – 4.00pm
- Scenic Flight Operations, up to 5 scenic flights per day, Saturday - Sunday, 10.00am – 5.00pm
- No scenic flights allowed on Good Friday, Christmas Day and Anzac Day
- Flight paths and utilisation of flight paths to be provided to the City of Busselton
- Monthly reports to be provided to the City of Busselton on all scenic flights conducted including times of operation and duration of flights
- Operations commencement date from Council approval.
- Signed Fly Neighbourly Agreement in accordance with the NMP.

Following the trial period for the options above, the City will consider the following criteria prior to a report being presented to the Airport Advisory Committee for consideration before any further terms are approved;

- The number and nature of complaints received relating to the Helicopter operations received by the City of Busselton or any other government agency;
- Any resulting non-compliances with the NMP and applicable Ministerial Statements from the helicopter operations;

Any breaches with the terms and conditions of the initial approval for the EoI approval.

### CONCLUSION

Helicopter tourist flights have the potential to offer a great tourism experience to tourists and visitors to the region. However, helicopter operations also have the potential to cause noise complaints and adversely impact the community. Further there is the potential for noise complaints and non-compliances to jeopardise the future operations of the Airport which need to be assessed and due consideration given.

Hence Officers recommend that prior to any approval to operate at the BMRA, that noise monitoring be performed using the proposed aircraft overflying at 500ft, 1000ft and 1,500ft to record and verify the actual noise emissions that would be generated from the scenic flight operations in conjunction with **Option 1** conditions as listed below;

- Up to five scenic flights per day
- Scenic Flight Operations Monday –Sunday, between 10.00am – 4.00pm
- No scenic flights allowed on Good Friday, Christmas Day and Anzac Day
- Flight paths and utilisation of flight paths to be provided to the City of Busselton
- Monthly reports to be provided to the City of Busselton on all scenic flights conducted including times of operation and duration of flights
- Operations commencement date from Council approval
- Trial period for six months only

Further it is recommended that a report be presented back to the Airport Advisory Committee post the trial and prior to any further approvals to operate including the following;

- The number and nature of complaints received relating to the Helicopter operations received by the City of Busselton or any other government agency;
- Any resulting non-compliances from the helicopter operations with the NMP and Statement 1009
- Any breaches with the terms and conditions of the initial approval for the proposal.

## **OPTIONS**

The Airport Advisory Committee chooses;

1. Not to accept the Officers recommendation.
2. To recommend Option 2 to the Council.
3. To recommend Option 3 to the Council.
4. Not go out to EOI.

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

The EOI process completion date will depend on the completion of the airside construction activities as part of the BMRA Development Project. Operators that have previously expressed interest in such operations will be notified following the Council decision.

## **OFFICER RECOMMENDATION**

That the Airport Advisory Committee;

1. Approves the advertising of an Expression of Interest for the commencement of helicopter flight operations from the Busselton-Margaret River Airport (BMRA) at the completion of the airside construction activities, or until such time that construction activities do not impede additional aviation activities, subject to the following conditions:
  - Operations to be undertaken in accordance with the BMRA Noise Management Plan (NMP)
  - One operator
  - Up to five flights per day
  - Flight operations Monday –Sunday, between 10.00am – 4.00pm
  - No flights allowed on Good Friday, Christmas Day and Anzac Day
  - Flight paths and utilisation of flight paths to be provided to the City of Busselton
  - Monthly reports to be provided to the City of Busselton on all flights conducted including times of operation and duration of flights
  - Operations commencement date from issue of approval
  - Signed Fly Neighbourly Agreement in accordance with the BMRA NMP
2. Noise monitoring be undertaken, at the proponent's cost, prior to any trial period using the proposed aircraft overflying at 500ft, 1000ft and 1500ft to record and verify the actual noise emissions generated meet the conditions of the applicable BMRA NMP.

Note: The Committee provided an Alternative Recommendation that would provide flexibility to the number of flights per day.

**COMMITTEE RECOMMENDATION**

That the Airport Advisory Committee;

1. Approves the advertising of an Expression of Interest for the commencement of helicopter flight operations from the Busselton-Margaret River Airport (BMRA) at the completion of the airside construction activities, or until such time that construction activities do not impede additional aviation activities, subject to the following conditions:
  - Operations to be undertaken in accordance with the BMRA Noise Management Plan (NMP)
  - One operator
  - Up to five flights per day preferred
  - Flight operations Monday –Sunday, between 10.00am – 4.00pm
  - No flights allowed on Good Friday, Christmas Day and Anzac Day
  - Flight paths and utilisation of flight paths to be provided to the City of Busselton
  - Monthly reports to be provided to the City of Busselton on all flights conducted including times of operation and duration of flights
  - Operations commencement date from issue of approval
  - Signed Fly Neighbourly Agreement in accordance with the BMRA NMP
2. Noise monitoring be undertaken, at the proponent's cost, prior to any trial period using the proposed aircraft overflying at 500ft, 1000ft and 1500ft to record and verify the actual noise emissions generated meet the conditions of the applicable BMRA NMP.

10.4 Airport Advisory Committee - 30/09/2016 - BUSSELTON-MARGARET RIVER AIRPORT -  
BUSSELTON AERO CLUB LANDING FEES PROPOSAL

<b>SUBJECT INDEX:</b>	Busselton-Margaret River Airport
<b>STRATEGIC OBJECTIVE:</b>	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Commercial Services
<b>REPORTING OFFICER:</b>	Manager, Commercial Services - Jennifer May
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposal from Busselton Aero Club

**This item was considered by the Airport Advisory Committee at its meeting on 30 September 2016, the recommendations from which have been included in this report.**

## **PRÉCIS**

This report presents a proposal from Busselton Aero Club (BAC) to remove aircraft landing fees for privately operated aircraft with a maximum take-off weight (MTOW) of less than 2000kg. The proposal includes an increase to the Avgas fuel levy from 0.03c per litre to 0.05c per litre to compensate the City for the loss of revenue due to the removal of landing fees in the above weight category.

## **BACKGROUND**

On 10 August 2016 a meeting was held with Council representatives, City staff and representatives from the Busselton Aero Club (BAC) to discuss a range of matters in regards to airport operations and the development project, including the removal of landing fees for privately operated aircraft with a maximum take-off weight (MTOW) of less than 2000kg. Following the meeting the BAC provided a written proposal to be considered by Council for the removal of these fees (attachment A) based on the premise that the introduction of landing fees for aircraft under MTOW 2000kgs by the City in 2012 has discouraged private pilots from visiting the BMRA and hence impacted avgas sales at the BMRA. The BAC anticipate that by removing landing fees for this aircraft weight category, they will see the return of visiting light aircraft and avgas sales experienced in 2012 of approximately 100,000L.

This report outlines the BAC proposal for the removal of landing fees for all privately operated aircraft under the 2000kg MTOW category with an increase in the avgas fuel levy from 0.03 cent per litre to 0.05 cents per litre to recover costs to a reasonable level. The BAC currently operates the avgas fuel facility under a Licence and Fuel Levy Agreement with the City, which requires the BAC to pay the City 0.03 cents per litre of avgas sold.

In the 2015/16 financial year the City receipted a total of \$2,189 from avgas sales based on a levy of 0.03c/l. In relation to the BAC proposal, on the basis of current fuel sale figures the return to the City at 0.05c/l would be \$3,650pa. However, compared to the projected fuel sales of 100,000 litres pa which the BAC believe is achievable again in time, the City could potentially receive approximately \$5,000 per annum at a proposed rate of \$0.05/l.

Based on the 2015/16 adopted airport landing fees and charges, the City received \$6,597 in revenue from individually charged landing fees, with an additional \$1,096.38 from the annual landing fee charged for private operators and \$2,181.81 from commercial operators for aircraft in the less than 2000kg MTOW category.

The table below provides a summary of information relating to landing fees and fuel levies received by the City since 2011/12;

<b>Year</b>	<b>Fuel Levy Invoiced @0.03c incl GST</b>	<b>Fuel sales in litres</b>	<b>Landing Fees &lt;2000kg MTOW (not including annual fee holders) Ex. GST</b>	<b>Avgas Facility Maintenance costs ex. GST</b>
<b>2011/12</b>	\$2,475	82,499	Not available	\$1,850
<b>2012/13</b>	\$2,820	93,989	Not available	\$1,850
<b>2013/14</b>	\$2,430	81,015	\$4,508	\$13,860
<b>2014/15</b>	\$2,669	88,962	\$5,351	\$1,650
<b>2015/16</b>	\$2,189	72,983	\$6,597	\$1,650
<b>Total</b>	<b>\$12,583</b>	<b>N/A</b>	<b>\$16,456</b>	<b>\$20,860</b>
<b>Yearly Av.</b>	<b>\$2,516</b>		<b>\$5,485</b>	<b>\$4,172</b>

The table above also shows the maintenance costs associated with the avgas facility. Note that in 2013/14 the maintenance costs increased significantly due to the 10-year cleaning cycle of the facility. Based on the above table, it is clear that the avgas facility as it stands, is a cost to the City with the City being responsible for maintenance costs which is not fully recovered through the levied avgas revenue and landing fees.

#### **STATUTORY ENVIRONMENT**

The Busselton-Margaret River Airport (BMRA) operates in accordance with the following: Aviation Transport Security Act 2004, Aviation Transport Security Regulations 2005, CASA MOS 139, Council's Transport Security Plan, Busselton Airport Local Law 2012 and City policies and procedures.

The Avgas facility is subject to the Dangerous Goods Safety Act (2004) under which the City of Busselton is the registered owner and operator of the Avgas Facility.

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

The BAC operates the Avgas fuel facility under a Licence and Fuel Levy Agreement with the City which is renewed on an annual basis. Should the Officers recommendation be endorsed, a new agreement will need to be drafted and signed by the City and the Busselton Aero Club.

#### **FINANCIAL IMPLICATIONS**

Should the Officers recommendation be endorsed then there are no financial costs associated with this report, further the Officer's recommendation includes that the maintenance of the avgas facility is transferred to the BAC which would result in a saving to the City of approximately \$1,700 - \$2,000 per annum.

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

There are no long term financial plan implications associated with this report, if the Council continues to maintain the current licence agreement.

### **STRATEGIC COMMUNITY OBJECTIVES**

The BMRA is consistent with following the City of Busselton's strategic Objectives:

Well Planned, Vibrant and Active Places:

- Infrastructure Assets that are well maintained and responsibly managed to provide for future generations;
- Connected City of Busselton Transport options that provide greater links within our district and increase capacity for community participation.

### **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 sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls, has been identified as medium or greater. No such risks were identified.

### **CONSULTATION**

Consultation has occurred with Busselton Aero Club regarding their proposal.

### **OFFICER COMMENT**

Officers support the current concept of a user pays system regarding activities at the BMRA which has been for the past three years the adopted policy of the Council. The user pays system not only benefits the City with revenue raised from landing fees but enables the facility to be maintained to a high standard for airport users. The user pays system is a common practice at a majority of airports, which was confirmed through the regional airports study tour recently undertaken by City officers. The BAC currently operates the avgas facility through a Licence and Fuel Levy Agreement with the City which sees 0.03c/l of avgas sold returned to the City.

The City is also responsible for the maintenance and capital works program of the BMRA. Whilst the BAC operates a commercial flight training business, as tenants of the BMRA the BAC is not responsible for the BMRA maintenance or capital works program. For a number of years the BMRA operated at a loss, and only over the past few years has it returned an operating profit, of which surplus funds are transferred to a reserve for future maintenance and capital works programs. Operating as a commercial business unit, it is important that BMRA fees and charges are set as near as possible to the associated costs. This is a common practice within the City with fees and charges set for a number of infrastructure users, including community groups, such as the recently constructed marine berthing platforms, sporting ovals, leisure centres, etc.

The City has also worked hard to implement a Noise Management Plan to enable the BMRA to operate more consistent with other airports, whilst balancing the amenity of the community. This has seen the successful management of flight training providers operating from the BMRA. The waiving of fees for private aircraft in the less than 2000kg MTOW category may in fact adversely impact this.

Officers do however recognise tourism as a key contributor to the South West regional economy, which is the basis of the BAC proposal to remove landing fees for visiting pilots in the 2000kg MTOW category. The BAC proposal is based on the premise that the removal of fees will have the potential to increase visiting aircraft numbers and resultant fuel sales revenue. However this proposal would actually result in the City subsidising such tourists as the revenue from the avgas levy would still not meet the associated maintenance costs, which would ultimately fall onto the City's ratepayers.

It is on the above bases that Officers recommend that the BAC proposal not be supported and that a user pays system remains for the BMRA. There is however a number of options presented below that the Airport Advisory Committee may consider. Through the assessment of these options Officers were mindful of a number of considerations:

- Should the removal of fees be favourably considered, rather than removing the fee completely, the proposal would benefit from a trial period, such as 12 months, when on completion a full assessment can be made on the impact of removing the fees
- Annual landing fees have already been paid by a number of locally based aircraft operators. Should the fee be removed within the 2015/16 financial year the City would be required to refund a proportion of fees which would have an impact on the BMRA administration. Likewise the upcoming airside infrastructure works program will have an impact on aircraft operations, however the extent in terms of timeframe and operations is unknown at this point in time. Therefore should the removal of fees be favourably considered, the commencement of any potential trial period should commence from either the 1 July 2017, as part of the 2016/17 fees and charges schedule or after the completion of works
- The City is currently progressing negotiations with a jet fuel supplier for the installation of a Jet (A1) Fuel facility as part of the BMRA Development Project. Any future agreement may also include options for ownership of the avgas facility and refuelling arrangements which could replace the existing avgas arrangement with alternative options.
- Should the removal of fees be favourably considered, it should only be considered for privately owned/registered aircraft and not to commercially owned/operated aircraft
- Should the removal of fees be favourably considered, it should be noted that there may be a backlash from current BMRA commercial aircraft operators as they would essentially continue to pay landing fees and additional fuel costs.

Based on the above consideration, the following options are presented for the Committee's consideration:

#### **Option 1 (recommended)**

That the City maintains a user pays approach for the BMRA and that landing fees for privately owned/registered aircraft in the less than 2000kg MTOW are not removed. Further that;

- the City maintains the 0.03c per litre fuel levy from the BAC under the current Fuel Licence Agreement

This option maintains the user pays approach that is consistent across the City's infrastructure.

#### **Option 2**

That landing fees for privately owned/registered aircraft in the less than 2000kg MTOW be removed for a trial period of 12 months based on the following conditions:

- the removal of fees commences immediately adoption by Council (October 2016)
- the City retains the costs of maintaining the avgas facility
- the City amends the Fuel Levy Agreement between with BAC reflecting an increase from 0.03c per litre to 0.05c per litre commencing 1 July 2017.

This option is based on the BAC's proposal to remove fees for privately operated aircraft only. This would incur ongoing Avdata (landing fee collection agency) fees for separating private and commercial aircraft for billing purposes and the City would need to reimburse a number of locally based (City of Busselton residents and hangar lessees) aircraft owners that have paid the annual landing fee charges. It is to be noted that this option would not result in the City recovering the full maintenance cost associated with the avgas facility, based on the average annual maintenance costs as outlined in the background section of this report.

### **Option 3**

That landing fees for privately owned/registered aircraft in the less than 2000kg MTOW be removed for a trial period of 12 months based on the following conditions:

- that the removal of fees be undertaken as part of the 2017/18 Fees and Charges Schedule, to commence 1 July 2017
- the City retains the costs of maintaining the avgas facility
- the City amends the Licence and Fuel Levy Agreement between with BAC reflecting an increase from 0.03c per litre to 0.05c per litre commencing 1 July 2017.

As per option 2, this is based on the BAC's proposal to remove fees for privately operated aircraft only and would incur ongoing Avdata (landing fee collection agency) fees for separating private and commercial aircraft for billing purposes. However should the removal of fees commence 1 July 2017, the City would not need to reimburse a number of locally based (City of Busselton residents and hangar lessees) aircraft owners that have paid the 2016/17 annual landing fee charges. This option does not result in the City recovering the full maintenance cost associated with the avgas facility, based on the average annual maintenance costs as outlined in the background section of this report.

### **Option 4**

That landing fees for privately owned/registered aircraft in the less than 2000kg MTOW be removed for a trial period of 12 months based on the following conditions:

- that the removal of fees be undertaken as part of the 2017/18 Fees and Charges Schedule, to commence 1 July 2017
- BAC assumes the maintenance of all avgas fuel equipment required for fuel sales and storage, to be reflected in the Licence and Fuel Levy Agreement with BAC
- the City amends the Fuel Levy Agreement between with BAC reflecting an increase from 0.03c per litre to 0.05c per litre commencing 1 July 2017.

As above, this option is based on the Aero Club's proposal to remove fees for privately operated aircraft only and would incur ongoing Avdata (landing fee collection agency) fees for separating private and commercial aircraft for billing purposes. The removal of fees as of 1 July 2017 would enable a smoother administrative process in the current collection of fees. This option also transfers the maintenance costs associated with the avgas facility onto the BAC.

### **Option 5**

That landing fees for privately owned/registered aircraft in the less than 2000kg MTOW be removed for a trial period of 12 months based on the following conditions:

- landing fees are removed for privately owned/registered aircraft less than 2000kg MTOW category on completion of the BMRA Development Project airside infrastructure works program
- the BAC assume the maintenance of all avgas fuel equipment required for fuel sales and storage, to be reflected in the Licence and Fuel Levy Agreement with BAC
- the City maintains the 0.03c per litre fuel levy from the BAC under the current Fuel Licence Agreement.

As above, this option is based on the Aero Club's proposal to remove fees for privately operated aircraft only and would incur ongoing Avdata (landing fee collection agency) fees for separating private and commercial aircraft for billing purposes. However, the trial period would commence on completion of the Development Project allowing for a more reflective trial assessment.

## **CONCLUSION**

City Officers recommend that a user pays approach to landing fees at the BMRA is maintained, consistent with other infrastructure and community groups across the City. Hence Officers recommend that landing fees are not removed for privately owned aircraft less than 2000kg MTOW category as proposed by the BAC.

## **OPTIONS**

The Airport Advisory Committee chooses;

1. Not to accept the Officers recommendation.
2. To recommend any of the alternative options 2 – 5 detailed in this report.

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

Following Council endorsement of the Officers recommendation, Officers would notify the BAC that landing fees for aircraft less than 2000kgs would not be removed and be charged in accordance with the Adopted Fees and Charges.

## **COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**

That the Airport Advisory Committee;

1. Endorses maintaining the user pays approach for the Busselton-Margaret River Airport (BMRA) and that landing fees for privately owned/registered aircraft in the less than 2000kgs MTOW category are not removed. Further that;
  - a) The City maintains the 0.03c per litre fuel levy from the Busselton Aero Club (BAC) under the current Licence and Fuel Agreement.



17/8/2016

## The Busselton Aero Club

P.O. Box 1165

BUSSELTON W.A. 6280

Phone: 08 9751 1400

Email: [busselton.aeroclub@bigpond.com](mailto:busselton.aeroclub@bigpond.com)

ABN. 95 715 195 675.

Chair - Airport Advisory Committee  
Cr. G Bleechmore  
26 Ballarat Road  
Wonnerup 6280

### Re -- Airport landing charges

Dear Sir

On Wednesday August 10<sup>th</sup> Club representatives met with a delegation from the City to discuss a number of concerns that directly affected the Aero Clubs operations and their future.

Following a good hearing the club was advised to write to the City outlining our proposal for removing landing fees from all privately operated flights under 2000 kg AUW. The club realizes the City wishes to recover costs to a reasonable level and therefore is offering a modified fuel levy agreement that will compensate the City if the landing fee is abolished. Our proposal is that the Aero Club increase the levy paid to the City from the current 3 cents/L to 5 cents/ L. In time we hope traffic will increase and return to pre 2012 volumes and fuel sales to return to a similar figure as before fees were introduced. The loss to the City on abolishing landing fees would be compensated for in fuel revenue and in time should provide even greater gains. On top of this the attraction to Busselton that is now sadly lacking will be re established and deliver gains to local tourism, the service industry, business and the Aero Club.

In support of our case we confirm that in the period before landing fees, Avgas sales exceeded 100,000 litres p.a compared to today of 70,000 litres and sadly trending downward. On current figures alone at 5c/L the return to the City would be \$3500 p.a. and on an expected return to 100,000 litres a sum of \$5000 p.a Sales history indicates volumes above 100,000 litres are achievable again in time. This would compare very favorably to the advised amount currently collected by the City for landing fees on privately operated aircraft under 2000kg. Visitors to the club on social flights are now almost non- existent. The club therefore sees this as a great way to restore the Busselton image, which we know to be suffering, and to attract light aircraft back to the Busselton Margaret River Airport without compromising returns to the City.

The club has a wide network of connections within the flying fraternity and is convinced beyond doubt that we need to change our image and place the welcome mat out once again. We are seeking to work collaboratively with Council to achieve this goal and request this recommendation is favorably considered for the future of tourism, light aviation, local commerce and the Aero Club.

We remain available at all times to further assist or discuss this offer and these objectives.

Yours sincerely – Ken Manton (Hon Sec)

cc: all City of Busselton Councillors

cc : Ms J May

## **11. PLANNING AND DEVELOPMENT SERVICES REPORT**

### **11.1 APPLICATION FOR PLANNING CONSENT FOR A SERVICE STATION (WITH ANCILLARY WHOLESale FRUIT AND VEGETABLE, INCLUDING SMALL SCALE RETAIL AND DRIVE-THROUGH COFFEE OUTLET)**

<b>SUBJECT INDEX:</b>	Development/Planning Applications
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Statutory Planning Coordinator - Joanna Wilson
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Location Plan Attachment B Development Application Plans Attachment C Endorsed DGP Attachment D Summary of Submissions

#### **PRÉCIS**

A development application has been received by the City for a proposed service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet).

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

During the consultation period the main concerns that have been raised are traffic management and congestion, adequacy of car parking, and the intensity of proposed development of the site.

It is considered that, on balance, this development is consistent with the relevant planning framework and it is recommended for approval.

#### **BACKGROUND**

The Council is asked to consider a planning application seeking approval for a service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet) at Lot 1 (Hse No 99) Causeway Road (Attachments A and B). Under the City of Busselton Local Planning Scheme No.21 (the Scheme) the site is zoned "Special Purpose - Service Station/Plant Nursery" and also subject to Special Provision No.15 and an endorsed Development Guide Plan (Attachment C). The site has an area of 1.433 hectares.

The site is situated at the southern end of Causeway Road and bounded by roads/road reserve along each boundary. To the north the site is bound by Koorden Place, the undeveloped Ford Road reserve forms the eastern boundary and Causeway Road the south-western boundary.

The development application comprises of a single storey service station which would have 400m<sup>2</sup> of Net Lettable Area (NLA) including cashiers, convenience good display and sales area, a restaurant, ablution facilities, staff and storage areas. The service station would have four bays with access from both sides.

The Fruit and Vegetable wholesale building would comprise of 500m<sup>2</sup> NLA of wholesale floor space and 300m<sup>2</sup> NLA of retail. The wholesale section will be utilised for unpacking and repackaging, it will contain cool rooms and staff facilities. The building is single storey construction but slightly higher

than the service station as extra height is required to allow access by large trucks, to allow for inclusion of the cool rooms, storage generally and the movement of machinery such as fork lifts moving pallets of product.

Along the northern side of the building is proposed a loading and unloading area. This area has been designed to accommodate semi-trailers both through the loading area and in relation to the internal and external road design.

The proposed Drive-Through Coffee Outlet is situated immediately south of the fruit and vegetable building. This building is also single storey and will comprise 50m<sup>2</sup> NLA of floor space. Products will be able to be purchased by vehicles traveling past the building in both directions and waiting bays have also been provided to provide for better traffic flow. Excluding the waiting bays there is sufficient space for 15 vehicles to be stacked without interfering with the normal traffic circulation system.

## **STATUTORY ENVIRONMENT**

The key statutory environment is set out in the City of Busselton Local Planning Scheme No. 21 (the Scheme), as modified by the Deemed Provisions set out in Schedule 2 of the *Planning and Development Regulations 2015*.

### ***Land Use Classification***

The only permissible land use on this site is 'Service Station' and 'Nursery'. Councillors will be aware of the recent use class classification of a 'Convenience Store' by the State Administrative Tribunal (SAT) for a service station; this is not a Supreme Court decision so the City would only be required to give the decision due regard. As a result of this decision, the City is looking at modifying the Scheme to address this issue and ensure that there are no overlaps between the use classes proposed through the Omnibus. In many respects, the SAT decision and some other recent SAT decisions have forced some to rethink their approach to interpreting and applying land use definitions in Western Australian town planning schemes – and may well lead to a more careful and disciplined approach to defining and categorising land uses in WA in future, which is quite possibly somewhat overdue in any case.

Notwithstanding the SAT decision, officers have consistently provided advice to the landowner that the proposed development fits within the definition of 'Service Station'; a Plain English (dictionary) definition of 'Service Station' is "an establishment beside a road selling petrol and oil and sometimes having the facilities to carry out maintenance". In Plain English usage in Australia, though, in the present context, a service station would ordinarily not include vehicle servicing or similar, but would include a significant, convenience retail element. Vehicle servicing is now much more likely to be associated with car dealerships, or with other, stand-alone businesses. Officers are of the opinion that the service station element of the proposal clearly fits both the 'letter' and even more clearly the intent of the 'Service Station' definition in the Scheme, and is therefore a permitted land use. Whilst not directly relevant, it is also worth noting that the landowner has been working on the proposal for quite some time, including from well before the recent SAT decision, on the entirely reasonable understanding that the main element of the proposed development is a 'Service Station' and is therefore a permitted land use.

With regard to the drive through coffee outlet and Wholesale Fruit and Vegetable Building, it is not uncommon across the state in particular the south-west to find the co-location of fruit and vegetable sales and drive-through coffee outlets within service stations e.g Puma service station in Stratham and Gull service station in Donnybrook. It is considered that these uses would be ancillary to the primary use of the service station and conditions would be recommended to ensure that the retail outlet in particular shall only be limited to the area shown on the approved plans, and at no time

expand into the wholesale area. There is no clear direction about what can be considered ancillary to a service station, but in light of others that have evolved in the south-west, on balance the proposal is considered to be ancillary and acceptable. Notwithstanding that, a reasonable planning authority could probably also determine that the scale of 'ancillary' development proposed is beyond what is reasonable, and look to scale back that ancillary development.

It is, though, considered that the scale of building and intensity of the proposal would be similar to a nursery being constructed on the site which could include a more substantial retail component and result, potentially, in more and/or larger buildings/structures being developed on the site than are now proposed.

Given what is now proposed, should the development be approved and proceed, officers are of the view that a future amendment to the Scheme to clarify the land-use controls in relation to the site, and also to remove potential for additional commercial development on nearby land with the same ownership would be appropriate. That would both provide greater clarity around the development now proposed, but also ensure that future development does not result in a cumulative impact that would be incompatible with the relevant matters to be considered, which clearly point towards not supporting significant or further commercial development on these key part of the 'entry experience' into the Busselton City Centre, other than where the Scheme already explicitly provides for such development, as is the case with the site subject of this application. An advice note reflecting that direction is recommended.

### ***Special Purpose Zone***

The site is zoned "Special Purpose – Service Station/Plant Nursery" under the Scheme. The objectives of this zone relevant to this application are as follows:

- (a) *To provide a zone capable of accommodating a land use or combination of land uses which do not fall within the objectives of other zones or reserves and which, by their nature or location, require specific consideration.*

The policies of the zone relevant to this application are:

*To permit land included within the zone to be used for the purpose as identified on the Scheme map consistent with the proper planning and servicing of the community and the protection of the amenity of the locality.*

### ***Special Provision No.15***

The site is subject to SP15 which states that development be generally in accordance with the DGP, access to Causeway Road be a left out only and to accommodate road widening requirements for Causeway Road.

### ***Landscape Value Area***

The site is within a Landscape Value Area under the Scheme. The provisions of this special control area relevant to this application are as follows:

- 6.4.1 *The local government shall not grant planning approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered -*

*(a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;*

*6.4.2 The local government shall not grant planning approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.*

### **Matters to be considered**

Clause 67 of the Deemed Provisions outlines the key matters to be considered by local government when considering a development application. Those matters which are considered to be particularly relevant to this application are as follows:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*
- (y) any submissions received on the application;*
- (za) the comments or submissions received from any authority consulted under clause 66;*

### **RELEVANT PLANS AND POLICIES**

#### ***Local Planning Policy 2 – Traffic and Transport Policy***

The Traffic and Transport Policy outlines the requirements for assessing the traffic impacts of any development or subdivision proposal to ensure the provision of adequate road infrastructure.

The applicant has submitted a detailed breakdown of the traffic expected to be generated by the proposal. This is discussed in more detail within the Officer Comment section of the report.

#### ***Local Planning Policy 8A – Car parking Provisions***

Planning Policy 8 establishes the parking criteria for any proposed development and is intended to provide a practical guide to aid in the preparation of drawings to be submitted in support of an application. The requirements for the proposal are:

### Service Station:

A service station requires 1 bay per working pump; the service station would require a maximum of 8 bays for the pumps;

The service station has an area that is proposed to be utilised for dining, this would be calculated at a rate of 1 space per 4 seats/6 m<sup>2</sup> of public area, this proposal would allow for 28 seats/persons to be accommodated, which generates the need for 7 bays.

### Fruit and Vegetable Building:

The wholesale component is essentially a warehouse as identified under the policy. Car parking for a warehouse is required at a rate of 1 bay per 50<sup>m<sup>2</sup></sup> NLA plus 1 loading bay per development. The wholesale component consists of 500<sup>m<sup>2</sup></sup> NLA which generates the need for 10 car parking bays. A loading and unloading area is proposed along the building's northern side.

The incidental retail component would fit the interpretation of shop under the policy. Car parking for a shop is required at a rate of 1 bay per 30<sup>m<sup>2</sup></sup> NLA plus 1 loading bay per development. This component comprises 300<sup>m<sup>2</sup></sup> NLA of floor space and therefore generates the need for 10 car parking bays.

### Drive-Through Coffee Outlet:

There is no set car parking requirement for this type of activity; the applicant sought advice from business owners who have similar activities elsewhere. In relation to queuing, advice is that through the normal part of the day the line rarely gets longer than 4 vehicles however in the peak period (between 7 am and 10 am) the line can reach up to 10 vehicles but for very short periods (accommodated in two lanes). The proposed development allows for queuing for 15 vehicles, 6 from the Ford Road end and 9 from internal to the site. Additional waiting bays are also incorporated in this case.

Some business owners also advise that in their case they have recently introduced an app which allows people to pre order which assists movement of traffic. They also utilise latest technology coffee machines which speed up the process of making coffee.

### Summary

A total of 32 normal car parking bays are required not including the coffee outlet drive through. A total of 57 bays are proposed. In addition and although not required by City Policy, 5 caravan/boat parking bays are also proposed.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendations in this report reflect Community Objective 5.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planning places that provide for diverse activity and strength our social connection.'

## RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Reputational risk should the Use Class be challenged.	Appropriate assessment and understanding of the Use Classes and amendment/clarification of the Uses within the Omnibus.	Minor	Rare	Low

## CONSULTATION

The proposal was referred to all adjoining landowners for a period of 21 days and advertised on the City's website and within the local newspaper for a period of 14 days. The City received 6 submissions from members of the community raising concerns about the proposal and one submission in support of the proposal (Attachment D refers). In addition, a submission was also received from Main Roads objecting to the proposal. The key concerns raised by Main Roads in their submission are summarised below:

- The plan should be modified to accommodate the required road reserve widening for Causeway Road as shown on the 2003 Development Guide Plan and the road reserve widening should be ceded free of cost to the Crown;
- The existing median crossing at Koorden Place does not allow adequate space for vehicles to wait while turning right out from Koorden Place. A road safety audit should be undertaken to identify appropriate treatments or upgrading requirements; and
- The proposed left out access to Causeway Road is located close to the roundabout at the intersection of Causeway Road and Bussell Highway. The left out be designed and constructed to the specifications and satisfaction of Main Roads and the City.

## OFFICER COMMENT

The City has assessed the application having regard to the objectives and policies of the Special Purpose zone, and other Matters to be considered, in particular consideration of proper and orderly planning, as required by the Scheme. The most significant issues to consider do, in fact, relate to land-use classification questions, which are addressed in some detail in the 'Statutory Environment' section of this report.

As a result of the comments from Main Roads and concerns raised by the City's Engineering Department, the City sought its own independent traffic advice. The traffic assessment concluded that the proposal would significantly increase the potential for vehicle conflicts at the intersection with Koorden Place and Causeway Road. As a result the intersection should be upgraded with a slip lane from Causeway Road to accommodate left hand turning into Koorden Place and a splitter island located in Koorden Place.

With regard to the ceding of land, the traffic assessment concludes that there is no requirement for ceding of any land as the widening of Causeway Road can be achieved within the existing road reserve.

A submission has been received that the proposal is inconsistent with the Development Guide Plan and would result in the overdevelopment of the site. The DGP was endorsed in 2003; the changes to

the Planning and Development Regulations 2015 introduced a 'sunset' clause to Development Guide Plans/Local Development Plans that they have effect for 10 years. As a result the DGP would have lapsed. Notwithstanding this, it is considered by officers that the proposal is generally consistent with the layout and scale of development as shown on the DGP.

Concerns have been raised about the use of the Ford Road reserve for car parking and the impact from the proposed development on the viability of other service stations and character of the area. Car parking has always been envisaged within Ford Road reserve, as shown on the DGP and officers and Main Roads have concluded that this area will not be required in the future, so the proposal would make a good use of the land (note that other portions of the Ford Road reserve may have some utility in constructing a future Ford Road, but this most southerly section will not). With regard to viability and an unsuitable use, the use is compatible with Special Provision No.15. In terms of the visual impact, the proposal is a single storey development and a condition is proposed that a landscaping scheme is submitted for the site and adjoining road reserves to ensure that the proposal is in keeping with the rural character of the area.

## **CONCLUSION**

The proposed development is considered to be consistent with the applicable requirements, including the Policy and Objectives of the "Special Purpose" zone prescribed under the Scheme. Therefore it is recommended that the application be approved.

## **OPTIONS**

The Council could:

1. Approve the application subject to different conditions.
2. Refuse the proposal, setting out reasons for doing so.

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

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

## **OFFICER RECOMMENDATION**

That the Council resolve:

1. That application DA16/0400 submitted for development at 99 Causeway Road is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

## **GENERAL CONDITIONS:**

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

**Prior to Commencement of Any Works Conditions:**

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - 3.1 Details of type and colour of all external materials to be used;
  - 3.2 Details of the finished treatment of all hard surfaced areas to be used for the construction of the parking and manoeuvring areas and pedestrian footpaths as shown on the Approved Development Plans;
  - 3.3 A Landscape Plan, which shall include the adjoining Causeway Road, Ford Road and Koorden Place verges;
  - 3.4 A Drainage Management Plan setting out details of stormwater and surface water drainage works. The Plan shall include but not be limited to the following:
    - a. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 40m<sup>2</sup> of impervious area;
    - b. Kerbing or grade changes for paved areas;
    - c. installing and maintaining stormwater collection systems, such as bio-retention gardens and soak wells to intercept roof and general runoff that would otherwise enter the forecourt;
    - d. establishing soaks that collect and permit infiltration of Stormwater.
  - 3.5 Preparation of an Emergency Chemical Spill Response Plan.
  - 3.6 Details for the connection to the comprehensive district drainage system;
  - 3.7 Details for the upgrading of the Causeway Road and Koorden Place intersection, including
    - a. Slip Lane from Causeway Road to accommodate left hand turning into Koorden Place;
    - b. Splitter island within Koorden Place; and
    - c. Alterations to the southern radius of Koorden Place to accommodate articulated vehicles;
  - 3.8 Details for the upgrading of Koorden Place;
  - 3.9 Details for the left out access to Causeway Road to be designed and constructed;
  - 3.10 Details of signage, including but not limited to the design, location, materials and levels of illumination.
  - 3.11 Details of one pylon sign for all business that shall not exceed 6 metres in height.

**Prior to Occupation/Use of the Development Conditions:**

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition 3 have been implemented; and, the following conditions have been complied with;
  - 4.1 Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, as assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
  - 4.2 The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] shall be designed, constructed, sealed, drained and marked.

**On-going Conditions:**

5. The works undertaken to satisfy Conditions 3 and 4 shall be subsequently maintained for the life of the development and subject to the following condition:

- 5.1 Sale of goods and services to the general public shall only occur in association with the service station, drive-through coffee facility and in the portion of the 'FRUIT/VEGETABLE WHOLESALE' building marked 'INCIDENTAL RETAIL OUTLET' on the approved plan.
- 5.2 Should, at any time, the service station cease to operate, then all of the other (ancillary) land-uses shall cease immediately, and none of the other land uses may commence operating until the service station has commenced operating.
- 5.3 Should the wholesale operations of the 'FRUIT/VEGETABLE WHOLESALE' building cease, the retail operations must also cease immediately.

**Advice Note:**

1. You are advised that no other commercial development will be supported over the adjoining lots owned by the applicant. The City envisages amending the Scheme to remove any further commercial development potential over the sites.



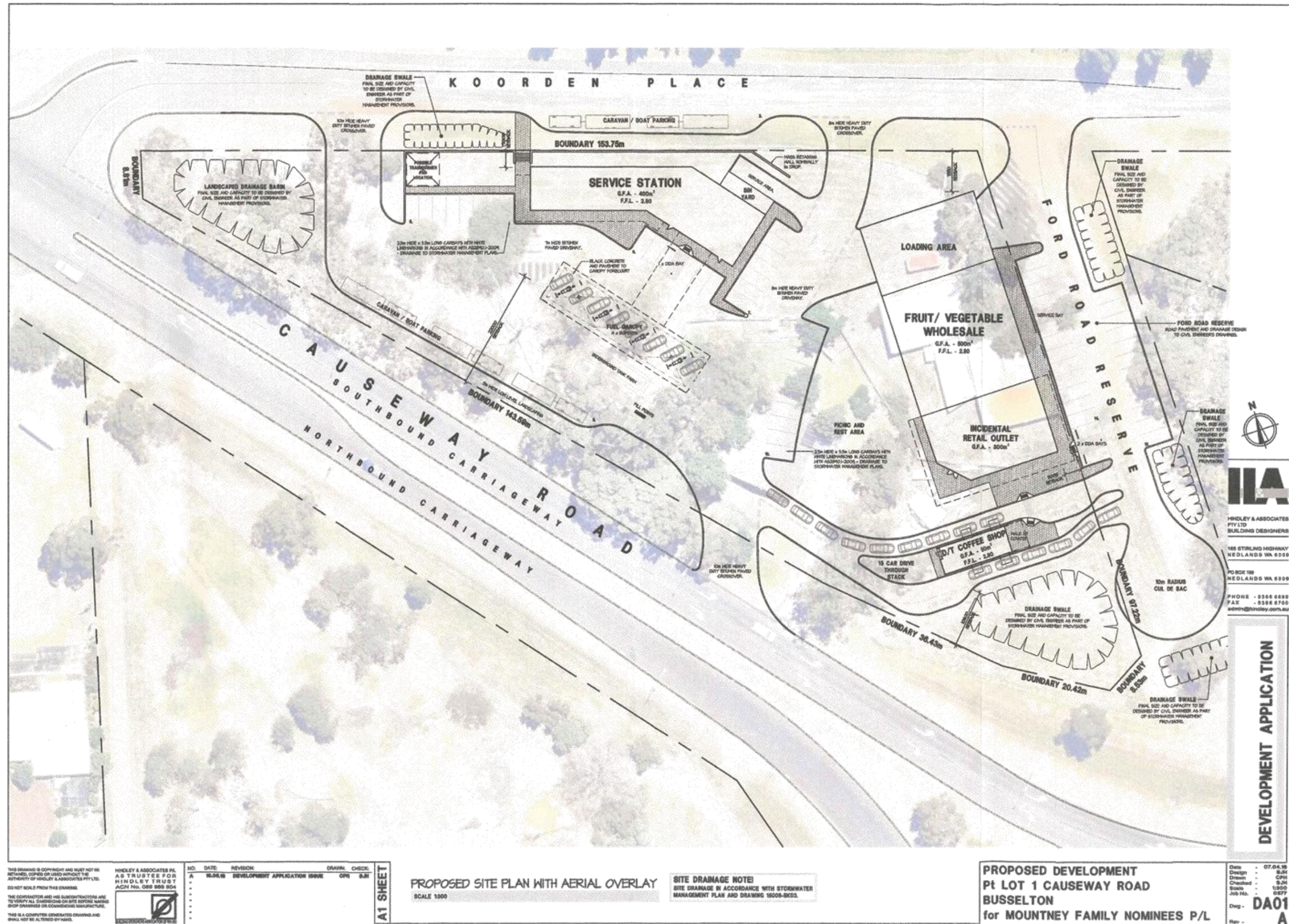
Disclaimer: Every effort has been made to make the information displayed here as accurate as possible. This process is ongoing and the information is therefore ever changing and cannot be disseminated as accurate. Care must be taken not to use this information as correct or legally binding. To verify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

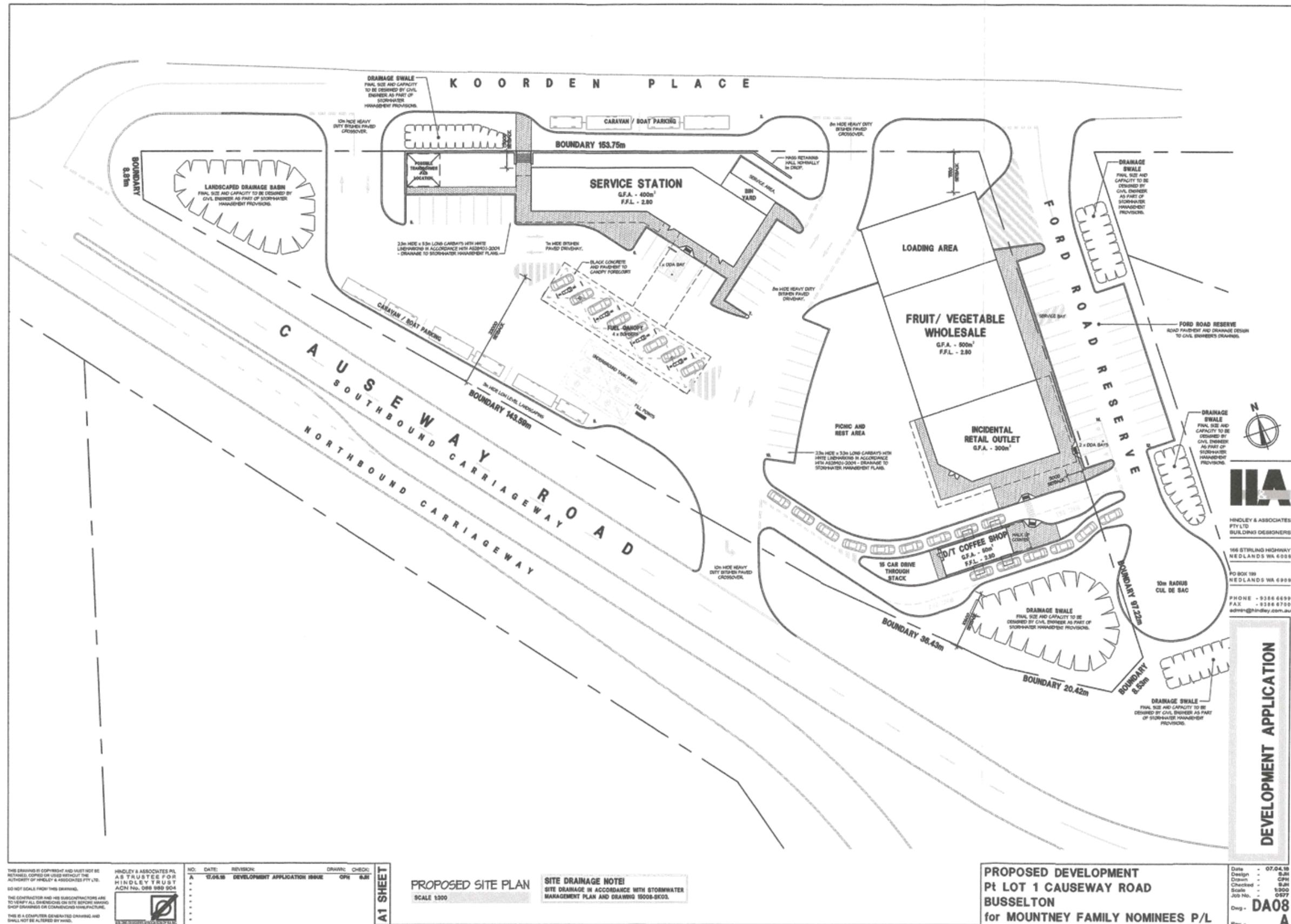
Attachment A - Location Plan

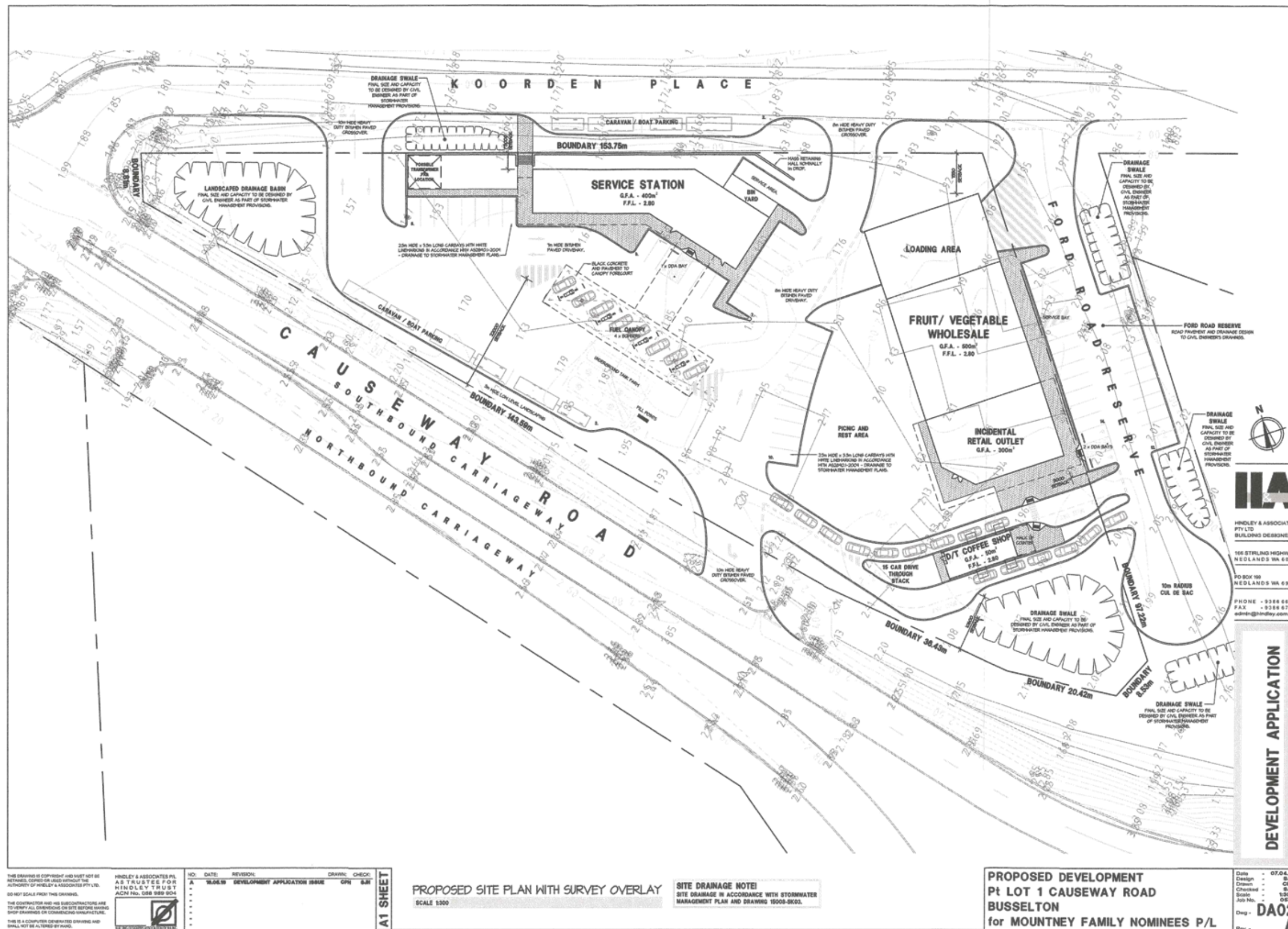
27/09/2016

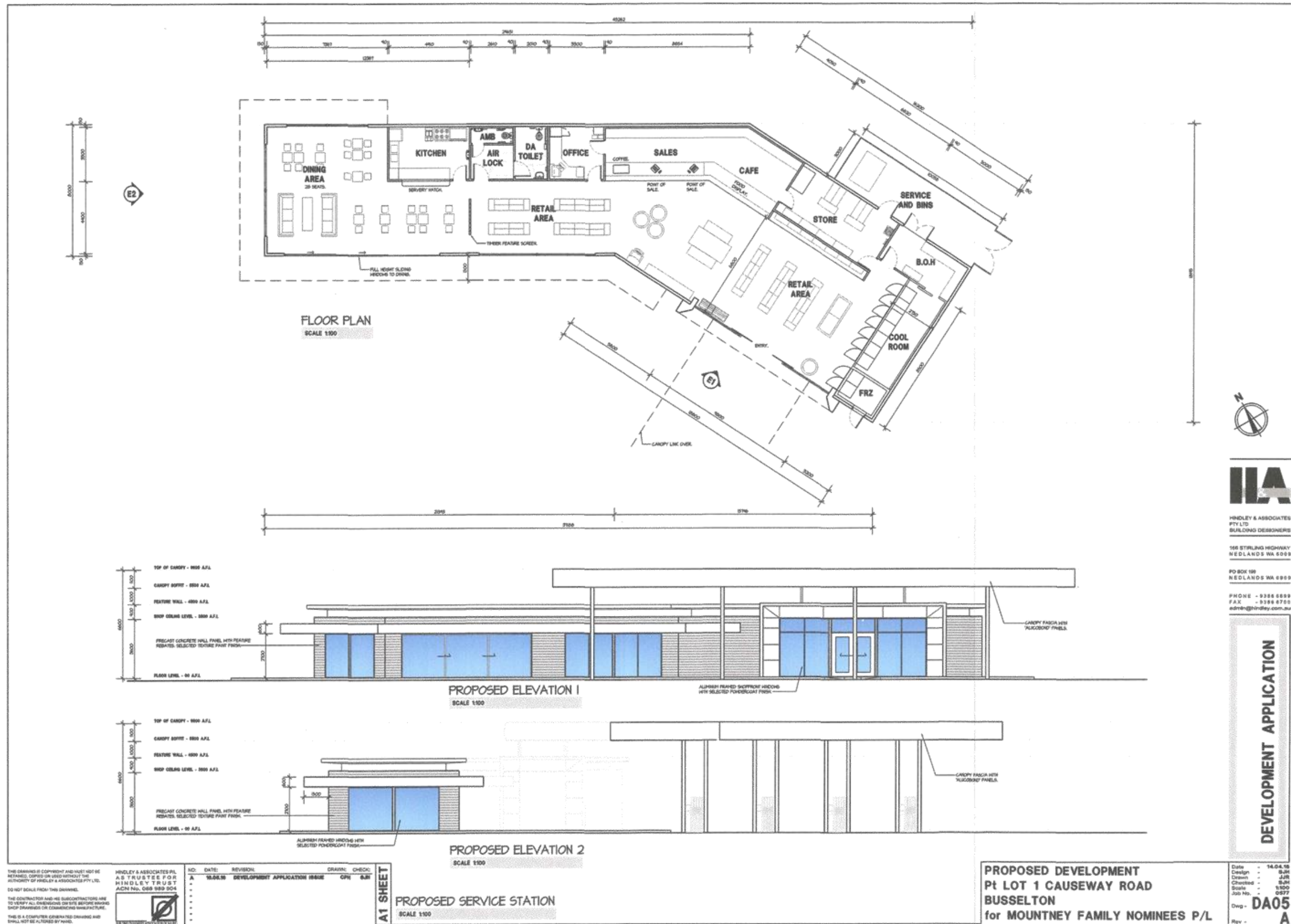
1:2072 @ A3L

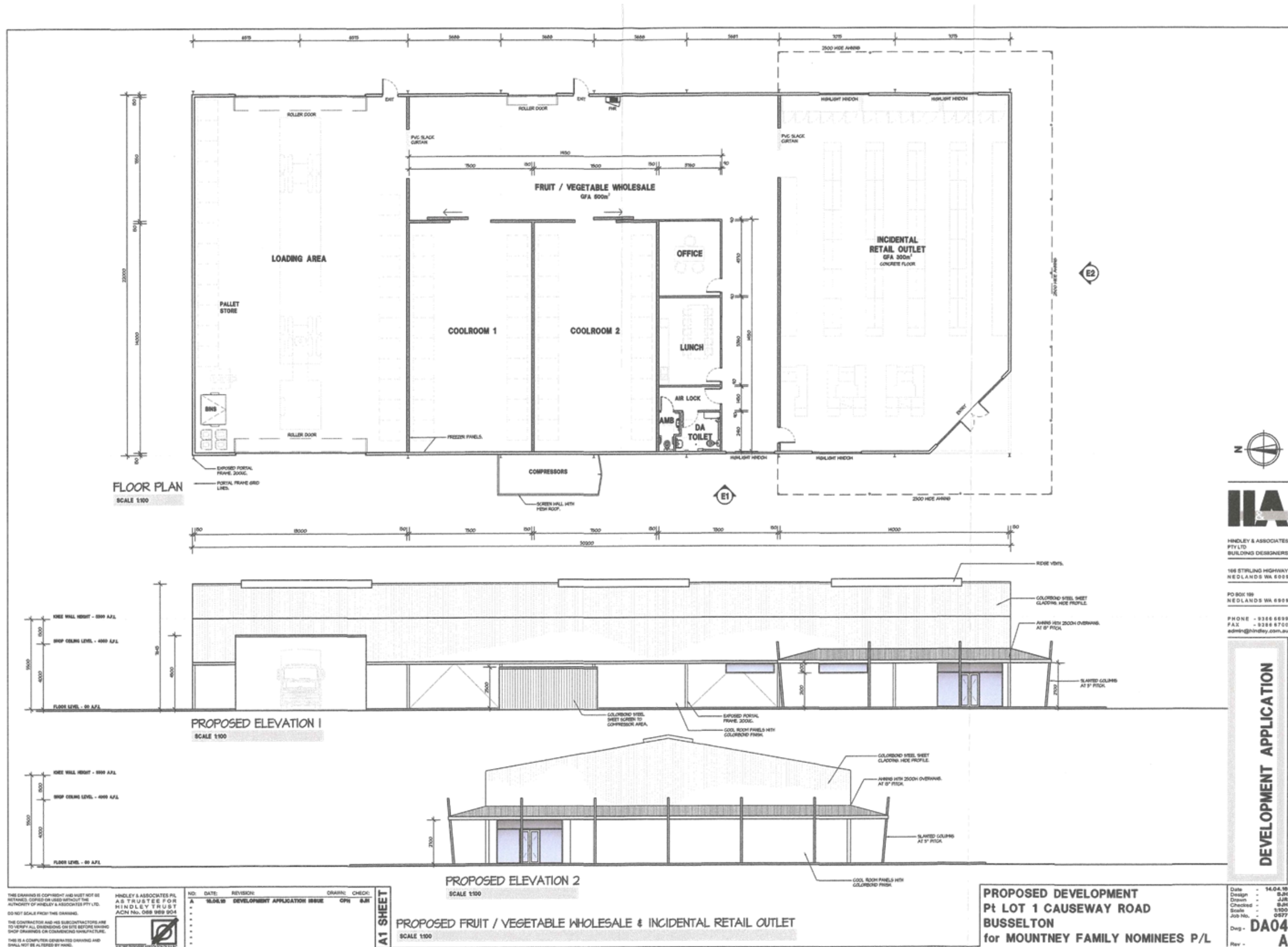


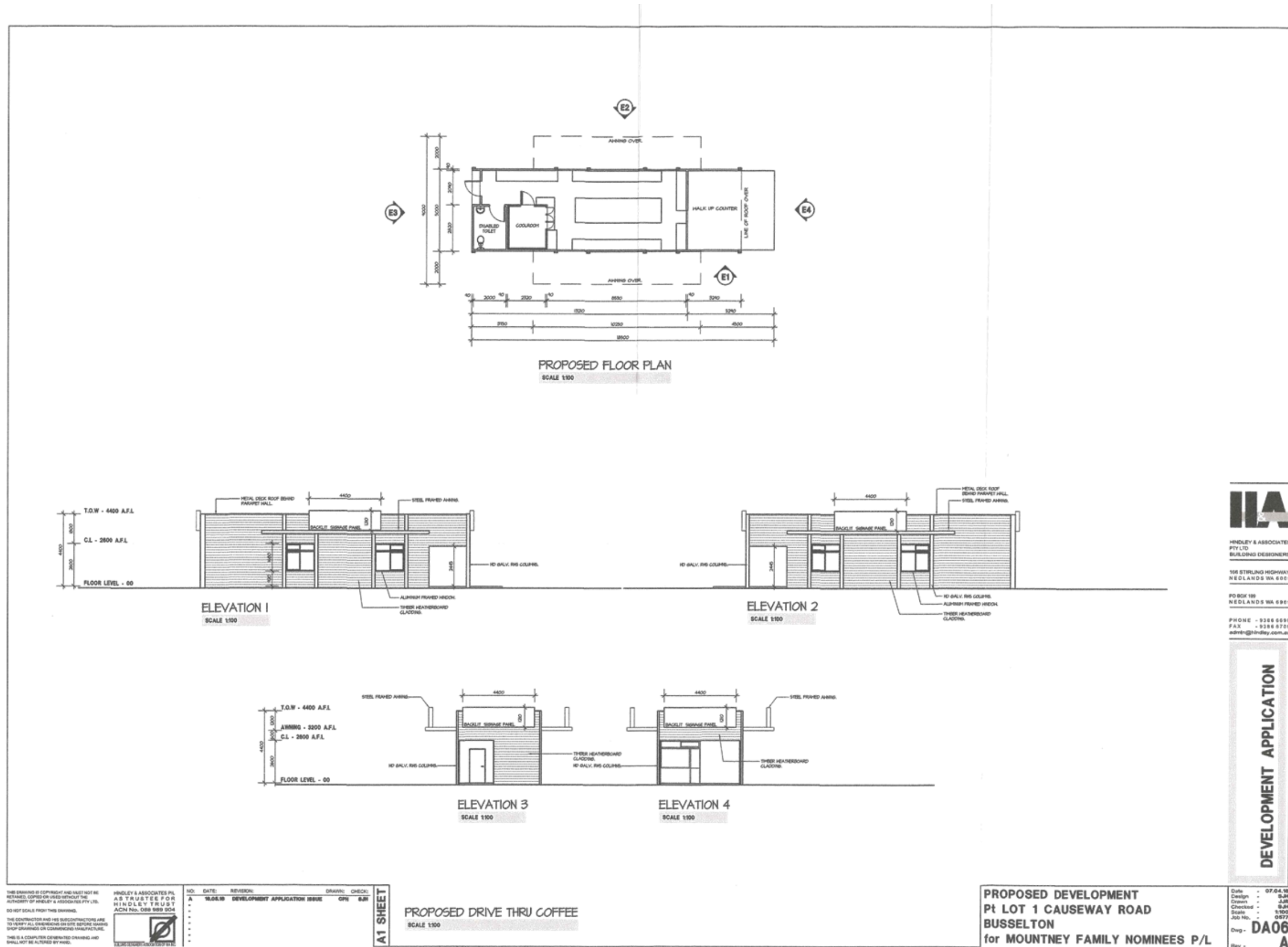




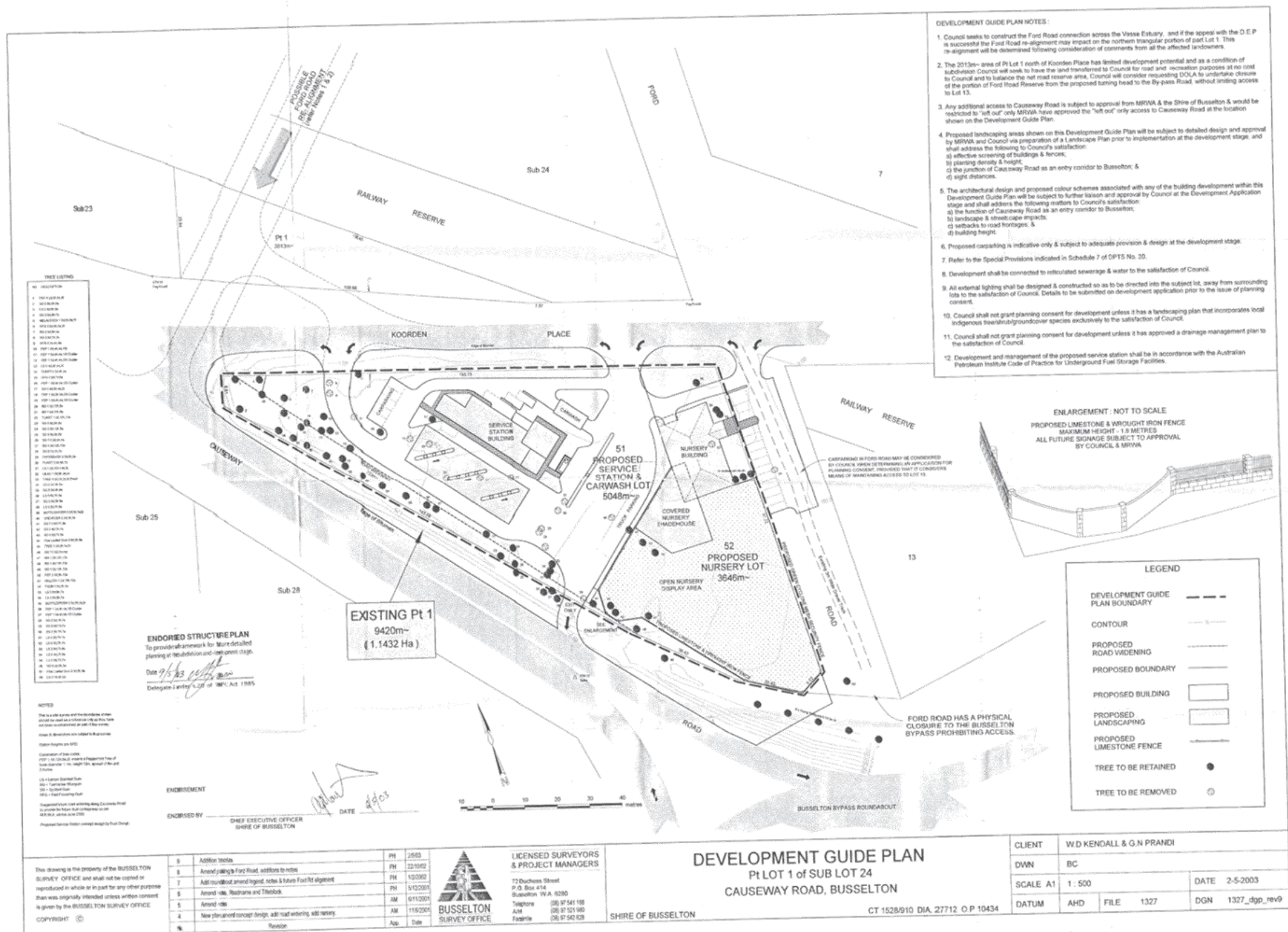












**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER:** Joanna Wilson

Submiss ion. No	ADDRESS	NAME	Nature of Submission	Officer Comment
<b>GOVERNMENT SUBMISSIONS</b>				
1		Main Roads Western Australia	The plans is not consistent with the approved DGP from 2003 which includes road reserve widening for Causeway Road from the subject land. The road reserve widening is required to accommodate future upgrading of Causeway Road to a dual carriageway including kerbing and drainage and the intersection at Koordan Place To accommodate the	Noted, discussed within the report
2		Department of Fire and Emergency Services	No information or comment to provide at this time, however the development proposal may need to be assessed at a later date by the Built Environment Branch in accordance with the BCA.	Noted.

**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER: Joanna Wilson**

3	Department of Water	<p>The development application did not contain any details of water management at this site, other than indicating areas for swale drainage on site. Thus the department can only provide generalise information. To protect the above water resource and mitigate against the risks stated, the Department of Water advises the following:-</p> <p><b>Tank systems</b></p> <ol style="list-style-type: none"> <li>1. Tanks should be located in stable compacted granular soils to prevent tank movement. Soil in contact with the unprotected metal or concrete tank systems should not have chemical properties (salts or acids) that may cause tank or pipe work deterioration. Metal tanks in corrosive solids should have protective coatings and cathodic protection to prevent tank deterioration.</li> <li>2. Tanks systems should not be located; <ol style="list-style-type: none"> <li>a. in poorly compacted soil or on sites subject to seismic movement;</li> <li>b. with parts in contact with the water table (unless protected against buoyancy forces and corrosion).</li> <li>c. near sensitive water resources (Lot 1 is located 850 metres from the Vasse estuary and is located within a multiple use estuary peripheral wetland.)</li> </ol> </li> <li>3. All new tanks and their pipe work should have double-walled construction, with an interstitial leak monitoring space. This is particularly important when located close to sensitive water resources and/or where the tanks may come into contact with the water table.</li> <li>4. All tank systems should have be fitted with spill contaminant devices at each fill point. Each spill containment device should have a minimum capacity of 15L.</li> </ol>	<p>Noted. Conditions have been included in the officer recommendation to address the issues raised by Dept of Water.</p>
---	---------------------	---	--

**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER: Joanna Wilson**

			<p><b>Stormwater management</b></p> <ol style="list-style-type: none"> <li>Measures should be taken to prevent uncontaminated external surface water from entering the forecourt. These include: <ol style="list-style-type: none"> <li>kerbing or grade changes for paved areas</li> <li>installing and maintaining stormwater collection systems, such as bio-retention gardens and soak wells to intercept roof and general runoff that would otherwise enter the forecourt.</li> <li>establishing soaks that collect and permit infiltration of stormwater.</li> </ol> </li> <li>Stormwater that maybe contaminated should pass through a well-maintained litter and sediment trap, then an appropriately designed and regularly maintained fuel and oil trap (eg. coalescing plate separator or treatment unit providing equivalent performance).</li> <li>Waste solids from the water treatment process should be collected and disposed of outside any sensitive environment, in accordance with the requirements of the local government.</li> <li>Clean wastewater, that has been effectively treated and tested, may be discharged to: <ol style="list-style-type: none"> <li>on site soak wells</li> <li>onsite leach drains</li> <li>onsite bio-retention gardens</li> <li>a reticulated sewer where accepted by a service provider.</li> </ol> </li> <li>Additional guidance on stormwater management in urban areas is provided in the '<i>Stormwater management manual for WA, 2007</i>'.</li> </ol> <p><b>Emergency response</b></p> <ol style="list-style-type: none"> <li>Site operators should prepare an emergency chemical spill response plan, install and retain necessary response equipment on site, and train their staff in the plan's effective implementation.</li> </ol>	
--	--	--	--	--

**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER: Joanna Wilson**

			<p><b><u>Flood advice</u></b></p> <p>The Busselton Regional Flood Study shows that the lot may be partially affected by major flooding as the 1 in 100 AEP flood level in this area is estimated to be 1.64 m AHD.</p> <p>Based on our floodplain development strategy, there is no objection to the proposed development with regard to major flooding, subject to a minimum building floor level of 2.34 m AHD to ensure adequate flood protection.</p> <p>As the proposed service station, fruit/veg wholesale shop and drive-through coffee shop have a finished floor level of 2.80 m AHD (referenced in submitted drawings DA02), there is no objection to the proposed development with regard to major flooding.</p> <p><b><u>RIWI Act advice</u></b></p> <p><b><u>Groundwater</u></b></p> <p>The application falls under the Busselton-Capel Groundwater Area and is proclaimed under the <i>Rights in Water and Irrigation Act 1914</i> (RIWI). Therefore any groundwater abstraction / dewatering in this proclaimed area is subject to licensing by the department.</p>	
4		Department of Health	<p>The proposed development is required to connect to scheme water and reticulated sewerage.</p> <p>All food related aspect to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.</p>	Noted. The site is not currently connected to sewer, a condition will be imposed.
<b>PUBLIC SUBMISSIONS</b>				

**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER: Joanna Wilson**

5		Price Grey 1 Daly Road, Yalyalup	<p>Raises concerns about the following topics:</p> <ul style="list-style-type: none"> <li>• Traffic impacts and management, especially at peak seasons when traffic will have to cross the road</li> <li>• Traffic congestion on Causeway Road and Koorden Place by vehicles towing boats and caravans;</li> <li>• The proposal does not seek to complement the bypass traffic flows, rather create congestion and potential accident hot spots;</li> <li>• The need from this development to widen causeway road from 2 to four lanes which would adversely affect the abience of this country town.</li> <li>• This would result in poor traffic planning;</li> <li>• Car parking is inadequate;</li> <li>• It is unclear if it is safe for cyclists and pedestrians to pass.</li> </ul>	<ol style="list-style-type: none"> <li>1. Vehicle safety and access/egress is discussed in detail within the report;</li> <li>2. This development would not result in Causeway Road being required to be dual carriageway;</li> <li>3. The number of car parking proposed is in accordance with the Citys Car Parking Policy;</li> </ol>
6.		R & J Johnston	<p>Raises concerns about the following topics:</p> <ul style="list-style-type: none"> <li>• Competition – there are already a large number of service stations this will only exacerbate the situation and squeeze out small independent businesses;</li> <li>• Yes the proposal creates employment but if small businesses are pushed out this will have the opposite effect;</li> <li>• Traffic management and impact from people trying to cross lanes;</li> <li>• Pressure on the surrounding road network;</li> </ul>	<ol style="list-style-type: none"> <li>1. Use is compatible with the Special Provision 15.</li> <li>2. Vehicle safety and access/egress is discussed in detail within the report;</li> </ol>
7		D Gulberti 194 Yoongarillup Rd Sabina River	<p>Raises concerns about the following topics:</p> <ul style="list-style-type: none"> <li>• There are already too may service stations for the seasonal population, particularly compared to Bunbury</li> <li>• As Busselton is a very seasonal City is does not have the population to support another station.</li> </ul>	<ol style="list-style-type: none"> <li>1. Use is compatible with the Special Provision 15.</li> </ol>

**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER: Joanna Wilson**

8.		V Bussell Whicher Heights Busselton	<p>Raises concerns about the following topics:</p> <ul style="list-style-type: none"> <li>The applicant should not be allowed to utilise the Ford Road road reserve in particular making it a 'no-through' road as this would make the construction of Ford Road impossible;</li> <li>We do not require yet another service station;</li> <li>The development should be smaller so car parking and maneuvering can be located on the site, this would also ensure that Ford Road is not affected;</li> </ul>	<ol style="list-style-type: none"> <li>Use is compatible with the Special Provision 15.</li> <li>Vehicle safety and access/egress is discussed in detail within the report;</li> <li>Location of car parking within Ford Road is discussed within the report.</li> </ol>
9.		J Vines on behalf of E Vines Lot 7 Ford Road	<ul style="list-style-type: none"> <li>Require confirmation that Access to Lot 7 is not affected in any way, and that no further land from Lot 7 is to be taken;</li> <li>The development would result in a loss of opportunity to have a development that would enhance the entrance to Busselton.</li> </ul>	<ol style="list-style-type: none"> <li>The proposal does not affect Lot 7;</li> <li>The use is compatible with the Special Provision 15.</li> </ol>
10.		M Young 48 Lindsay Drive Yalyalup	<ol style="list-style-type: none"> <li>Proposal is contrary to the Local Planning Scheme and Special Provision No.15 insofar as it includes land uses not included in the schedule of special provisions;</li> <li>Inconsistent with the Development Guide Plan and associated notations for the subject site;</li> <li>The proposal represents over-development of the site as it is reliant on car parking, loading and drainage having to be accommodated with the adjoining road reserves;</li> <li>Fails to address the requirements of the DGP which requires exception landscaping in order to reflect the significance of Causeway Road as a primary entry corridor to Busselton;</li> <li>The development will have an impact on the path/pedestrian dual use path which exists on Koorden Place, which will increase pedestrian/vehicle conflicts;</li> </ol>	<ol style="list-style-type: none"> <li>Use is compatible with the Special Provision 15.</li> <li>The issue of the DGP is discussed in detail within the report;</li> <li>The proposal would improve the current standard of Koorden Place</li> </ol>

**ATTACHMENT D - Schedule of Submissions**

**PROPOSAL:** DA16/0400: Service station (with ancillary wholesale fruit and vegetable, including small scale retail and drive through coffee outlet). tractive Industry (Sand) - Lot 1 (Hse No 99) Causeway Road

**OFFICER: Joanna Wilson**

11.		J Valentine 8 Levillain Retreat Geographe	<ol style="list-style-type: none"><li>1. The proposal is a good development that will transform the present unsightly development into an attractive entry statement.</li><li>2. Only concerns is traffic entering the development and this should be achieved by a slip lane to ease congestion along Causeway Road.</li></ol>	<ol style="list-style-type: none"><li>1. Vehicle safety and access/egress is discussed in detail within the report;</li></ol>
-----	--	---	---	---

11.2 DRAFT STRUCTURE PLAN– LOT 115, WILDWOOD ROAD, YALLINGUP - CONSIDERATION OF ADOPTION FOR FINAL APPROVAL

<b>SUBJECT INDEX:</b>	Planning and Development
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development Services
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Strategic Planner - Nick Edwards
<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 Draft Structure Plan Aerial Attachment C Draft Structure Plan Conditions Attachment D Schedule of Submissions Attachment E Schedule of Modifications to the Structure Plan Attachment F Proposed Wildbrook Place Emergency Access Way Connection Points

## PRÉCIS

The Council is requested to consider adopting for Final Approval a draft Structure Plan for Lot 115 Wildwood Road, Yallingup (subject land) (Attachment A), which is within the Rural Residential Zone.

The draft Structure Plan (Attachments B & C) provides for the subdivision of the subject land into 29 lots with an average area per lot of 2ha and a 1ha minimum lot size. The plan was advertised for 66 days between 22 June and 26 August 2016. During this time 40 submissions were received (Attachment D). Following this process, certain modifications (Attachment E) are recommended to the draft Structure Plan.

The most significant issues raised in submissions related to proposed road connections to Wildbrook Place and Seascape Rise. Having carefully reviewed the submissions and issues, officers are recommending deletion of the Wildbrook Place road connection (Attachment F) but retention of the Seascape Rise connection.

This site is one of the few remaining large lots (over 50ha) within the Commonage area that does not have an existing Structure Plan and is zoned appropriately for development. The draft Structure Plan is a valuable opportunity to consolidate rural residential development, coordinate the delivery of safer bushfire evacuation and emergency services access, enhance long term environmental protection of native species on the site and improve the local road network in the Commonage.

## BACKGROUND

The subject land is 62.5ha in area and located 13.5 km southwest of the Dunsborough town centre. It is bordered by Wildwood Road to the south, forested land containing four rural residential lots to the east and further rural residential developments to the north and west. Along the northern half of the property there are a series of springs and Donald Creek intersects the north-eastern corner, which also contains remnant bushland.

The draft Structure Plan proposes 29 lots on the subject land ranging from 1ha to 4ha in size, including the two existing dwellings and the rural enterprise 'The Shearing Shed', which is a non-conforming land use first approved over 20 years ago. All proposed lots can be serviced by reticulated power and telecommunications, but independent potable water will need to be provided and effluent disposal treated on site for use or disposal.

A '*Tree Habitat Assessment*' and '*Environment and Land Capability Assessment*' have been submitted with this application which address the potential impacts upon any present rare flora and fauna. These reports concluded that there was little or no evidence of rare flora or fauna species on the subject land and it is noted that potential negative impact on remaining vegetation is limited by measures proposed in the draft Structure Plan.

The subject land contains clusters of Marri, Jarrah and WA Peppermint trees in a semi-circular pattern spread across the property, as well as a stand of Tasmanian Bluegums. The '*Environment and Land Capability Assessment*' report does not identify any significant reasons why the proposed subdivision of the land should not be supported.

The subject land is identified as bushfire prone and accordingly, a Bushfire Management Plan has been submitted with the application and discussed later in this report.

## **STATUTORY ENVIRONMENT**

The relevant statutory provisions affecting this proposal include:

- Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)
- City of Busselton Local Planning Scheme No. 21 (LPS21);

The subject land is identified in the LPS21 as 'Rural Residential' zone which is suitable for development. An appropriate Structure Plan can thus be prepared and lodged by the owner of the land as stated in the Regulations (Part 4 *Structure plans*, cl.15, 16).

In line with the 'Landscape Value Area' (LVA) provisions within the LPS21, the draft Structure Plan excludes development within 100m from Wildwood Road, improves protection of significant remnant vegetation and acknowledges the existing landscape values.

## **RELEVANT PLANS AND POLICIES**

The relevant plans and policies affecting this proposal include:

- State Planning Policy No. 3.7 – Planning In Bushfire Prone Areas (2015);
- State Planning Policy No. 6.1 - Leeuwin-Naturaliste Ridge Policy (1998);
- South West Regional Planning and Infrastructure Framework (2015);
- Commonage Policy Area Consolidated Structure Plan (CPACSP) (2004);
- Local Rural Planning Strategy (2007); and,
- City of Busselton 'Firebreak and Fuel Hazard Reduction Notice' (Annual).

### *State Planning Policy No. 3.7 – Planning In Bushfire Prone Areas (2015)*

All land within the Commonage north of Wildwood Road including the subject land, is designated as a 'Bushfire Prone Area' by the Department of Fire and Emergency Services (DFES).

Consistent with *State Planning Policy No. 3.7* (SPP3.7), a Bushfire Management Plan (BMP) has been prepared for the subject land containing a Bushfire Attack Level (BAL) assessment for each lot as well as identifying emergency access arrangements throughout the Structure Plan area. The BMP provides setback details from vegetation for each development site in order to achieve acceptable BAL ratings, which will assist future landowners when deciding where to construct buildings on their

property. The highest rating for a proposed lot is BAL29 and the lowest achievable is BAL12.5 depending on the distance of vegetation to the proposed dwelling location.

Any non-habitable building (e.g. a shed) greater than 6m from the dwelling is not required to comply with the fire provisions of the Building Code and does not need a Building Protection Zone (BPZ). This means that a non-habitable building (garage, shed, carport or the like) can be built to the boundaries of the Development Exclusion Area (DEA) which protects the vegetation, in accordance with the Structure Plan conditions.

*State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (1998)*

This Policy identifies the landscape values of the subject land, consisting of plateaus and valleys with 'Rural Landscape Significance'. The vegetated area in the north-east corner, which contains Donald Creek, is classified as 'Natural Landscape Significance'. Wildwood Road is identified as a 'Travel Route Corridor with Rural Landscape Significance'.

The relevant provisions in SPP6.1 require the rural character of the land to be protected, which is accomplished through the proposed lot sizes and configuration, road layout, vegetation retention and enhancement. Donald Creek is to have its riparian zone protected. Development will be screened from Wildwood Road through the improvement of the vegetation corridor.

The Policy also encourages the use of Commonage land already committed for Rural Residential development to adopt 'clustered' subdivision designs that are more responsive to retaining landscape values and potentially allowing some agricultural pursuits.

*South West Regional Planning and Infrastructure Framework (2015)*

The provisions of the *South West Regional Planning and Infrastructure Framework* (SWRPIF) support consolidation in the Rural Residential Zone provided there are proven community and environmental benefits.

*Commonage Policy Area Consolidated Structure Plan (2004)*

The CPACSP indicates a requirement for a minimum lot size of 2ha with an average lot size of 3ha for this site. However, it was identified (in preliminary consultation with the applicants, Department of Planning Officers and City officers) to support consideration of a variation to these lot sizes in order to allow for potential community and environmental benefits. It should be noted that the CPACSP is an overarching, guiding document and not a 'Structure Plan' in the sense that the term is now used in the Regulations.

The draft Structure Plan recognises where desirable revegetation is to occur consistent with the CPACSP provisions and provides for this to be implemented at subdivision stage.

*Local Rural Planning Strategy (2007)*

The proposed subdivision is consistent with the strategy as it presents a compact yet permeable design, improving on the local road network and designated Public Access Way (PAW) connections by including proposed road connections to the north and east (and the advertised Structure Plan included the north west as well).

*City of Busselton 'Firebreak and Fuel Hazard Reduction Notice' (Annual)*

All lots must conform to the City of Busselton requirements listed in the annual 'Firebreak and Fuel Hazard Reduction Notice'. The proposed lots will be within 'Category 6'. This will have effect on the

placement of buildings away from the DEA and provides local guidance in siting any habitable buildings at least 25m (in 2015/16) from bushfire prone land. Any development must conform to the current application of this Notice.

## **FINANCIAL IMPLICATIONS**

There are considered to be no financial implications arising from the Officer Recommendation.

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

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

City officers consider the proposal to be consistent with Strategic Priority 2.2 of the City's *Strategic Community Plan 2013*, which is – "A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections."

## **RISK ASSESSMENT**

Officers have undertaken an assessment of the potential implications of carrying out the Officer Recommendation using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks. The implementation of the Officer Recommendation will involve adopting the Structure Plan for Final Approval. In this regard, there are no significant risks identified.

## **CONSULTATION**

Preliminary informal consultation with the Department of Planning (DOP) indicated that it is generally supportive of the draft Structure Plan.

The draft Structure Plan was advertised for 28 days from 22 June to 20 July which was extended to 26 August 2016 resulting from concern raised by some local landowners and residents who had not been contacted directly. The draft Structure Plan was also referred to relevant State Government agencies for comment.

Following advertising, 40 submissions were received, 14 from Government agencies which had no objections to the proposal. The remaining 26 submissions were from nearby landowners expressing concern over specific aspects of the draft Structure Plan.

## **OFFICER COMMENT**

The majority of submissions received from nearby landowners and residents addressed four main themes of the draft Structure Plan -

- Road connectivity;
- Lot sizes and Building Envelopes;
- Environmental and Community Benefits; and
- Land supply in the Commonage area.

The following discussion focusses on these themes and does not address the specific design outcomes, which are to be addressed at the subdivision stage.

### *Road Connectivity*

There are four road access ways proposed to service the subdivision -

1. Wildwood Road on the southern boundary will provide the primary entrance point to the subdivision.
2. A temporary cul-de-sac provides a future road connection point should land to the east be developed. To mitigate the interim bushfire risk of such a long cul-de-sac, a temporary right-of-carriageway easement is to be established along the eastern boundary to Wildwood Road. This access way will be gated and signposted to identify use by emergency vehicles only.
3. A road connection is to be built at the north-east of the property, extending the internal road network from Lot 115 to Seascape Rise. The road will use land currently reserved as PAW, which is proposed to be re-vested by the Department of Lands (DOL) for its use as a gazetted public road reserve. When that PAW was first created, it was very clear that the intent was for it to be converted to a public road when Lot 115 was subdivided.
4. A proposed link in the north-west of the property to connect Wildbrook Place to the existing PAW by an Emergency Access Way (EAW), which is defined by SPP3.7 as a road built to the lowest acceptable standard and only to be used in an emergency. This is also to be gated and signposted. Note that the advertised Structure Plan identified this as a public road link.

The proposed road connections are intended to improve bushfire evacuation options by providing access in two directions. Without the road joining Seascape Rise, vehicle evacuation routes all move towards Wildwood Road, which is a considerable risk should it be cut off in an emergency. The draft Structure Plan proposes a link with Seascape Rise which would provide a critical northerly exit direction moving away from Wildwood Road.

The proposed road link with Seascape Rise would also ensure compliance with SPP 3.7 – ‘*Planning in Bushfire Prone Areas*’. Seascape Rise does not currently conform to these standards, which require any road in a bushfire prone area to ensure that vehicle access is to have -

- two way access for any subdivision road which allows safe access and egress to two different destinations;
- cul-de-sacs that are either less than 200m long or less than 600m long provided they include an EAW and only service a maximum of eight lots; and,
- cul-de-sacs not more than 600m long.

Wildbrook Place is approximately 450m long and Seascape Rise is over 750m long.

The existing PAW linking Seascape Rise to the subject land was intended to equitably share the construction costs of the road between the developers of both sites. Following protracted SAT process consideration over the original development to the north, the City may be left with an obligation to reconstruct parts of the PAW to allow upgrading to a road standard. The extent of this liability will be determined during the subdivision design process. These works would be eligible for funding from the money collected by the Commonage Developer Contributions Scheme, which could meet a reasonable portion of these costs.

Following further investigation, the road originally proposed to service Wildbrook Place is proposed to be replaced with an EAW that offers an alternative egress direction in times of emergency. This connection would improve local safety and bushfire connectivity without exceeding the traffic or level of infrastructure required in this rural residential setting. The EAW is proposed to run along the northern boundary of the subject land before connecting with the existing PAW and is to be signposted and gated.

The proposed connections with the subject land, Seascope Rise and Wildbrook Place improve emergency accessibility and connectivity in the area, which is considered a significant community benefit.

The entrance to *'The Shearing Shed'* off Wildwood Road will remain but will not provide access to the internal road network servicing the other lots. Relevant conditions are included on the draft Structure Plan so that if a change in land use occurs, this crossover will be removed and access will be required from the internal network only. The crossover will then be planted with native trees consistent with the vegetation corridor required along Wildwood Road.

#### *Lot Sizes and Building Envelopes*

There have been submissions raising the concern that the proposed lot sizes in the draft Structure Plan appear to contradict those in the CPACSP. The CPACSP however, allows consideration of more intensive development patterns (as does the LPS21, SPP6.7 and SWRPIF) in order to constrain low density residential sprawl. The CPACSP is also a guiding and not binding document. Greater lot densities, though, should generally only be considered if there are wider community benefits. These benefits include emergency bushfire risk (addressed above), environmental acceptability and road connectivity.

The lot sizes are consistent with those adjacent on the eastern, northern and western boundaries. The largest proposed lot in the draft Structure Plan is just over 4ha and in the north eastern corner. The size of this lot reflects its steep terrain and the remnant bushland to be protected, which covers half of this lot. Adjacent to Wildwood Road, eight larger lots are proposed to range between 2.9ha and 3.7ha, which are to have no development within 100m of Wildwood Road, which is also to be screened with native vegetation. The remaining lots range between 1ha and 1.8ha and provide a transition between the Commonage area and land in the 'Viticulture and Tourism' zone, south of Wildwood Road.

The submission discussed a perceived lack of design constraints such as building envelopes and setbacks proposed for each lot. There was concern that this would allow unrestricted building works in an area with recognised landscape values. It is because of these values that existing planning controls are considered to be sufficient in regulating building design in this area. For example, Rural Residential Zone provisions require all dwellings and incidental development to be contained within a 2,000m<sup>2</sup> regular square or rectangular shape within each allotment. There is not, however, generally seen to be a need to specify exactly where development must occur within each lot in the rural-residential zone and for that reason, the City has generally moved away from specific building envelopes for rural-residential subdivision.

The proposed lots 4, 17 and 18 are located in areas where existing topography and vegetation cover could not provide adequate separation between houses. Additional setbacks are thus recommended to be included in the Structure Plan to maintain the 'rural feel' of the area.

Further design considerations and siting of proposed buildings will be subject to a visual landscape assessment at the time of subdivision and will consider the policy guidance provided in SPP 6.1, including the placement of buildings within lots to avoid 'sky-lining' on the higher ridges.

*'The Shearing Shed'* is to be retained as it contributes significantly to the tourism activity mix within the Commonage area. It will continue to use the existing crossover to Wildwood Road but should a change of use be proposed on the lot, planning approval will be required. This will allow consideration of the context of new use and require access and revegetation conditions to be applied.

### *Environmental and Community Benefits*

The draft Structure Plan improves vegetation protection on the subject land, which has been identified in the accompanying Land Capability Assessment as 'Degraded' to 'Completely Degraded'. The existing trees have been continually grazed for many years, leaving insufficient new growth to replace older trees.

A DEA has been placed over viable plant communities which is designed to promote long term maintenance and growth within areas identified on the CPACSP and draft Structure Plan. This approach allows lot owners to determine where to build on their lot in order to minimise any impact on the existing species. Felling of trees within the DEA is not supported, including for maintenance for fire reasons. New dwellings are to acknowledge this protection and be a minimum of 25m from the DEA boundary.

The community benefits of increased accessibility and greater environmental protection refer to the wider 'City of Busselton' community but they also serve the immediate neighbours. Improving travel through subdivision areas by bike, foot or car increases contact within a local community and creates neighbourhood resilience. Improving the quality and quantity of vegetation on the property also strengthens the existing landscape values, benefitting the entire region.

### *Land Supply in the Commonage Area*

The subject land has been identified for development in SPP6.1 and guiding policy documents which support the draft Structure Plan. The development of this site will provide greater housing choice for those wishing to move into this area. No further Rural Residential Zone is being considered within the City of Busselton boundaries and the application of the Structure Plan will restrict any further subdivision.

## **CONCLUSION**

There are considerable potential benefits to the community in developing Lot 115 as proposed in the draft Structure Plan, with the identified road connections in terms of bushfire safety and overall community connectivity being prominent among them.

The draft Structure Plan represents a logical and orderly planning approach to the rural residential development of Lot 115 that will contribute to the aims and objectives for the Commonage precinct. As such, officers recommend that the Council adopts this proposal for Final Approval.

## **OPTIONS**

Should the Officer Recommendation not be supported, the following options could be considered:

1. To decline the adoption of the draft Structure Plan for Final Approval for reasons to be identified;
2. To seek further information before making a decision;
3. To adopt the Structure Plan for Final Approval, subject to further modification(s) as required.

The assessment of the application has not revealed sufficient grounds to support any of the above options.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

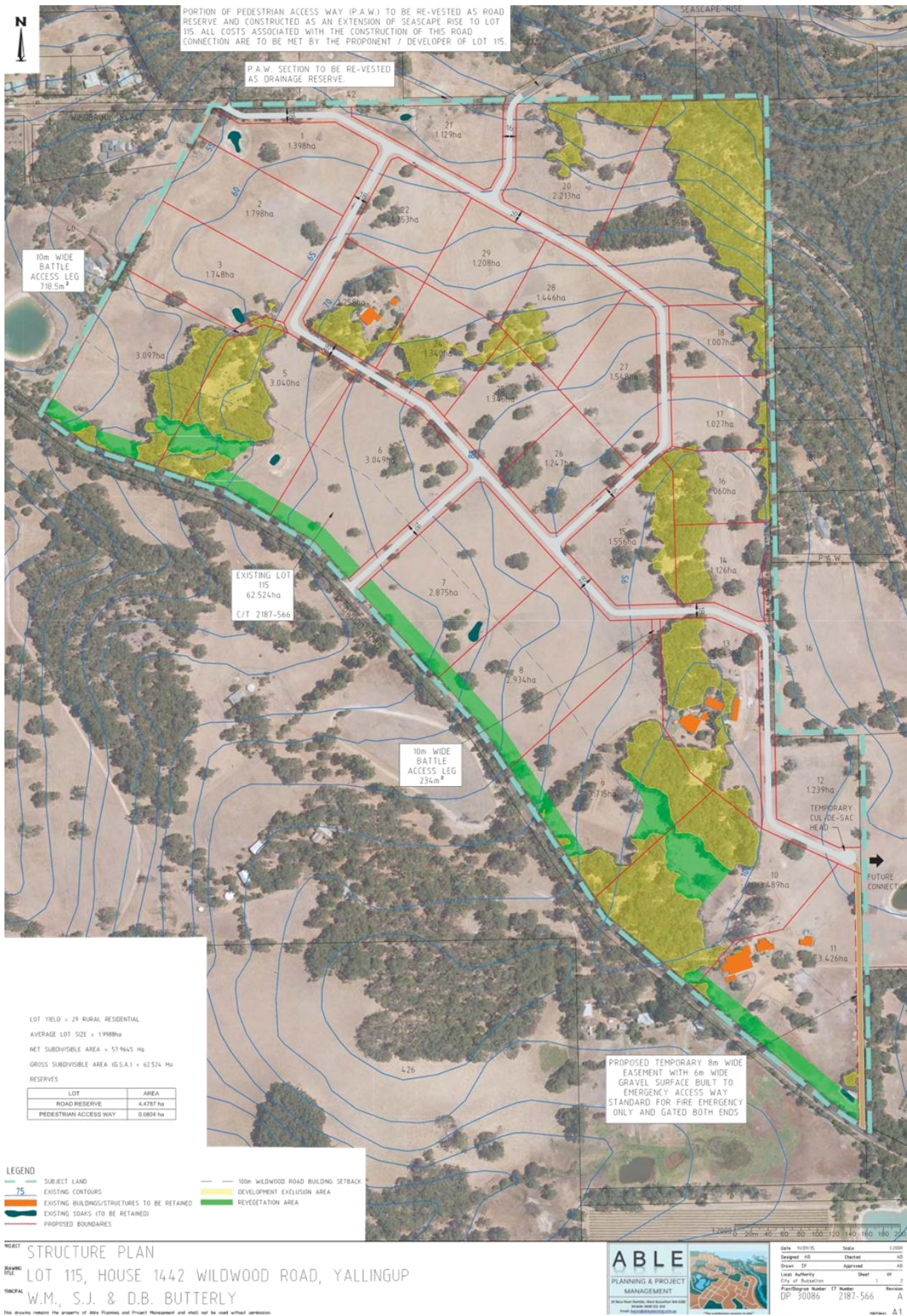
The implementation of the Officer Recommendation will involve referral of the draft Structure Plan documents to the Western Australian Planning Commission. This will occur within one month of the resolution.

**OFFICER RECOMMENDATION****1. That the Council:**

- 1.1. Pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the draft Structure Plan for Lot 115, Wildwood Road, Yallingup for Final Approval subject to the changes included in the Schedule of Modifications at Attachment E of this report.
  - 1.2. Pursuant to Schedule 2, regulation 19 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the Schedule of Submissions at Attachment D prepared in response to the public consultation undertaken in relation to this draft Structure Plan.
  - 1.3. Pursuant to Schedule 2, regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a report on the draft Structure Plan be provided to the Western Australian Planning Commission within the timeframe agreed with the Commission.
2. Pursuant to Schedule 2, regulations 22 and 23 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should the WAPC require modifications be made to the draft Structure Plan, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by officers to be likely to significantly affect the purpose and intent of the draft Structure Plan, in which case the matter shall be formally referred back to the Council for assessment and determination.

**ATTACHMENT A: LOCATION PLAN OF LOT 115 WILDWOOD ROAD, YALLINGUP**





**STRUCTURE PLAN  
LOT 115 ON DEPOSITED PLAN 30086, HOUSE 1442 WILDWOOD ROAD,  
YALLINGUP (CERTIFICATE OF TITLE 2187-566)**

**STRUCTURE PLAN CONDITIONS**

1. Subdivision and development shall be generally in accordance with this structure plan.
2. There shall be no further subdivision of lots identified on this structure plan.
3. As a condition of subdivision, and prior to the commencement of subdivisional works, a stormwater management plan is to be prepared and approved by the City of Busselton, in consultation with the Department of Water.
4. As a condition of subdivision, a western grey kangaroo management plan shall be prepared and implemented to the satisfaction of Department of Parks and Wildlife, prior to the clearance of the first stage of subdivision.
5. As a condition of subdivision, and pursuant to section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009*, a covenant preventing vehicular access onto and from Wildwood Road is to burden proposed lots 4 – 10 (inclusive) on the deposited plan.
6. Any residential development on proposed lot 11 must be accessed via the internal road system, and must in no way utilise the driveway and crossover onto Wildwood Road.
7. The existing rural-tourism enterprise *The Shearing Shed* will occupy proposed lot 11 post subdivision and will be permitted to retain access to Wildwood Road via the existing gravel formed crossover. Should this business close or relocate for a period of greater than 12 months in the future, the crossover shall be removed and reinstated, the Revegetation Area planted out and boundary fenced off by the registered proprietor(s) of the land at his/ her/ their full cost.
8. Planning approval will be required for any change of land use on lot 11 until such time as the Wildwood Road Revegetation Area has been completed in accordance with the approved revegetation plan.
8. No clearing of remnant local endemic vegetation may take place in the Development Exclusion Area without planning approval.
9. As a condition of subdivision, a revegetation plan is to be approved by the City of Busselton and implemented for the Revegetation Area and Development Exclusion Area.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

Recurring acronyms used in the comments:

- City of Busselton Local Planning Scheme 21, (2014): *LPS21*
- Commonage Policy Area Consolidated Structure Plan (2003): *CPACSP*
- South West Regional Planning and Infrastructure Framework (2015): *SWRPIF*

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
1	State Heritage Office	No Objection	Noted	Noted
2	Main Roads (WA)	No Objection	Noted	Noted
3	ATCO Gas	No Objection	Noted	Noted
4	Telstra	No Objection	Noted	Noted
5	Department of Aboriginal Affairs	No Objection	Noted	Noted
6	Water Corporation	No Objection	Noted	Noted
7	Department of Environment Regulation	No Objection	Noted	Noted
8	Western Power	No Objection	Noted	Noted
9	Department of Water	No Objection but notes the following risks; 1. Management of stormwater from the road network servicing the lots 2. Potential for contamination of groundwater from the disposal of domestic wastewater 3. Sufficient water for construction, potable water and lawn/garden irrigation	1. Addressed by the Structure Plan condition requiring a stormwater management plan. 2. a. The Department's preference is for ATU's in lieu of conventional septic tank and leach drain systems for their nutrient stripping capacity; and the City of Busselton to give regard to the resources required to regulate the ATUs on the subject land b. On-site wastewater disposal systems should be in accordance to the City's standards such as maintaining the required	Concerns are noted and are to be addressed during the subdivision application stage.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
			vertical separation of the facilities to the water table; and horizontal separation to any natural or manmade waterbody 3. Prior to subdivision, the developer is to ensure appropriate provision of sufficient water to meet the needs of the development and proposed land use, including water for construction, domestic water supply, potable water and fit-for-purpose water supply that includes water for irrigation of gardens/lawns. This is to be addressed at the subdivision approval stage.	
10	Environmental Protection Authority	No Objection	Noted	Noted
11	Department of the Environment	No Objection	Noted	Noted
12	Department of Health	No Objection A Geotechnical Report is required at the subdivision design stage to demonstrate site suitability	Noted	Noted
13	Department of Agriculture and Food Bunbury	No Objection 1. DAF draws attention to the ' <i>Guidelines for Separation of Agricultural and Residential Land Uses</i> ', which require a 300 metre buffer between agriculture and sensitive land uses unless a vegetated buffer is established prior to the sensitive use being established.	1. This requirement influences the timing of the development and will be addressed at subdivision design stage.	Noted
14	Department of Parks and Wildlife	No Objection 1. Include a Structure Plan condition requiring a Wildlife Protection Management Plan to be prepared, approved and implemented to the satisfaction of Parks and Wildlife to protect	1. This assumes that the Wildlife Protection Management Plan will incorporate the identified Western Grey Kangaroo Management Plan as well as other aspects	Noted.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		and manage threatened fauna when clearing of native vegetation is unavoidable.	of wildlife protection. This matters will be addressed during the subdivision approval process.	
15	N. Smith and J. White Yallingup	<p>Objection</p> <ol style="list-style-type: none"> <li>1. Specific tree retention rather than a broad brush approach, especially species on Lots 19 &amp; 20 for their visual amenity value</li> <li>2. Seascape Rise to be retained as a PAW and extended, not turned into a road, which encourages noise and through traffic</li> <li>3. Creation of the road will disrupt western grey kangaroo movements. Seascape Rise should be kept as PAW and emergency bushfire route only</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed Structure Plan provides protection for trees that are native to the area by placing them in a Development Exclusion Area (DEA). This broad protection approach will contribute the most to regeneration by recognising that stands of trees are more likely to provide the best conditions. This approach does exclude individual trees, which are protected under the current planning framework. Any decision relating to the clearing of trees will need to be assessed against the Wildlife Protection Plan, the 'Landscape Value Area' provisions, Local Planning Scheme 21 (LPS21) and the subdivision design. The trees left out of the DEA include a stand of Tasmanian Bluegums which do not represent the remnant native bush land. The stand of mature Bluegums on Lot 19 was planted to address a specific erosion issue related to on site agricultural practices.</li> <li>2. The proposed road link with Seascape Rise is to provide an extra direction for evacuation that does not currently exist and is an important access point to the existing local road network. Seascape Rise does not currently conform to SPP3.7, which guides development within Bushfire Prone Areas by being a cul-de-sac longer than 600m and</li> </ol>	That the matters raised in this submission are noted.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
			servicing more than 8 lots. The proposed upgrading of the PAW to a gazetted road reserve reduces the risk of safely evacuating the area and offers through access to roads that are currently culs-de-sac.  3. The movement of Western Grey Kangaroos and other native species are to be addressed in the <i>Wildlife Protection Management Plan</i> required prior to subdivision.	
16	D. and B. Jasper Yallingup	Objection  1. Seascape Rise will create a negative impact on our property and was not identified as suitable for development at time of purchase of our property on DP75059.  2. Lot densities as proposed do not provide a net community benefit. SPP6.1 purports to protect rural character and CPACSP supports less density  3. The 'improved road connectivity' mentioned in the report only results from the increased density in lots. The proposed access points without this road connection are appropriate. This is not a community benefit as existing residents will be negatively impacted  4. This lot is supposed to transition to the broader 'Viticulture and Tourism Zone' lots further to the south of the property. The high density does not support this transitional role of the land  5. Should the development proceed,	1. The land is within the 'Rural Residential' Zone as determined by the LPS21 and its suitability for land development was assessed at the time of rezoning. There are development opportunities remaining in this area on properties which are not yet addressed by an endorsed Structure Plan. Any approved subdivision design must be sympathetic to the 'rural feel' of the area.  2. CPACSP conditions, the LPS21 and SWRPIF support consolidation of lot densities to the proposed levels provided a distinct community benefit is provided. The lot densities reflect State Policy which allows consideration of more intensive use of the existing Rural Residential Zoned land in order to restrict widespread low density residential sprawl. The area is not a pristine rural area yet it retains significant Landscape Value. The sizes of the lots (min 1ha) are considered to retain the 'rural feel' of the	That the submission is noted but not, in the main, supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>a. "access from the proposed development to the north to Seascope Rise is restricted to emergency access only, and development of this access as a public road should be rejected; and</p> <p>b. proposed lot sizes should comply with the CPACSP, averaging 3 ha and with a minimum of 2 ha."</p>	<p>area in line with the residential densities of adjacent developments. There are existing setback distances required for all houses from neighbouring properties, roads and vegetation in the Development Exclusion Area.</p> <p>3. Improved road connectivity and emergency bushfire access are provided (as a community benefit) to address the risks within a declared 'Bushfire Prone Area'.</p> <p>4. The lots adjacent to the 'Viticulture and Tourism Zone' (VTZ) and which are visible from Wildwood Road are around 3ha, which are large lots compared to others fronting Wildwood Road which also border the VTZ. These larger lot sizes can accommodate the 100m building setback required by the CPACSP.</p> <p>5. See comment 2. Road design and construction considerations and assessment will be made at the subdivision stage</p>	
17.	N. Wake Sorrento	<p>Objection</p> <p><i>Original submission received: 11 July 2016</i></p> <p>1. Environmental outcomes and housing choice cannot be improved by this proposal. The farm being used by wildlife and other animals cannot be improved by the development of the land in residential lots.</p> <p>2. The Environmental and Land Capability assessment should show the reasons as to why this is an environmental benefit, rather than provide reasons to support the</p>	<p>1. In the course of normal farming operation, the owner is entitled to conduct agricultural activities in line with the Environmental Protection Act s74B(2) c &amp; d. This can inadvertently result in environmental degradation in the course of normal, permitted agricultural activities. The proposed protections will restrict grazing under mature trees and clearing without</p>	That the submission is noted but for the most part not supported, as explained.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>development</p> <p>3. There is plenty of land available for development at present, without requiring land with some 'landscape value' to be developed</p> <p>4. CPACSP requires minimum and average lot sizes. These sizes are to retain the rural character, which seems to compromise the proposed lot sizes, which are about half the recommended size.</p> <p>5. The SWRPIF only supports smaller lots if there are proven community and environmental benefits, of which there are none.</p> <p>6. There is no need to have through roads in this area. There is no reason for the Seascape Rise cul-de-sac to become a sealed road</p> <p>7. The Community plan objectives do not support this proposal</p> <p>8. Building envelopes are not considered 'restrictive' but present a well-planned approach to land development.</p> <p>9. The CPACSP sets guidelines for lot sizes that are too small, much less supports a proposal considering lot sizes which are 45% smaller.</p> <p>10. I see no community benefits resulting from this development</p> <p>11. The development plans include no building guidelines to ensure that properties or their use, would be sympathetic to the surrounding area</p> <p>12. Adequate bushfire safety already exists for existing landowners</p>	<p>permits resulting in more regrowth and better species protection.</p> <p>2. The Land Capability Assessment (LCA) has been considered by City Officers as a suitable assessment of the land. The LCA shows that there are no major impediments to the proposal and the land can accommodate the development without significant degradation resulting from its construction.</p> <p>3, 4, 6, 9, 10 &amp; 15 are discussed in Submission 16 5, 12 &amp; 14 are discussed in Submission 15</p> <p>7. The Community plan objectives identify the importance of well-planned places and objective 4 discusses improving transport links and connectivity within the district. The consistency of the proposed lot sizes with surrounding development areas exhibits this consistency.</p> <p>8. Building envelopes are useful tools when there are specific assets to protect. On site vegetation values and amenity is protected by the existing planning provisions which require all building and ancillary development to be within a regular 2000m2 shape. To introduce more restrictions without identifying a clear intention imposes an unnecessary layer of control.</p> <p>11. The existing planning framework provides sufficient building controls to guide sympathetic development. This will be addressed further at the subdivision design stage. The land is to be used only for rural</p>	

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>13. The land is within the "Landscape Value Area" and I do not believe that the draft Structure Plan provides any arguments that justify changing the landscape.</p> <p><i>Additional comments from a further submission received on 21 July 2016</i></p> <p>14. The construction of Seascape Rise does not represent a community benefit for the community that is present</p> <p>15. The proposed lot size/density does not conform with the SPP6.1 and CPACSP guidance</p> <p>16. Lots facing the northern side should be larger to reduce visual impacts on current residents. Lots 22-29 should be redesigned into three lots of 3ha min each (conforming with the guidance documents)</p>	<p>residential development in accordance with the zone provisions.</p> <p>13. The Landscape Value Area provisions will guide assessment of the subdivision design.</p> <p><i>Additional Comments:</i></p> <p>14. Please refer to Submission 15. Also, traffic calming measures can be designed into the roads to preserve the rural feel of the area.</p> <p>16. This issue is also addressed in Submission 16. The lot design is a continuation of the development pattern adjacent to the subject land. Land to the north overlooking this property along Robert Donald Heights and Dress Circle are in the Rural Residential Zone with lots ranging between 1 and 1.4ha. The proposed Structure Plan includes 3ha lots which act as a buffer between the development and Wildwood Road.</p>	
18	T. & G. Wakeham Yallingup	<p>Objection</p> <p>1. The developed blocks will look directly into our land. We request lots 17 &amp; 18 are enlarged to 2ha each (minimum) with a 25m building area setback or building envelope 35m from the boundary</p> <p>2. Lot density will affect the rural amenity values of this area.</p>	<p>1. The draft Structure Plan shows proposed lot sizes that are consistent with the existing Lots 17 and 18 at around 1ha. Building setbacks are currently 15m from the boundary, 20m from any road and 25m from any vegetation in the 'Development Exclusion Area'.</p> <p>Establishing a building setback of 25m from the eastern boundary will leave sufficient space to contain building activity in line with existing guidelines and retain a feeling of space in the subdivision.</p>	<p>1. That a minimum 25m building setback from the eastern boundary is required on lots 17 &amp; 18. This setback provision is to be considered in conjunction with other setback provisions.</p> <p>2. Other comments are noted</p>

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
			<p>The proposed setback aspect has merit in that it retains the space between houses where there is little vegetation.</p> <p>2. This issue is addressed in Submission 16. Three of the four lots immediately adjacent on the eastern boundary are 1ha and the other is 1.6ha.</p>	
19	N. & R. Tandy Yallingup	<p>Objection</p> <p>The creation of a road linking Seascape Rise will draw people away from Wildwood Road through these residential areas. This will increase the likelihood of accidents, increase noise pollution and encourage unsafe driving from those wishing to use a shortcut.</p>	This issue is addressed in Submission 15.	That the submission is noted but not supported.
20	L. & L. McGown Dunsborough	<p>Objection</p> <ol style="list-style-type: none"> <li>1. The cul-de-sac of Seascape Rise was a reason to buy and retire in this area. Creating a road along this route would result in headlights shining on our house at night, an unnecessary access way given the other roads linking this subdivision</li> <li>2. There are already many small rural lots available in the local area, this development is unnecessary</li> <li>3. Lot sizes do not match the CPACSP area guidelines and therefore do not provide a "community benefit"</li> </ol>	<ol style="list-style-type: none"> <li>1. The control of the noise and effects of traffic movements are a result of road design which will not be known until further in the planning process. The design must be able to account for the local topography and context of the site within its surroundings. Traffic control measures and design can respond to the quiet, rural feel of the area.</li> </ol> <p>2&amp;3 are addressed in Submission 16.</p>	That the submission is noted but not generally supported.
21	A. Macliver North Fremantle	<p>Objection</p> <ol style="list-style-type: none"> <li>1. The proposed density of lots on site do not conform with the CPACSP</li> <li>2. This density does not represent a community benefit</li> </ol>	<p>1&amp;4 are discussed in Submission 16.</p> <ol style="list-style-type: none"> <li>2. The identified community benefits include provision of an alternative evacuation route in case of emergency, greater</li> </ol>	That the submission is noted but not generally supported, as explained.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>3. The lack of Building Envelopes represents an unplanned approach to subdivision design and doesn't minimise the impacts on surrounding areas or land owners. This risks a disaster in design and placement of houses.</p> <p>4. More and denser lots created on this land will create a glut that is not being cleared at the moment</p> <p>5. No building guidelines requiring sympathetic designs to the surrounding areas, Not enough restrictions on the types of use of the land</p> <p>6. New buildings would be completely visible to the surrounding land and have no provisions for privacy</p> <p>7. Current landowners have sufficient bushfire provisions in place and more roads or extensions cannot justify this subdivision</p>	<p>environmental controls and increased community connectivity through the road network.</p> <p>3. This issue is addressed in Submission 17.</p> <p>4. This issue is addressed in Submission 16.</p> <p>5. The existing planning framework provides sufficient building controls to guide sympathetic development. This will be addressed further at the subdivision design stage. The land is to be used only for residential purposes in accordance with the zone provisions.</p> <p>6. The final design of the subdivision will be determined further in the planning process.</p> <p>7. This issue is addressed in Submission 15.</p>	
22	S. & S. Papadopoulos Yallingup	<p>Objection</p> <p>Our property abuts proposed lots 2, 3 and 4 which are directly adjacent to the outdoor area of the house. Setbacks are 15m from any side and rear boundaries. Accounting for the building restrictions already, there is a risk that any new building could be a minimum of 15m from our boundary, compromising the rural amenity values. We seek a 'building exclusion area' on proposed Lot 4, consisting of 25m from vegetation plus another 30m from this side of the lot. This will leave an available building area of approximately 1800m<sup>2</sup></p>	<p>The provisions of LPS21 (cl5.32.2) requires all dwellings and incidental development to be contained within a regular square or rectangular area no greater than 2000m<sup>2</sup>. The application of a 55m setback from the western boundary pushes the permitted building area against other setbacks and compromises this clause.</p> <p>Due to existing building restrictions on proposed lot 4, a minimum 40m setback from the western boundary is recommended. This would allow a regular shape to be used and the permitted 2000m<sup>2</sup> building area to be observed.</p>	<p>This submission is supported in part. Officers recommend requirement for a minimum 40m setback from the western boundary on Lot 4. This setback provision is to be considered in conjunction with other setback provisions on the property.</p>

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
23	R. & J. Cornes Yallingup	Objection 1. The loss of Seascape Rise as a cul-de-sac would decrease the amenity of the area while offering no gain.	1. This issue is addressed in Submission 15.	That the submission is noted but not supported.
24	H. Karelis Gemelli Nominees Yallingup	Objection 1. The lot densities deviate from the those identified in the CPACSP 2. Increased density will result in a significant loss in amenity and increase in traffic 3. The number of lots will result in a loss of privacy 4. Mature trees will need to be cut down in order to build the proposed connection with Wildbrook Place. A connection along the western boundary rather than the northern boundary could address this change. 5. The existing boundary fencing is to be retained or replaced with a similar fence demarking the property boundaries 6. Groundwater must be protected from contamination in line with the existing hydrological conditions on the property 7. Revegetation should be undertaken along the northern boundary to account for loss of privacy 8. The existing privately maintained PAW should be entirely on the developers land and removed from the need to have it privately maintained on my property, which is subject to misuse by unwanted traffic.	1. This issue is addressed in Submission 16. 2. This issue is addressed in Submission 21. 3. Privacy concerns can effectively be managed through subdivision design, determined at a later stage. 4. This issue is addressed in Submission 15. 5. This will be addressed at the subdivision design stage 6. Agreed. A Geotech Report will be required as part of the subdivision design stage. 7. This is to be addressed at the subdivision design stage 8. Should adequate provision be made for safe evacuation in times of emergency and that adequately addresses the bush fire risk in this area to the satisfaction of the City, then investigation into removing the privately maintained PAW on private land is recommended to take place.	1-7. Points are noted. 8. That at time of subdivision the removal of existing privately maintained PAW adjacent to the subject land is investigated by the City. This will allow the opportunity to assess suitable evacuation options being provided as determined by the City of Busselton and the Department of Fire and Emergency Services.
25	B. Lang Yallingup	Objection Any development on the property is to have	1. Fencing is required at times to demarcate	That the submission is noted but not

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>caveats to protect wildlife that currently use this area. These include;</p> <ol style="list-style-type: none"> <li>1. No fencing around the property boundaries, except building envelopes. Fencing around property boundaries only causes wild life to become fragmented &amp; corralled into smaller pockets.</li> <li>2. Only local indigenous flora found locally &amp; purchased at the Geographe Community Landcare Nursery being planted outside the building envelope to retain provenance genetics &amp; benefit local fauna.</li> <li>3. No fencing around the dam on Lot 21 preventing access to water by all native fauna. No rabbit wire &amp; smaller diameter wire which prevents access to water by wood ducks with their chicks in spring.</li> <li>4. All Owners must revegetate up to 25% of their property with a mix of native plant species outside the building envelope. This includes upper story, mid story &amp; flowering native ground covers.</li> <li>5. Wild life corridors linking properties to existing native vegetation for the movement of the endangered ringtail possum &amp; other tree living fauna.</li> </ol>	<p>private boundaries but this is a subdivision design matter to be addressed later in the planning process.</p> <ol style="list-style-type: none"> <li>2. Native trees on private land are strongly encouraged.</li> <li>3. Dams are required to have permits in Rural Residential areas as they are not a natural part of the landscape. This is a subdivision design matter to be addressed later in the planning process.</li> <li>4. This is a subdivision design matter to be addressed later in the planning process.</li> <li>5. Native wildlife is to be protected and accommodated within revegetation linkages, regrowth areas and habitat corridors as identified in the CPACSP. A flora and fauna assessment submitted with this application has not identified this requirement. This issue may be revisited in the subdivision design process.</li> </ol>	supported.
26	C. & J. Davies Yallingup	<p>Objection</p> <ol style="list-style-type: none"> <li>1. Safety: The open nature of the strata area along Wildbrook Place and its classification as short stay accommodation, the safety of the tourists and their young families will be at greater risk by the increased traffic flow that</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed route shown in the advertised Structure Plan is to be modified to an Emergency Access Way, in accordance with the SPP3.7 provisions.</li> <li>2. This is a design concern to be addressed at</li> </ol>	<p>1 -3, 5-7: The submission is noted</p> <p>4. That an Emergency Access Way that is compliant with the provisions of SPP3.7 and</p>

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>the proposed network will encourage and support.</p> <p>2. Noise Impact: There will be a significant increase in traffic noise as a greater number of vehicles will use the road as a short cut to Caves Road and Gunyulgup Road.</p> <p>3. Aesthetics of the strata will be diminished: There is no doubt that with the increase in vehicle use for the purpose of short cutting the journeys to Caves and Gunyulgup Roads, the relaxed and safe environment which we have enjoyed and in which we invested will be lost.</p> <p>4. There is no need to connect Seascope Rise with the proposed internal network and Wildbrook Place. We strongly recommend that all access to this proposed subdivision should be via Wildwood Road, as we consider that it does not impact negatively on any of the current residents in the area.</p> <p>5. It is particularly disappointing that in this road network proposal so many adjacent property owners will be negatively impacted by one owner choosing to subdivide his property.</p> <p>6. We seek your immediate advice as to why we were not consulted and we request that this email be tabled immediately in any meetings regarding this proposal.</p>	<p>the subdivision design stage.</p> <p>3. This issue is addressed in Comment 1, above</p> <p>4. A well connected road network provides a choice of evacuation options in an emergency which could be critical. In places where fully engineered public roads may not be practical, constructing Emergency Access Ways (EAW) can provide compliant access in Bushfire Prone Areas.</p> <p>Wildbrook Place is predominantly compliant with the provisions of the SPP3.7 <i>Planning in Bushfire Prone Areas</i>. It is a 400m cul-de-sac with an existing Pedestrian Access Way (PAW). Although the road services more than eight lots (it has 12 in total), by upgrading the eastern Pedestrian Access Way (PAW) with a compliant EAW will satisfy the requirements of emergency access and safety.</p> <p>It is the opinion of officers that the most likely traffic movements will predominantly be from the north travelling south, as this will provide more direct access to Wildwood Road and Caves Road, etc.</p> <p>5. This issue is addressed in Submission 15.</p> <p>6. This issue is addressed in Submission 16.</p> <p>7. Following a review of the original advertising process, the City extended the advertising period and notified additional residents that could be materially affected by the proposal.</p>	<p>contained within the subject land is to be constructed.</p> <p>That in accordance with Submission 24. (H. Karelis) and its corresponding action that if practical, the PAW is removed from Lot 42 Wildbrook Place and contained within the subject land.</p>
27	A. & D. Rowe Yallingup	<p>Objection</p> <p>As per the concerns of C&amp;J Davies.</p>	Noted as above	

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p><i>Additional comments from a further submission received on 22 August 2016</i></p> <ol style="list-style-type: none"> <li>We cannot see why there cannot be access on the west side of proposed lot 11 and perhaps between 4 and 5.</li> <li>Structure Plan Conditions: <ol style="list-style-type: none"> <li>Point 5, Vehicular access to Wildwood road burdening lots 4-11. What about the already existing residence on Wildbrook Place?</li> <li>Point 6 We can understand not using the driveway into the Shearing Shed but why not have another access</li> </ol> </li> <li>Structure Plan Concerns: <ol style="list-style-type: none"> <li>South West Regional Planning and Infrastructure Framework (2015) - page 3 What are the proven and environmental benefits?</li> <li>Financial Implications - page 3 There may be no financial implications for the Council arising from the recommendations. However, there are certainly financial implications for the residence of Wildbrook Place.</li> <li>Risk Assessment - page 4 What are the downside risks and upside risks, that have led to the conclusion of no significant risks identified? Has increased traffic on Wildbrook Place been identified as a risk?</li> <li>Consultation - page 4 If the area is identified as significant landscape value,</li> </ol> </li> </ol>	<p><i>Additional comments on 22 August Submission:</i></p> <ol style="list-style-type: none"> <li>It is unclear what benefits such as access points would provide. The proposed Structure Plan seeks to maintain the rural nature of Wildwood Road which is as it is identified by SPP6.1 as a 'Travel Route Corridor with Rural Landscape Significance'. The rural nature of the road is acknowledged by restricting the number of access points from adjacent lots, which also accords with the requirement for building setbacks from Wildwood Road.</li> <li> <ol style="list-style-type: none"> <li>Lots 4-10 are adjacent to Wildwood Road and removed from Wildbrook Place. Council is not proposing putting conditions on existing development but guiding new development to be sympathetic to existing conditions while providing overall benefit to the wider community.</li> <li>Should the existing <i>the Shearing Shed</i> be proposed for a change of use, a planning approval will first be required. At this time, access will be reconsidered in line with the amenity values of Wildwood Road.</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>There are currently few specifically targeted environmental controls as the site is a working farm. This subdivision will require revegetation along degraded areas, restrictions on building close to native bushland and other</li> </ol> </li> </ol>	That the submission is noted but not generally supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>why is there a proposal to divide it into 29 lots.</p> <p>e. Lot Design - page 4 How does connecting Wildbrook Place provide for greater safety and emergency access in an event of a bushfire. There is already emergency access ways to the east of Wildbrook Place. If this area is already bushfire prone land (page 1), why are they adding in 29 lots.</p>	<p>environmental benefits on the land. At present, these controls are not required.</p> <p>b. The City assesses the financial implications on behalf of the ratepayers. Financial implications to private properties are considered but not quantified as these are private expenses and subject to more variables than those in the City's control.</p> <p>c &amp; e are addressed in Submission 26.</p> <p>d. This issue is addressed in Submission 16.</p>	
28	S. & A. Judge Yallingup	<p>Objection</p> <ol style="list-style-type: none"> <li>1. The 29 additional "RURAL RESIDENTIAL" blocks will negatively impact rural character. SPP6.1 (Natural Landscape Significance) protects values such as lot sizes, road layout, vegetation.</li> <li>2. A minimum of 2-3 ha is the average size of lots (Commonage Structure Plan) It is proposed that we will have 2 additional buildings on our boundary within 73.06 m Lot 1 and Lot 2!! We fail to see how this plans objectivity to "shared, vibrant, diverse activity will strengthen social connections".</li> <li>3. No evidence of Environmental benefit, or improvement, no studies or information to support the increased number of vehicles (2 vehicles per 29 Lots on average). Connecting Wildbrook Place and Seascope Rise will negatively impact the area. The already gazetted emergency access facilitates a bushfire exit.</li> </ol>	<p>1&amp;2 Are addressed in Submission 16.</p> <p>3. This issue is addressed in Submission 26.</p>	That the submission is noted but not generally supported.

Schedule of Submissions

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
29	Z. Sheary Yallingup	<p>Objection</p> <ol style="list-style-type: none"> <li>1. Our knowledge or consent was not requested.</li> <li>2. Massive impact on the safety of our guests and families and our abilities to rent these short term holiday properties.</li> <li>3. The noise will be greatly increased and the aesthetics of our strata will be reduced.</li> <li>4. This will negatively impact the values of all properties on Wildbrook Place.</li> </ol> <p><i>Additional Submission received</i></p> <ol style="list-style-type: none"> <li>5. Opening Wildwood Place as a through road will negatively impact the people who use the property and a safety risk to families who allow their children to play on the property.</li> <li>6. The noise will increase and the aesthetics will be reduced</li> <li>7. Negatively impact the values of all properties on Wildbrook Place.</li> <li>8. Wildbrook Place was designed to provide access for small number of dwellings and it was not designed to safely accommodate increased traffic flow created by connecting the road to the new subdivision.</li> <li>9. The new subdivision has higher density lot areas (outside of CPACSP – minimum of 2 ha) on the basis it will improve road connectivity, which is argued, will provide greater safety and emergency access in the event of a bushfire, which is also argued:</li> <li>10. This is at the expense of increase road safety</li> </ol>	<ol style="list-style-type: none"> <li>1&amp;2 are addressed in Submission 26.</li> <li>3. This issue is addressed in Submission 20.</li> <li>4. The planning system does not account for property values, in part because there are too many variables outside its control. There is little evidence to suggest a decrease in value resulting from a proposed Emergency Access Way with gated entrance (s).</li> </ol> <p><i>Comment to the additional submission</i></p> <ol style="list-style-type: none"> <li>5, 8, 10 &amp; 13 are addressed in Submission 26.</li> <li>6. This issue is addressed in Submission 20.</li> <li>7. This issue is addressed in Comment 4 (above) of this submission.</li> <li>9. This issue is addressed in Submission 16.</li> <li>11. The LPS21 provisions for the Rural Residential Zone require development to maintain the rural character of the locality, a high level of residential amenity and minimise disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads. Any clearing of native plants will be determined at the subdivision design stage and may require planting to replace lost vegetation.</li> <li>12. This issue is addressed in Submission 20.</li> </ol>	That the submissions are noted but (as explained) not generally supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>risk to residents in Wildbrook Place who's dwellings are not fenced and in close proximity to the road</p> <p>11. You will be destroying remnant bush land to connect the subdivision to Wildbrook Place</p> <p>12. Increased traffic will have a negative impact on our rental earning capacity of our property</p> <p>13. The connection for bushfire access is not required as an emergency access road exists for local residents and new lots in the sub division.</p>		
30	G. & A. Pinakis and M Hendriks Yallingup	<p>Objection</p> <p>1. No notification of the proposed sub-division as we are not permanent residents, we don't have access to local paper advertising.</p> <p>2. Concern about proposed vehicular access to Wildbrook Place and the high density of the new sub-division. The proposed roads will impact on a safe, relaxed and friendly atmosphere in a country environment.</p> <p>3. Wildbrook Place will become the preferred route for many of the residents of the new development.</p> <p>4. Wildbrook Place connection is unnecessary as the proposal complies with Bushfire Planning by providing access and egress to two different destinations provided by Wildwood Road and Seascape Rise</p> <p>5. Should further access for fire emergency be required, we would request a gated 'Emergency Access Way' to Wildbrook Place</p>	<p>1 – 4 are addressed in Submission 26.</p> <p>5. This is the proposed recommendation to Council.</p>	That the submission is noted.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		be incorporated as the Developer has east of Lot 11.		
31	K. Merifield Yallingup	<p>Objection</p> <ol style="list-style-type: none"> <li>1. The proposed road connection to Wildbrook Place to the north-west of the subject land was only designed to access the 8 strata title lots. The houses were developed for quiet amenity in a Landscape Value Area. The through traffic using this connection would take that away.</li> <li>2. It is flawed to reduce traffic on Wildwood road by creating this connection as traffic from the new subdivision would access Wildwood Road from this connection in any case.</li> <li>3. If it is needed for emergency services, then a gated entrance would be more logical.</li> </ol>	<p>1&amp;2 are addressed in Submission 26.</p> <p>3. This issue is addressed in Submission 30.</p>	The submission is noted.
32	I. Harrison Yallingup	<p>Objection</p> <p>Not to the subdivision but to the proposed road extension to Seascape Rise. The additional traffic will spoil the current tranquillity.</p>	This issue is addressed in Submission 26.	The submission is noted but not supported.
33	Abminga Nominees P/L (Calgary Trust) Floreat	<p>Objection</p> <p>Central is the connection to Wildbrook Place</p> <ol style="list-style-type: none"> <li>1. Access is already adequate</li> <li>2. It will require removal of native vegetation</li> <li>3. Opening it up will result in large traffic numbers</li> <li>4. Opening the road will destroy the quiet, isolated rural feel</li> <li>5. Lot densities are higher than that allowed by</li> </ol>	<p>1, 3, 4, 5 and 7 are discussed in Submission 26.</p> <p>2. This issue is addressed in Submission 29.</p> <p>6. This issue is addressed in Submission 16.</p>	That the submission is noted but not supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		the CPACSP 6. Current properties are not fenced and close to the road which has considerable risk.		
34	H. Ramshaw Kensington, 6151	Objection Increased traffic to Wildbrook place will have the following negative impacts; 1. Road safety will be diminished as the road was never intended to be a through road 2. There is sufficient bushfire safety measures along this road 3. Native vegetation will be required to be removed to make this unnecessary connection 4. Rural ambience will be greatly diminished which is what we bought the property for in the first place	1&2 are addressed in Submission 26. 3. This issue is addressed in Submission 29. 4. This issue is addressed in Submission 16.	That the submission is noted but not generally supported.
35	M. Hendriks Floreat	Objection 1. Negative impact on rural character of the area 2. Wildbrook Place owners purchased on understanding that this would always be a cul-de-sac 3. Increased traffic would result in decreased safety and need for road upgrade 4. Bushfire access is important but emergency accessway already exists, so is not required 5. Report does not compellingly discuss the reason for putting new housing in the area 6. Community benefits are neither explained or justified. Any 'benefits' are explained in terms of the application and don't seem to apply to residents outside the development area. For example, bushfire management	1, 5 & 10 are previously discussed Submission 16. 2-4 are addressed in Submission 26. 6. This is discussed in Submission 21. 7. In addition to the reasons given in submission 21, traffic engineering in the City typically averages car trips per household at 8 per day. This means that the traffic flow implications for 30 lots would mean 240 different vehicle trips, distributed among various directions, for example to the south or north. The local roads are designed to accommodate the existing levels of traffic and will readily meet the likely levels resulting from the proposed development. 8. The land is in the Rural Residential Zone, identifying it as appropriate land for	That the submission is noted but not generally supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		<p>does not address a new development in a bushfire prone area</p> <p>7. How is improved connectivity justified as a benefit for the existing population? What are the traffic flow implications? How would additional traffic be accommodated and how would residential amenity be maintained?</p> <p>8. The benefit of additional housing choice is unclear – there is no analysis of the impact on local facilities and services such as schools</p> <p>9. It is hard to argue that rural character will be protected considering the proposed lot sizes, road layout, vegetation retention and enhancement.</p> <p>10. The proposal seeks to exceed the concentration of lot sizes beyond the CPACSP's direction</p> <p>11. Circular logic is employed to justify greater lot intensification in order to provide more community benefits. Greater lot intensification challenges SPP 6.1 (Natural Landscape Significance)</p>	<p>allowable planned development. Investigation into existing facilities has shown that further connections are recommended for bushfire safety as per the Structure Plan.</p> <p>9. The rural character is already shaped by the existing developments. The proposed Structure Plan is consistent with the surrounding development patterns.</p> <p>11. Lot intensification is not intended to justify community benefits. These road connections are considered essential to the continued development of this area and were considered prior to this application.</p>	
36	R. Hendriks Victoria Park	<p>Objection</p> <p>1. Wildbrook Place connection is not designed to be a through road or connect traffic</p> <p>2. This will not improve the community, will reduce my enjoyment of this rural retreat and increase the fire risk from the greater number of people in the area</p> <p>3. There are enough emergency exits and no need to increase road connectivity from a bushfire point of view</p> <p>4. The new subdivision will increase traffic and</p>	<p>1, 3 &amp; 4 are discussed in Submission 26.</p> <p>2. This issue is addressed in Submission 16.</p>	That the submission is noted but not generally supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		introduce a road connection to Wildbrook place that is not required.		
37	W. Hendriks Carlisle	<p>Objection</p> <ol style="list-style-type: none"> <li>1. Wildbrook Place connection will reduce peaceful area ambience</li> <li>2. Wildbrook Place is not designed to be a through road</li> <li>3. There are sufficient emergency exits</li> <li>4. Any extension will require the removal of native vegetation which is unnecessary and undesirable.</li> </ol>	<ol style="list-style-type: none"> <li>1 – 3 are addressed in Submission 26.</li> <li>4. This issue is addressed in Submission 29.</li> </ol>	That the submission is noted but not generally supported.
38	Wood & Grieve Engineers (WGE) on behalf of: Able Planning and the Proposal Landowners	<p>Objection</p> <p>This objection is an Engineering Report focussing on the difficulties in constructing the road connection with Seascape Rise.</p> <p>The key points of concern are:</p> <ol style="list-style-type: none"> <li>1. Existing land owner loss of amenity.</li> <li>2. Increase safety risk to existing land owner/residents.</li> <li>3. Undesirable road geometric design (for both road design speeds of 40km/hr and 60km/hr)</li> <li>4. Introduced hazard to road users (which could be avoided if the conversion did not occur).</li> <li>5. Increase liability of the City/rate payers.</li> </ol>	<ol style="list-style-type: none"> <li>1. The amenity concerns of the community have to be weighed against the benefits of road connections among the entire community. This is an important link in terms of bushfire safety and overall road network connectivity. It is also unknown what the amenity impact of the proposed road connection is likely to be as many of the amenity values for the road can be addressed by design comments.</li> <li>2. If the increased risk refers to potential <i>“accident with existing residential building and vehicle”</i> then all roads are subject to this risk. Safety features of the proposed road are likely to address these concerns. It is the City’s contention that a greater risk exists by not having an additional evacuation option in times of emergency that can expand movement capacity within the existing road network.</li> <li>3. The design of the road will be determined at</li> </ol>	That the submission is noted but not supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
			<p>the subdivision stage. It is Officers' opinion that there is currently insufficient information to make this design determination at this time but that a road can be designed and constructed to the appropriate standard and controlled to the appropriate speed limit.</p> <p>4. The design must thoroughly consider the potential risks and conform to required engineering standards.</p> <p>5. Any perceived increased liability must be weighed against the perceived community benefit. Currently, areas which do not comply with bushfire standards or do not allow for safe evacuation could present a much greater risk.</p>	
39	A. Isbister Zamia Grove	<p>Objection</p> <ol style="list-style-type: none"> <li>1. To the east of the subdivision, the proposed temporary cul-de-sac will bring unnecessary traffic to the to this area and destroy the ambience</li> <li>2. Fire safety – why should this area be different to Smiths Beach or Bunker Bay? Surely it is prudent to reduce human impact on the area as the number of fires has been a result of increased population</li> <li>3. Ongoing development will ruin the peace and quiet reasons that people move to the area in the first place</li> <li>4. Ongoing development may present a bigger cost to the community in terms of crime, fire risk and other city problems.</li> </ol>	<ol style="list-style-type: none"> <li>1. The cul-de-sac provides a necessary connection opportunity for future roads should the land to the east be developed.</li> <li>2. Each area is assessed on a case by case basis. For justification to develop, This issue is addressed in Submission 16.</li> <li>3. This issue is addressed in Submission 16.</li> <li>4. The area is in the Rural Residential Zone and suitable for development. Many of these issues can be addressed by the subdivision design which is addressed at a later stage of the planning process.</li> </ol>	That the submission is noted but not generally supported.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
40	L. and R. Jury Wildbrook Place	<p>Objection</p> <ol style="list-style-type: none"> <li>Wildbrook Place is inadequately engineered for the likely increased traffic. Homeowners need further information in relation to: <ol style="list-style-type: none"> <li>Storm water drainage;</li> <li>Widening of the current carriageway;</li> <li>Bushfire risk;</li> <li>Fire breaks;</li> <li>Vegetation/landscape character;</li> <li>Environmental issues; and</li> <li>Wildlife issues (in particular the Western Grey Kangaroo).</li> </ol> </li> <li>The Wildbrook Place cottages are often let to families with young children who play in close proximity to the road carriageway.</li> <li>Cottages are close to the road posing a potential safety risk, risk of speeding, noise and headlight use from vehicles.</li> <li>The WAPC Planning Bulletin 83-2013 stated there should be no conflict between tourist accommodation and permanent residents. Creating a main entry/exit road through tourist accommodation is contradictory</li> <li>The proposed development would see a substantial increase in construction traffic adversely cottage rentals;</li> <li>Already Millbrook Road via Knukkgup Road to Seacreast Rise is used by tour buses, motorists, motorcyclists and cycling groups as a scenic drive. To open up Wildbrook Place would complete the "circuit" and further increase the traffic;</li> <li>The owners in Wildbrook Place purchased</li> </ol>	<ol style="list-style-type: none"> <li>1, 2 &amp; 4 are discussed in Submission 26.</li> <li>3. This issue is addressed in Submission 20.</li> <li>5. Traffic movement and design will be addressed at the subdivision design stage</li> <li>6&amp;7 are addressed in Submission 31.</li> </ol>	That the submission is noted.

**PROPOSAL: DRAFT Structure Plan – LOT 115 HSE NO 1442 Wildwood Road YALLINGUP WA 6282**

**SUBMISSIONS CLOSE: 20 Jul 2016**

**OFFICER: Nick Edwards**

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	STAFF RECOMMENDATION
		their properties on the understanding the ambiance, peace, and quiet enjoyment would not change. The proposed redevelopment would decrease property values, safety, privacy, security and enjoyment of life.		

**ATTACHMENT E:**

**SCHEDULE OF MODIFICATIONS TO THE STRUCTURE PLAN FOR LOT 115, WILDWOOD ROAD, YALLINGUP - DP16/0003**

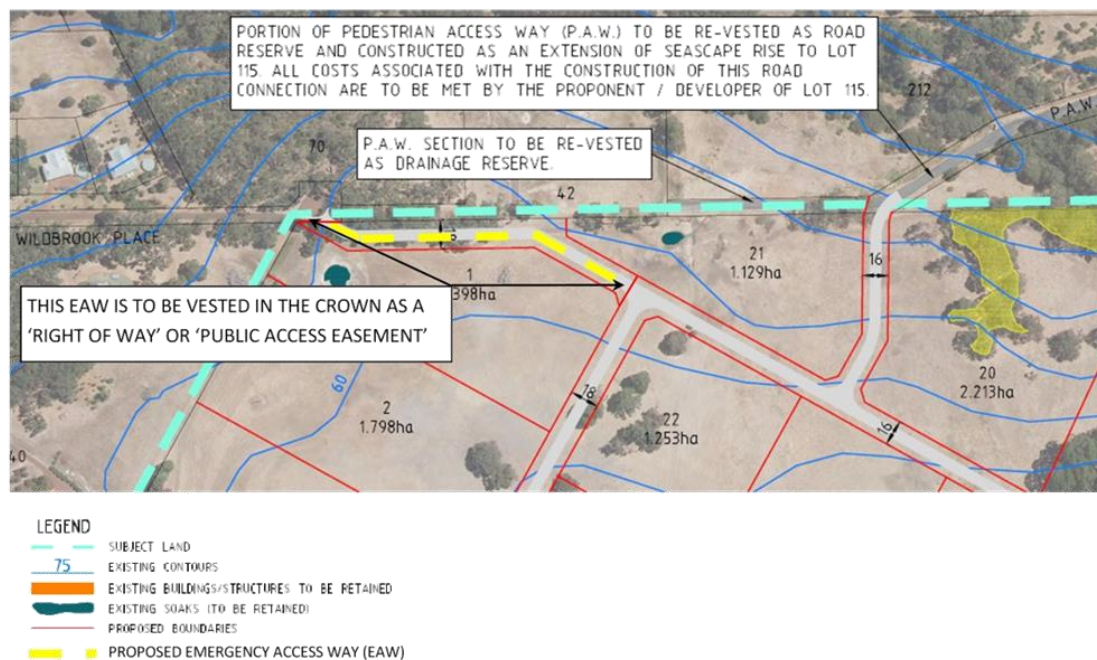
NO.	MODIFICATION	REASON
1	<p>The Structure Plan is to identify the following setback distances:</p> <ul style="list-style-type: none"> <li>i. Lot 4: No dwelling or ancillary development is permitted within 40m of the western boundary;</li> <li>ii. Lot 17: No dwelling or ancillary development is permitted within 25m of the eastern boundary;</li> <li>iii. Lot 18: No dwelling or ancillary development is permitted within 25m of the eastern boundary.</li> </ul>	<p>In response to Submissions 18 &amp; 22. These properties contained specific conditions justifying these distances including lack of vegetation and prevailing topography that reduced the rural feel that otherwise could be achieved through subdivision design.</p>
2	<p>That the text box referring to the conversion of the PAW adjacent to Seascape Rise is to remove any reference to the apportionment of costs.</p> <p>The text is to read;</p> <p><i>"This portion of Pedestrian Access Way (P.A.W.) is to be re-vested as road reserve and constructed as an extension of Seascape Rise to Lot 115 Wildwood Road."</i></p>	<p>In response to the history of the road connection and the responsibilities of costings that may need to be negotiated.</p>
3	<p>The proposed road connection with Wildbrook Place is to be modified to an Emergency Access Way (EAW) and constructed in accordance with the provisions of State Planning Policy 3.7 <i>Planning in Bushfire Prone Areas</i>. The EAW is to be within the Lot 115 Wildwood Road boundary. The alignment and design of the EAW is to be determined by the City following more detailed site investigation at the time of subdivision.</p>	<p>This responds to;</p> <ul style="list-style-type: none"> <li>• Concerns of residents (Submissions 26-31, 33-35, 36, 37, 40);</li> <li>• Wildbrook Place could be argued to be compliant with the bushfire planning provisions; and,</li> <li>• Adequate emergency access can be enhanced without challenging the 'rural feel' of the area.</li> </ul>

**ATTACHMENT F: DETAIL OF THE PROPOSED WILDBROOK PLACE 'EMERGENCY ACCESS WAY'**

This diagram is the detailed section of the north west corner of the draft Structure Plan. It shows the proposed connection route with Wildbrook Place from Lot 115, Wildwood Road.

The reserve width is to be at least 10m wide and vested to the Department of Lands as an 'Emergency Access Way', compliant with State Planning Policy 3.7 *Planning in Bushfire Prone Areas*.

Connecting to the local road network will simplify the access to the site in an emergency. Detailed planning and detailed design considerations are to be addressed as part of the planning approval process.



### 11.3 PROPOSED CHANGE TO DOG CONTROL DESIGNATIONS - EAGLE BAY

<b>SUBJECT INDEX:</b>	Animal management
<b>STRATEGIC OBJECTIVE:</b>	A community where people feel safe, empowered, included and enjoy a sense of good health and wellbeing.
<b>BUSINESS UNIT:</b>	Planning and Development Services
<b>ACTIVITY UNIT:</b>	Rangers & Emergency Services
<b>REPORTING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed Change

#### **PRÉCIS**

The Council is asked to consider a proposed change to dog control designations on a section of beach at Eagle Bay, specifically the extension of the existing 'exercise' area adjoining the townsite. Following the undertaking of community consultation and consideration of the consultation outcomes, it is recommended that the Council endorse the proposed change.

#### **BACKGROUND**

At its ordinary meeting of 22 June 2016, the Council considered and endorsed a report setting out the outcomes of a review of the current pattern of dog control designations in the District, with that pattern having been established by the Council during 2015, and first implemented over the 2015/16 summer season. At that time, the Council determined that –

*That the Council receives the report and resolves to –*

- 1. Make no changes to the current pattern of dog management controls at this time; and*
- 2. Acknowledge that there may be a need to consider detailed changes in future, and indicate that such changes can generally be considered on a case-by-case basis, and that where changes are seriously contemplated, consultation should generally occur before Council consideration of any such changes.*

With respect to point 2 above, following informal discussions involving Councillors and City officers, it was decided that consultation should be undertaken with respect to a potential change to dog control designations on one particular beach area at Eagle Bay. Specifically, it was felt that consultation should occur in relation to potentially shifting the boundary between the 'exercise' and 'prohibited' areas adjacent to the townsite, to extend the exercise area approximately 200 metres to the east-south-east, so that it stopped at a point in line with the public beach accessway west of Gypsy Street, rather than at Jingarmup Brook (the proposed change is illustrated at **Attachment A**). That decision reflected reasonably significant (given the relatively small size of the community in question) and fairly consistent community feedback advocating such a change.

#### **STATUTORY ENVIRONMENT**

The most important statutory environment is set out in the *Dog Act 1976* ('the Act') and the subsidiary Regulations, with s31 of the Act being most relevant to the issues addressed in this report.

S31(2B) of the Act sets out that -

*A local government may, by absolute majority...specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited –*

- (a) at all times; or
- (b) at specified times.

S31(3A) of the Act also sets out that –

*A local government may, by absolute majority...specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.*

S31(3C) of the Act then establishes notice requirements for specifying prohibited and/or exercise areas -

*At least 28 days before specifying a place to be —*

- (a) a place where dogs are prohibited at all times or at a time specified ... or
- (b) a dog exercise area...

*...a local government must give local public notice of its intention to so specify.*

Note that, should the Council resolve to make any changes to the current pattern of dog management controls; that would require an absolute majority resolution and could not be implemented until such time as the change had been subject of a 28 day notice period.

## **RELEVANT PLANS AND POLICIES**

The *Meelup Regional Park Management Plan* is relevant to consideration of this issue. That plan was considered in developing the current pattern of dog management controls, and has also been considered in preparing this report.

## **FINANCIAL IMPLICATIONS**

Should the Council endorse the officer recommendation, there will be a relatively small cost associated with the erection of replacement signage and updating website information and brochures. Those costs can be met without amending the 2016/17 budget.

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

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendations of this report reflect Strategic Objective 1.1. of the City of Busselton Strategic Community Plan 2013-2017, which is ‘A community where people feel safe, empowered, included and enjoy a sense of good health and wellbeing’.

## **RISK ASSESSMENT**

An assessment of the recommendations of this report has been undertaken against the City’s risk assessment framework. Risks are only identified where the residual risk, once controls are identified, is ‘medium’ or greater. No such risks have been identified.

## **CONSULTATION**

Consultation regarding the proposed change took place between 3 and 31 August 2016 (although some submissions were received after that date, and have been accepted as submissions). Consultation involved the following –

- Letters sent to all landowners in the Eagle Bay townsite;
- Newspaper advertisements on 3 and 10 August 2016;

- A survey questionnaire developed, available online using the City's *Engagement HQ* system, as well as hard copies being made available at the CIC and Busselton and Dunsborough Libraries; and
- Explanatory and other background information provided on the City's website.

87 submissions/questionnaire responses were provided (note that not all submissions responded to all questions), with results being as follows –

1. I identify myself as –
  - a) A full-time resident of Eagle Bay (20)
  - b) A part-time resident of Eagle Bay (47)
  - c) A full-time resident elsewhere in the City of Busselton (15)
  - d) A part-time resident elsewhere in the City of Busselton (1)
  - e) A visitor to the City of Busselton (6)
2. Do you or does your household own a dog(s)?
  - a) Yes (62)
  - b) No (25)
3. Do you support the extension of the current dog exercise area at Eagle Bay as indicated on the above map? (i.e. the plan included as Attachment A)
  - a) Yes (63)
  - b) No (24)
4. As an alternative, would you prefer that the proposed area of extension was not included in the dog exercise area but designated 'seasonal'?
  - a) Yes (10)
  - b) No (74)
  - c) No preference (3)
5. I visit this section of the coast –
  - a) Very regularly (i.e. several times per week) (34)
  - b) Regularly (i.e. several times per month) (38)
  - c) Occasionally (i.e. several times per year) (16)

Note that the total number of properties in Eagle Bay townsite is approximately 340.

A further breakdown of the consultation outcomes can be provided if requested by Councillors. It is worth noting that dog ownership is strongly associated with support for the proposed change, and not owning a dog is strongly associated with not supporting the proposed change. Also note that, because of the number of part-time residents in Eagle Bay and amongst the respondents in particular, it is not possible to identify what portion of Eagle Bay households has a dog (because in many cases, dogs will be registered in another local government area). It is considered almost certain, though, that given the rate of dog ownership across the City as a whole is around 40% of households, dog owners are over-represented (i.e. just over 70% of respondents are in dog owning households).

Also note that there was an opportunity for submitters to provide additional comments, and those comments have been reviewed by officers (and can also be provided to Councillors on request). In the main, the comments were either setting out reasons for not extending the exercise area (mostly linked to concerns about compatibility of dogs with some other beach users), or advocating a further extension of the exercise area.

There has also been informal consultation with the Meelup Regional Park Management Committee, which has informally indicated acceptance of the proposed change – although it is understood that at least some Committee members are not supportive of the proposed change, largely because of concerns about dogs interacting with wildlife, including hooded plovers.

#### **OFFICER COMMENT**

It is considered that the consultation process has resulted in a statistically very significant response and, whilst the nature of the responses is very strongly correlated with dog ownership, and dog owners are almost certainly over-represented in the response, letters were actually sent to all landowners, and so the disproportionate response probably reflects the relative importance of the issue for dog owners vs. non dog owners – i.e. it is probably a more important issue for dog owners, on average, which has resulted in a higher level of response from dog owners. It is therefore considered reasonable to assume that there is broad community support for the proposed change and there are not considered to be any other technical or similar considerations that would lead officers to recommend that the Council not support the proposed change.

Some of the submissions also advocated further extensions of the exercise area, however, and officers are not supportive of that occurring. Essentially, the change that is proposed and has been subject of consultation would allow Eagle Bay residents to walk along the beach with their dogs between several locations where beach access can be gained, making that access more useful and convenient. A further extension, however, would extend the exercise area beyond the immediate environs of the townsite, and into areas more broadly understood as being part of Meelup Regional Park, where dogs have traditionally been prohibited, and the values of which are not consistent with the presence of dogs.

#### **CONCLUSION**

It is recommended that the Council endorse the proposed minor change to dog control designations at Eagle Bay.

#### **OPTIONS**

The Council could decide not to support the proposed change.

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

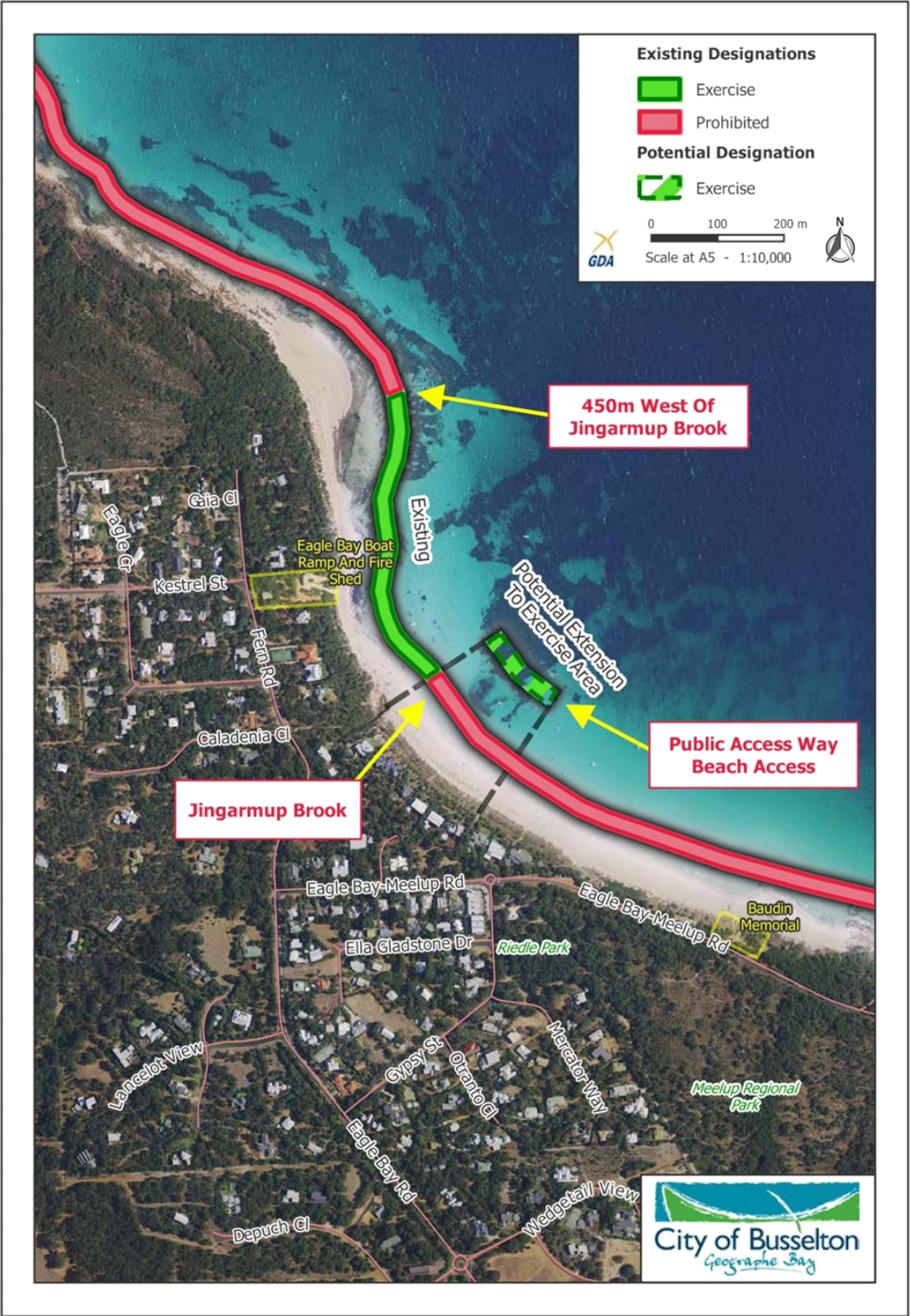
It is anticipated that changes to signage and public advertising would be completed by 1 December 2016, with updating of website information and brochures occurring in parallel with that, to be ready at the same time.

#### **OFFICER RECOMMENDATION**

#### **ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council, pursuant to S31(3A) of the *Dog Act 1976*, resolves to amend dog control designations relating to a section of beach adjacent to the Eagle Bay townsite, so that the boundary between the 'exercise' and 'prohibited' areas is moved approximately 200 metres in an east-south-easterly direction, from Jingarmup Brook to a point parallel with the beach access path to the west of Gypsy Street, as illustrated in Attachment A to the agenda report.





**12. ENGINEERING AND WORKS SERVICES REPORT**

Nil

**13. COMMUNITY AND COMMERCIAL SERVICES REPORT**

Nil

**14. FINANCE AND CORPORATE SERVICES REPORT****14.1 PROPOSED LEASE BUSSELTON SURF LIFE SAVING CLUB INCORPORATED**

<b>SUBJECT INDEX:</b>	Agreements and Contracts
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property and Corporate Compliance
<b>REPORTING OFFICER:</b>	Property Coordinator - Ann Strang
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Youth and Community Activities Building Plan Attachment B Memorandum of Understanding - City and Busselton Surf Life Saving Club

**PRÉCIS**

The Busselton Surf Life Saving Club Incorporated (BSLSC) and the City of Busselton entered into a Memorandum of Understanding on 7 December 2015 (MOU) in relation to the proposed construction and lease of premises within the Youth and Community Activities Building (the Building) to be located within Reserve 38558 on the Busselton Foreshore.

The purpose of this report is to seek Council's endorsement of the fundamental terms of BSLSC's proposed lease of premises within the Building and to delegate authority to the CEO to finalise the other terms and conditions.

**BACKGROUND**

The City intends, as part of its Foreshore Redevelopment, to construct the Building within the Youth and Community Activities Precinct located within Reserve 38558, to the east of the Goose Café. The Building will comprise of a clubhouse and storage facilities for the BSLSC and a multi-function community room together with a space dedicated to youth services, as shown in Attachment A.

The vision for such a facility emerged as part of the Busselton Foreshore Master Planning process where synergies between the need to provide suitable accommodation for the BSLSC and the desire to develop a dedicated youth and community activities precinct were recognised. The Surf Life Saving Club of WA and the BSLSC have been involved in development of the Building since its inception and have actively and cooperatively worked with the City to secure funding of \$2,881,000 from Lotterywest to construct the Building.

In order to secure the grant funding from Lotterywest, the City sought in principle agreement from the BSLSC to enter into a lease with the City for a portion of the Building. On the 7 December 2015 a MOU was entered into, a copy of which is provided as Attachment B. The MOU outlines the expectations of the parties and their respective roles and responsibilities in relation to the construction and use of the Building and the terms and conditions to be negotiated in respect of the proposed lease of the premises.

On the 12 July 2016 the City and Lotterywest entered into a Building Grant Agreement for the approved purpose of construction of a building to house the BSLSC and act as a youth facility for a range of groups and activities.

Design and construction of the Building is progressing with the City about to go out to tender to enter into a contract for the Building's construction. The MOU outlines the parties' expectation that a lease for the proposed premises will be finalised and entered into by 1 November 2016, although this was perhaps predicated on practical completion being an earlier date from than is likely to be the case. In any event it is timely for Council to consider and approve the primary terms and conditions of BSLSC's lease of the Building. Given the time until occupation commences, it is proposed that authority be delegated to the CEO to negotiate and finalise the non-essential terms.

Further details of the proposed lease terms and conditions are outlined in the Officer Comment section of this report.

## **STATUTORY ENVIRONMENT**

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. However 3.58 (5) (d) provides exemptions to this process under Regulation 30 (2) (b) (i) & (ii) of the Local Government (Functions & General) Regulations.

This section states "disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not entitled to receive any pecuniary profit from the body's transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act." The constitution of the BSLSC is such that this exemption applies.

The land on which the Building is to be constructed is within Reserve 38558, currently Lot 502, Deposited Plan 402933, Volume LR3166, Folio949, being Crown Land vested with the City for the purpose of Recreation and Community. The land is vested in the City under a Management Order which currently grants power to lease for periods up to 21 years, subject to the consent of the Minister for Lands. As part of a land rationalisation process linked to the overall Busselton Foreshore Master Plan, the Lot number will be changed to Lot 560, Deposited Plan 409945. Additionally Council has sought power to lease the land for a term not exceeding 42 years, with approval in the process of being issued by the Department of Lands.

## **RELEVANT PLANS AND POLICIES**

The recommendation to enter into a lease with the BSLSC is generally consistent with the principles of the recently adopted policy, "Leases of City Land and Buildings".

Leases to not for profit, community and sporting groups will generally require the lessee to meet the full cost of maintenance and repair of the buildings and facilities leased as well as the costs of utilities and insurance. Due to the strategic location and nature of the Building it was agreed in the MOU that the City would maintain the structural integrity of the Building, however the BSLSC will be responsible for the internal maintenance of the Premises

The proposed term of the lease is 10 years with an option exercisable by the Lessee to extend the term by a further 10 years. This term was the outcome of negotiations with Lotterywest and BSLSC. The policy supports the Council offering this longer term and the BSLSC use of the Building has been fundamental in the City being able to secure the funding. Therefore, officers support the term requested.

The Busselton Foreshore Management Plan is a strategic document that provides detailed guidance for the planning and development of the Busselton Foreshore. The original Plan was adopted by Council on 28th March 2012 and further revisions were adopted on 9th December 2015. The construction and use of the Building in the manner described in this report is consistent with the Plan.

## **FINANCIAL IMPLICATIONS**

The rent charged to community and sporting groups leasing City owned land and/or buildings is currently \$205.00 per annum (inclusive of GST) and reviewed annually by CPI. It is proposed that this be the annual rent charged to the BSLSC.

Under the MOU the City will maintain the structure of the Building and will be responsible for cleaning and maintaining the Common Area being the gallery and the universal access toilets. The BSLSC will be responsible for cleaning and maintaining their Premises and have agreed to contribute to 50% of the costs associated with the cleaning and the electricity consumption of the Common Area, based on the area of floor space of the Common Area to the remainder of the Building.

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

Funding of ongoing maintenance and asset management costs are included in the Long Term Financial Plan. An amount equal to 0.5% of the building cost is allocated in year 1 increasing in increments of 0.25% thereafter until it reaches 1.75% of the total capital cost.

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation to enter into a lease with the BSLSC is consistent with the City of Busselton Strategic Community Plan 2013 (Review 2015) and in particular with the Community Objectives of Key Goal Area 1 and 2:

Key Goal Area 1 – Caring and inclusive community

1.2 A community that provides opportunities for our youth to learn, grow, work and become healthy adults

Key Goal Area 2 – Well planned, vibrant and active places:

2.1 Provide a range of quality leisure, cultural, recreation and sporting facility and services;

2.3 Responsible management of public infrastructure assets.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the officer recommendation, with the recommendation serving to mitigate the risks associated with there not being a formal lease in place.

## **CONSULTATION**

The development of a dedicated youth and community precinct and the need to provide suitable accommodation for the BSLSC have been key considerations within the Busselton Foreshore Master Planning process for many years now. The Master Plan has been the subject of extensive community consultation and widely advertised.

The BSLSC have been involved in discussions concerning the Building from the outset and have more recently been actively involved in the design phase of the Building.

The MOU was developed with extensive consultation between the City, BSLSC and Lotterywest.

#### **OFFICER COMMENT**

The BSLSC became incorporated in 2007 and have since provided an essential community service and support for many of the events which happen in and around Geographe Bay.

They have historically run their club competition days from the Busselton Foreshore near the Jetty however due to the Foreshore redevelopment they relocated, initially moving next to the Sea Scouts building and then next to the Busselton Volunteer Marine Rescue building, where they currently use sea containers to store their training and safety equipment.

The importance of the services provided by the BSLSC will continue to grow as the City's population and the number of visitors to the region increases. This new facility will enable the club to attract new members and allow them to continue providing high quality services to the community.

The area proposed to be leased to the BSLSC is approximately 564m<sup>2</sup> and consists of equipment store, club rooms, first aid room, patrol room, administration room, kitchen and internal ablutions (the Premises), as shown shaded green on Attachment A.

It is proposed that the City will manage the usage of the areas marked Events/Multi-Function Room, Store, Kitchen and the toilets marked Male (City) and Female (City) on the Building Plan (the Events/Multi-Function Area) as well as usage of the areas marked Meeting and Foreshore Management/Events Office. Both of these areas will be available for hire by the public with the City managing the bookings process. This is similar to the management model used for the hire of meeting rooms at the Busselton Community Resource Centre. A report in relation to the proposed fees and charges for hire of these areas will be presented to Council at a later date.

The areas marked Youth Space and Youth Office are intended to be used for City run youth activities.

The key provisions of the lease which have been negotiated with and approved by BSLSC are as follows:

#### Term and Rent

The proposed term is for an initial period of 10 years followed by a further 10 year option exercisable by BSLSC. The lease will commence upon practical completion of the construction of the Building.

As mentioned before the rent will be the same as the City's community lease rate of \$205 per annum and subject to CPI review each year.

#### Maintenance

It is proposed that the City will maintain the structural integrity of the Building and will be responsible for cleaning and maintaining the Common Area, as shown shaded pink on Attachment A. The BSLSC will contribute towards the cleaning and electricity costs of the Common Area.

#### Reciprocal Use Arrangements

Reciprocal use arrangements have been agreed for the Events/Multi-Function Area and the Clubroom and Kitchen Facilities within the Premises. The BSLSC may use the Events/Multi-Function Area on 5 single occasions in a calendar year without payment, subject to there being no prior booking, and reciprocally the City may use the Clubroom and Kitchen Facilities subject to availability.

### General

Rules and regulations will be developed and annexed to the lease relating to operational policies for the Building, in particular concerning the activation and deactivation security system and access system. The City will work with the BSLSC to formulate these rules.

### **CONCLUSION**

The Building has been designed to provide for both the City and the BSLSC's needs. For the BSLSC the Building will enable the club to operate from a prime location with the added benefit of direct access to Busselton beach front. Use of the Building by the BSLSC complements and adds to the City's overall objectives for the Youth and Community Activities Precinct.

It is recommended that Council resolve to delegate authority to the CEO to enter into a lease with the BSLSC on completion of the Building, subject to the lease containing certain fundamental terms as identified in this report and the officer recommendation.

### **OPTIONS**

1. Council could resolve to enter into a different term of lease with BSLSC, however the term offered could not exceed 42 years (subject to final approval of the new Management Order).

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

A draft lease will be forwarded to the Minister for Lands for pre-approval approximately 3 months prior to completion of the Building. It is anticipated that the lease will be executed no later than December 2017.

### **OFFICER RECOMMENDATION**

### **ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

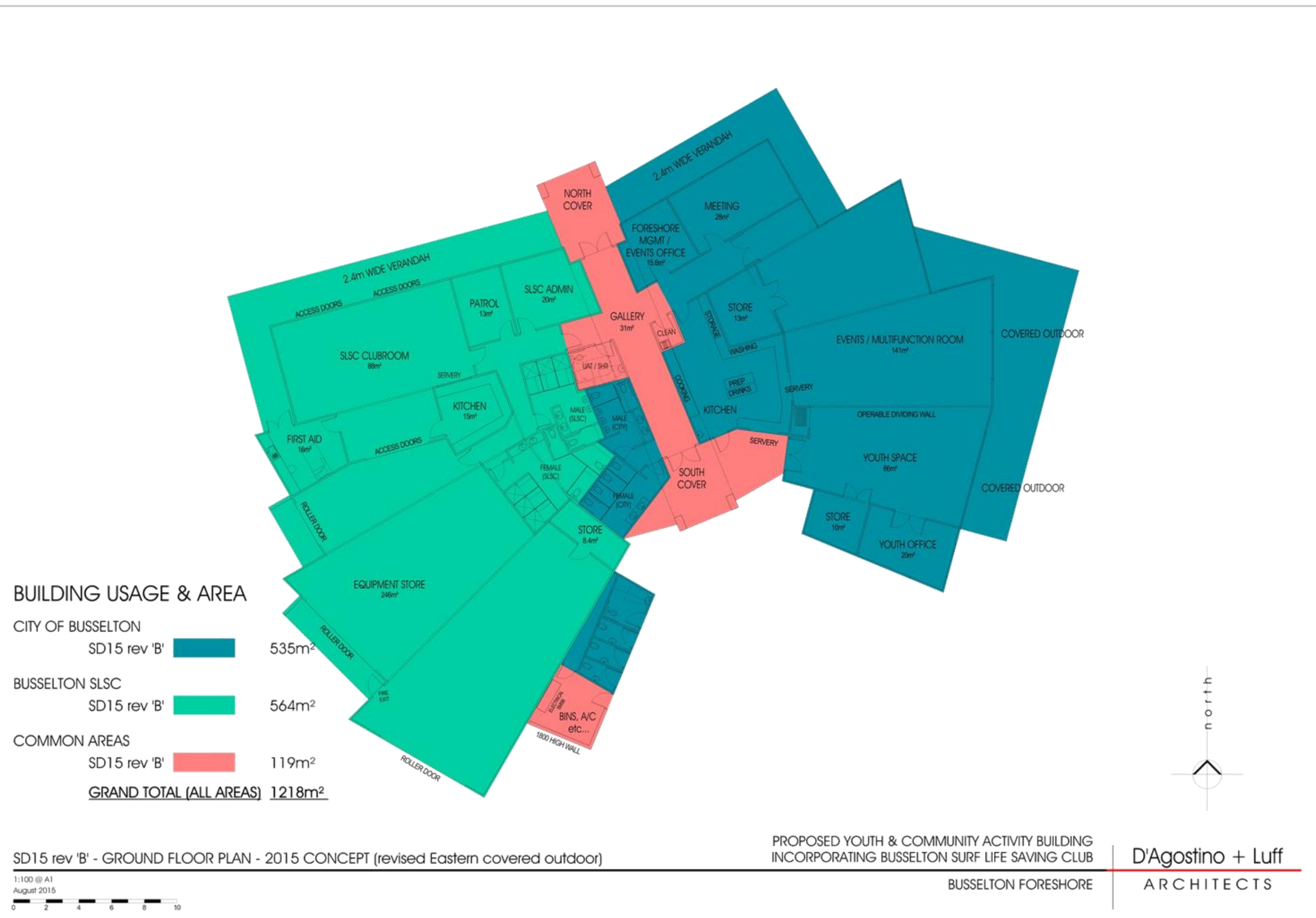
That the Council:

Delegate authority to the CEO to enter into a lease, subject to the Minister for Lands approval, with the Busselton Surf Life Saving Club Incorporated for a portion of the Youth and Community Activities Building to be located on Lot 502, Reserve 38558, on the following terms and conditions:

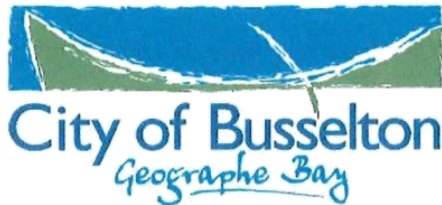
- a) The term of the lease to be 10 years commencing on the date on which construction of the premises to be leased is substantially complete, with an option exercisable by the Lessee to extend the term by a further 10 years.
- b) The rent to commence at \$205.00 per annum inclusive of GST and to be increased each year by CPI.
- c) The reservation of a right to the City to use the Clubrooms and Kitchen within the premises up to 5 times per year free of charge but subject to the provision of reasonable notice and there being no prior bookings.
- d) The reservation of a right to the BSLSC to use the Event/Multi-Function Area within the premises up to 5 times per year free of charge but subject to the provision of reasonable notice and there being no prior bookings.
- e) The Lessee to be granted a right of access to the gallery and universal access toilets, known as the Common Area;
- f) The Lessee to be required to contribute 50% towards the cost of electricity and cleaning costs of the Common Area calculated based on floor space ratios.
- g) A requirement that the Lessee must comply with any reasonable rules and regulations determined by the City, in consultation with the BSLSC, in relation to the use of the Building.

- h) Other relevant terms and conditions that are consistent with the City's standard community groups lease.









**MEMORANDUM OF UNDERSTANDING**

**CITY OF BUSSELTON**

**AND**

**BUSSELTON SURF LIFE SAVING CLUB INCORPORATED**

**PROPOSED LEASE AGREEMENT  
BUSSELTON FORESHORE YOUTH AND COMMUNITY ACTIVITIES  
BUILDING**

**(NEW RESERVE TO BE CREATED WITHIN  
BUSSELTON FORESHORE REDEVELOPMENT PROJECT AREA)**

THIS MEMORANDUM OF UNDERSTANDING dated 7 December 2015

Is made between:

The **CITY OF BUSSELTON**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 2 Southern Drive, Busselton WA 6280 (**The City**) of the one part

AND

The **BUSSELTON SURF LIFE SAVING CLUB INCORPORATED** a duly incorporated association whose address for correspondence is PO Box 1897, Busselton WA 6280 (**BSLSC**)

**A BACKGROUND**

1. The land over which the proposed lease of the Premises will be granted will form part of a New Reserve to be created as Crown Reserve, the approximate location of which is shown on the Location Plan attached.
2. The Minister for Lands has agreed to a Reserve rationalisation of the area including the creation of a New Reserve and the issue of a management order to the City with power to lease.
3. The City intends, as part of its Foreshore Youth and Community Activities Precinct (the Precinct), to construct a Youth and Community Activities Building (the Building) on the New Reserve which will comprise clubhouse and storage facilities for the BSLSC and a multi-function community building together with a space dedicated to youth activities.
4. BSLSC currently have no clubhouse facility for its operations and have expressed an interest in leasing part of the Building for the purpose of conducting activities authorised by their Constitution
5. The City is desirous to grant BSLSC a lease of the Premises within the Building, the construction of which will require grant funding from Lottery West. In order to secure such grant funding the City has sought in principle agreement from BSLSC to use its best endeavours to achieve the outcomes outlined in this Memorandum of Understanding (**MOU**).
6. This MOU will provide an understanding of the expectations of the parties and their respective roles and responsibilities in relation to the construction of the Building and the terms and conditions to be negotiated in respect of the Proposed Lease of the Premises.

**B. CONSTRUCTION OF THE BUILDING**

1. Subject to paragraph B.2 and the endorsement of funding for the Building to the value of \$2.881m exclusive of GST by Lotterywest the City shall construct the Building at the position indicated on the Location Plan and substantially in accordance with the Building Plan.
2. It is recorded that the Building Plan (and the final design of The Building and the Premises) is still under consideration by the parties and subject to their final approval. The City agrees that before making, instructing, authorising or allowing any substantial structural changes to:
  - (a) The Building Plan and specifications as finally approved by the parties; or
  - (b) The final construction of The Buildingit will consult with BSLSC.
3. The Premises, to be located within The Building and to be leased to BSLSC, will provide approximately 564 square metre space comprising equipment store, club room, administration, patrol and first aid facilities, kitchen, verandah and male and female showers and toilets for BSLSC's exclusive use (subject to the City's ability to access the clubroom, verandah and kitchen facilities periodically as set out in paragraph 2 of Annexure C) under the Proposed Lease.
4. Subject to paragraph B.5 the indicative date for practical completion of The Building and occupation of the Premises by BSLSC is the end of December 2016.
5. The City shall be under no obligation to commence construction of the Building prior to the parties entering into formal agreements in respect of their proposed lease of the Premises and arrangements in relation to the use of function rooms and Common Areas within the Building.
6. The City shall at its cost obtain all necessary approvals which may be required for construction of The Building.
7. BSLSC shall at its cost obtain all necessary approvals which may be required for the use of the Premises in accordance with the Proposed Lease.

**C PROPOSED LEASE**

1. It is the parties' expectation and understanding that the City will grant BSLSC a lease of the Premises upon completion of construction of The Building.

2. The parties agree that the Heads of Agreement – Lease as specified in Annexure C to this MOU is not binding but will form the basis for negotiating the Proposed Lease.
3. In order to achieve the indicative date for practical completion as specified in paragraph B.4 it is the parties' expectation and understanding that the Proposed Lease has to be finalised and entered into by the Effective Date.
4. The granting of the Proposed Lease by the City to BSLSC is subject to the other terms and conditions of this MOU.

**D FIT OUT COSTS**

1. BSLSC agrees to fit out of the Premises in a manner in keeping with the contemporary style of the Building and with fittings and fixtures of a standard that meets the reasonable requirements of the City.

**E RECIPROCAL ARRANGEMENTS**

It is recorded that the Building is a key component of the delivery by the City of the Foreshore Youth and Community Activities Precinct which will include an Events/Multi-Function Area for community functions. It is agreed that reciprocal arrangements for use by the BSLSC of the Events/Multi-Function Area and the City's ability to use part of the Premises subject to availability will be determined by the parties and documented in the Proposed Lease. The reciprocal use arrangements in the Building are to be in accordance with the paragraph 10 of Annexure C.

**F COSTS**

1. Subject to paragraphs F.2 the City shall at its cost plan for, facilitate and implement the Precinct (including payment of the design and construction costs of the Building).
2. BSLSC shall be responsible for payment of its own legal costs in relation to negotiating and reviewing the legal agreements required for the Proposed Lease.

**G GENERAL**

1. Both parties acknowledge and agree that the arrangements under this MOU do not create or confer or grant to BSLSC a lease of the Premises or any tenancy or estate or interest in the Building or the New Reserve.

2. Should the City or BSLSC decide not to proceed with the Building (or the Proposed Lease) for whatever reason, this MOU will be deemed cancelled and the parties will have no claims against each other pursuant to this MOU or due to the cancellation thereof.
3. The parties agree that nothing in this MOU may be construed to make either of them a partner, agent, employee or joint venturer of the owner.
4. BSLSC acknowledges that this MOU does not constitute a fetter on the discretion of the City in the exercise by the City of any of its statutory powers, including its powers under laws relating to planning, building or health.
5. The parties agree to:
  - (a) Negotiate in good faith and use their best endeavours to achieve the expectations and intended outcomes under this MOU; and
  - (b) Execute and do all acts and things necessary or desirable to implement and give full effect to spirit and intent of this MOU.
6. Final agreement between the parties in relation to the Proposed Lease shall always be subject to final approval by the Council of the City and the Board of BSLSC.

#### H DEFINITIONS

In this MOU, unless otherwise required by the context or subject matter:

**Building Plan** means the plan attached as Annexure A to this MOU showing the footprint and layout of the Building.

**Effective Date** means 1 November 2016 or such other date as the parties may agree upon in writing.

**Events/Multi-Function Area** means the areas coloured blue and marked "Events/Multi-Function Room", "Store", "Kitchen" and the toilets marked "Male (City)" and "Female (City)" on the Building Plan.

**Heads of Agreement – Lease** means the heads of agreement as set out in Annexure C to this MOU.

**Location Plan** means the plan showing the area of the proposed New Reserve and approximate location of the Building attached as Annexure B to this MOU.

**MOU** means this Memorandum of Understanding together with all schedules and attachments thereto.

**New Reserve** means the new Crown Reserve to be created as shown on the Location Plan

**Premises** means that portion of The Building to be leased to BSLSC under the Proposed Lease of approximately 564 square metres of indoor space comprising equipment store, training room, administration, patrol and first aid facilities, kitchen and male and female showers and toilets as shown coloured green on the Building Plan.

**Proposed Lease** means lease agreement between the City and BSLSC in respect of the Premises to be negotiated in accordance with the Heads of Agreement.


**Common Area** means the common areas shown coloured red on the Building Plan attached as Annexure A to this MOU (which for avoidance of doubt will include the bin area, gallery, north and south cover, UAT toilets and servery).

**The Building** means the building known as the Youth and Community Activities Building to be constructed by the City within the New Reserve in accordance with the Building Plan.

Signed for and on behalf of the  
City of Busselton



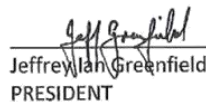
Michael Stephen Lee Archer  
CHIEF EXECUTIVE OFFICER



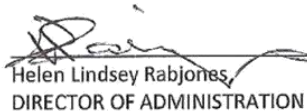
Grant Douglas Henley  
MAYOR



Signed for and on behalf of the  
Busselton Surf Life Saving Club Incorporated  
By virtue of a resolution of the Board of the Association



Jeffrey Ian Greenfield  
PRESIDENT

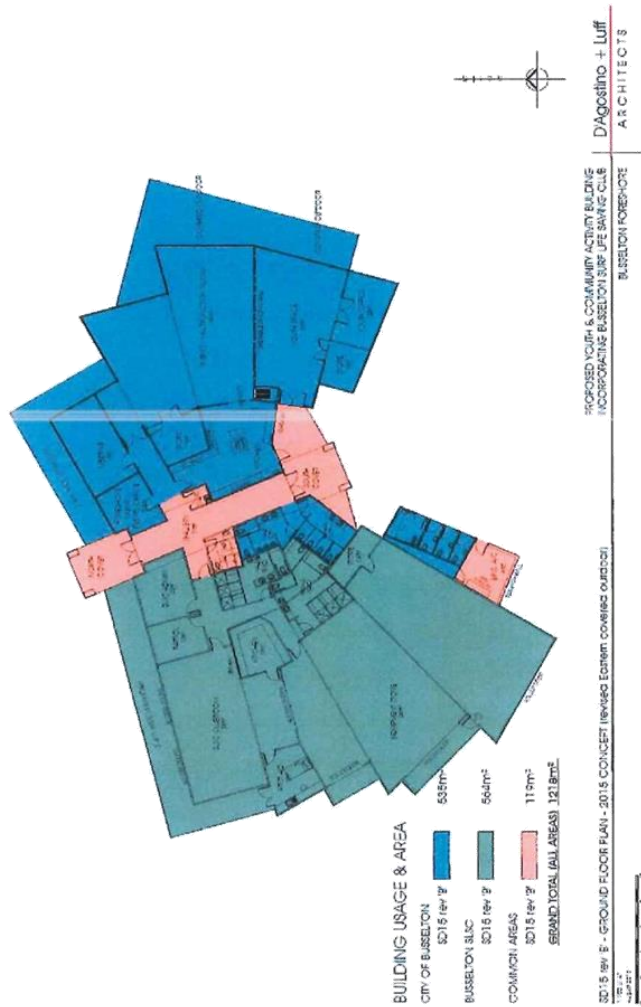


Helen Lindsey Rabjones  
DIRECTOR OF ADMINISTRATION



**ANNEXURE A**

**BUILDING PLANS**



ANNEXURE B  
LOCATION PLAN



**ANNEXURE C**

**HEADS OF AGREEMENT**

**PROPOSED LEASE**

**CITY OF BUSSELTON/BUSSELTON SURF LIFE SAVING CLUB**

**1. Premises**

A portion of The Building situated on the New Reserve as shown on the Location Plan.

**2. Grant of lease**

The City:

- (a) lease the Premises to the BSLSC; and
- (b) grant the BSLSC the right to use the Common Areas (see paragraph 4 below) on the terms and conditions to be set out in the Proposed Lease.
- (c) Reserves the right to periodic use of and access to the club room and kitchen facilities within the Premises subject to availability and on the terms and conditions to be set out in the Proposed Lease.
- (d) grants the BSLSC the right to periodic use of the Events/Multi-Function Area (see paragraph 10 below) on the terms and conditions to be set out in the Proposed Lease.

**3. Length of lease**

- (a) Initial term 10 Years
- (b) Option to renew – 1 X 10 year period
- (c) Commencement date XXXXXXXX *[subject to completion of The Building]*

**4. Licence to use Common Area**

- (a) Common Area as shown on plan attached as Annexure A which shall include the gallery, north and south cover, bins, UAT toilets and servery.

(b) BSLSC entitled to non-exclusive use of Common Area.

**5. Rent**

Nominal - \$200.00/annum + CPI (to cover City's admin costs in relation to lease).

**6. Services**

(a) BSLSC responsible for outgoings of the Premises and 50% of the electricity and cleaning costs of the Common Area which shall be calculated based on the percentage of floor space of the Common Area within the remainder of the Building.

(b) If practicable, separate meters for water and electricity will be installed for the Leased Premises, and the remainder of the Building occupied by the City.

**7. Maintenance, repair and cleaning**

(a) BSLSC acknowledges that the Premises is strategically located within the precinct of the Busselton Foreshore and as such its appearance is from an aesthetic point of view, of importance.

(b) BSLSC to be responsible for maintenance, repair and cleaning of interior of the Premises and cleaning the exterior of the Premises to such a standard to be consistent with the circumstances mentioned in 7(a) above.

(c) BSLSC to be responsible for keeping reasonably clean and clear of obstruction the external areas and access ways to the Premises.

(d) City to be responsible for repair of the structure of the Building and Premises and Common Area.

(e) BSLSC to be responsible for cleaning of the Events/Multi-Function Area when periodically used under paragraph 10(a).

(f) The City is responsible for the cleaning of the club room and kitchen facilities within the Premises when used under paragraph 10(b).

**8. Use of Premises**

(a) Provision of clubhouse and facility associated with the activities of the BSLSC.

- (b) All activities at the Premises are to be consistent with the Objects as specified under paragraph 2 of the BSLSC's constitution;
- (c) BSLSC to obtain and keep in force all licences/permits/approvals required for its use of the Premises
- (d) Consent of City required in relation to any external signage/displays

**9. Fitout of Premises**

- (a) City to provide:
  - i. Air-conditioning
  - ii. Fire safety/firefighting equipment
  - iii. Security system for Premises
- (b) BSLSC responsible for all other fixtures and fittings (e.g storage, shelving, desks, equipment) in Leased Premises.

**10. Events – Reciprocal use of facilities**

- (a) BSLSC to be permitted access to the Events/Multi-Function Area within the Building for up to 5 single occasions/booking periods in a calendar year without payment and subject to there being no prior bookings including City events or functions requiring use of the same. Thereafter hire of the Events/Multi-Function Area can be arranged in accordance with the City's standard room hire contract terms and fees payable from time to time set by the City for use of the facility.
- (b) The City to be permitted access to and use of the Clubroom, Kitchen, Verandah and Premises toilets for functions and events when not being used by the BSLSC for up to 5 single occasions/booking periods in a calendar year without payment and thereafter in accordance with the BSLSC's standard room hire contract terms and fees payable from time to time set by the BSLSC for use of the facility.
- (c) If the kitchen is equipped with crockery and utensils BSLSC or the City are to be responsible for safe keeping and replacement following periodical use.

#### **11. Rules**

- (a) In consultation and agreement with the BSLSC the City may make rules in respect of use of The Premises and Common Areas, in particular concerning the activation and deactivation of any security system and card access system.
- (b) The City may make rules in respect of the use of The Building and Common Areas that do not have any impact on the BSLSC operations.
- (c) The City may require the BSLSC to commit to rules to formulate a Fire Management/Evacuation Plan or any other plan required for the Building.
- (d) All parties to work together to formulate Rules.
- (e) BSLSC and the City to commit to compliance with rules in the Proposed Lease.

#### **12. Insurance**

- (a) City to insure the Building (including the Premises, and Common Areas).
- (b) City to insure contents and fixtures and fittings of Common Areas.
- (c) BSLSC to insure Premises contents and fixtures and fittings.
- (d) BSLSC to maintain public liability insurance in accordance with industry standards.

#### **13. Access and parking**

No exclusive parking to be provided by City.

#### **14. Legal costs**

Each party to pay its own legal costs in relation to the Proposed Lease.

#### **15. Climate change and coastal processes**

BSLSC acknowledges that the Premises are located:

- a) close to the Busselton Foreshore; and
- b) in a low lying area, and as a consequence the Premises and surrounding area may be adversely affected by the impacts of climate change and/or coastal processes in the future. BSLSC accepts/assumes any/all risk in relation thereto.

**16. Conditions precedent**

- (a) Consent Minister for Regional Development; Lands
- (b) Under section 3.58 of the *Local Government Act 1995* the City has to follow a public consultation process before entering into the lease, unless BSLSC is an organisation as contemplated under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* (i.e with charitable, benevolent, cultural, educational or recreational objects and the members not entitled or permitted to receive any pecuniary profit from its transactions)

**17. Other conditions**

Other conditions normally associated with this type of leases to be included (e.g no assignment, no alterations, City's right of inspection, BSLSC to comply with written laws, Lessee's right to quiet enjoyment, indemnity, dispute resolution procedures, GST, BSLSC's default etc.)

#### 14.2 BUSSELTON PISTOL CLUB LEASE OF A PORTION OF RESERVE 28419

<b>SUBJECT INDEX:</b>	Agreements and Contracts
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property and Corporate Compliance
<b>REPORTING OFFICER:</b>	Property Coordinator - Ann Strang
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Busselton Pistol Club Proposed Lease Area

#### **PRÉCIS**

The Busselton Pistol Club Incorporated (BPC) leases from the City, Lot 4455, Queen Elizabeth Avenue, Ambergate, Reserve 28419 (the "Reserve"). Their lease expired in 2009 however they remain in occupation on a month by month basis.

The purpose of this report is to provide Council with an update on matters in relation to the use of the Reserve, including the BPC's tenure and lead contamination and site clean-up issues. The report also addresses a proposal from the BPC to develop a new indoor shooting facility.

This report recommends that the Council enter into a new lease with the BPC which is reflective of the BPC's new development proposal, but it is recommended that this be subject to a number of conditions, including the continued clean-up of the Reserve.

#### **BACKGROUND**

The Busselton Pistol Club (BPC) was formed in 1961 and has occupied the Reserve since 1975. In 1989, they entered into a 20 year lease which expired on the 23 February 2009. They have remained in occupation on a monthly basis under a holding over provision of this agreement.

The club's occupation under a lease and their operations has been the subject of several Council reports over the past 15 years. The Reserve contained a 25m and 50m outdoor shooting range, an indoor shooting range and the Ambergate Hall (the "Hall"). The club operated both indoor and outdoor shooting until 2004, when the outdoor shooting range was closed following a report from Police firearms experts concluding that the outdoor range did not meet regulatory requirements. Since then, the BPC have continued to conduct indoor shooting.

In 2007, the Reserve was assessed as a potentially contaminated site under the Contaminated Sites Act 2003 due to the likelihood of lead contamination in the soil as a result of the use of the land for shooting by the BPC. The Reserve has since been classified as possibly contaminated with further investigations required.

In 2007, the Council resolved not to grant the BPC a new lease of the Reserve, but for the City to assist the club in the possibility of relocating to a site suitable for both indoor and outdoor shooting. Over the next few years investigations were conducted on the feasibility of the club merging with the Busselton Clay Target Club, as well as a possible regional ballistics facility in Capel. Neither proposal was deemed feasible.

At this time a number of concerns were also raised regarding the maintenance and safety of the Hall. In April 2009, a structural integrity report carried out by an independent consultant was undertaken of the Hall. This report was then presented to Council. In June 2009, the Council resolved

(C0906/241) that the Hall was to be immediately closed to the general public. The Hall has been closed since.

At the same time the Council resolved to allow the BPC to remain in occupation on a monthly basis under the holding over provisions of the lease on the condition that the club would have access to the indoor shooting range and toilets only, and that this situation be reviewed at such time as a suitable alternative site is found, but no later than 30 June 2010.

The City and the club continued to investigate the potential use of other parcels of land within the district, but due to the regulatory requirements associated with constructing a compliant outdoor range, no suitable site was found.

In July 2010, a report was put to Council to consider a request from the BPC to remain in occupation of a portion of their current leased area. The report also made recommendations on the future use and the rehabilitation of the Reserve. The Council resolved (C1007/248) to enter into a 12 month lease with the club. It was also resolved that the club make a financial contribution towards the cost of rehabilitation of the Reserve and for the City to undertake community consultation to establish the preferred use of the Reserve.

This was followed by extensive community consultation in relation to the future use of the Reserve including a survey of local residents and a community forum which was conducted in February 2011. The forum also involved Councillors and City staff. At this forum there was a joint presentation from the BPC and the Ambergate Volunteer Fire Brigade putting forward a proposal for a combined BPC and fire brigade building.

In April 2011, a report was presented to inform the Council of the outcome of the community consultation conducted and to provide recommendations as to the next steps required to determine the future use of the Reserve. The Council resolved (C1104/141) and (C1104/142) the following:

*"That the Council:*

- 1. authorise the CEO to carry out the necessary site investigations as soon as possible with the objective of finding an early resolution to the contamination issue. The cost of engaging the consultant is to be funded from the strategic projects reserve fund.*
- 2. accept the Busselton Pistol Club's offer of \$500.00 towards the proposed site investigation report.*
- 3. subject to receipt of approval from DEC, the Busselton Pistol Club to be requested to remove any known lead contamination from the site.*
- 4. support the Busselton Pistol Club Inc proposal to construct a pistol club building on a portion of Reserve 28419 on the clear understanding that the facility is to be used for firing only air pistols and subject to the resolution of the contamination issue referred to in item 1 above.*
- 5. support the proposal from the Ambergate Volunteer Fire Brigade to construct a bush fire brigade shed and training room on a portion of land on Reserve 28419 subject to the resolution of the contamination issue referred to in item 1 above.*
- 6. authorise the CEO to prepare a master plan for the future use of Reserve 28419 showing the location of the proposed pistol club building and the bush fire brigade shed and training room only.*

7. *subject to the consent of the Minister for Lands, allow the Club to remain in occupation of the portion of Reserve 28419 that occupies the current indoor firing range on a monthly basis under the holding over provisions of the lease dated 24 February 1989, on the condition that the Club shall have access to the indoor shooting range and toilets only. The holding over to cease when the proposed pistol club building is completed.*
8. *agree to enter into a 21 year lease (standard lease) with the Busselton Pistol Club for portion of Reserve 28419 to accommodate the proposed pistol club building subject to the resolution of the contamination issue referred to in item 1 above."*

Following the Council making this resolution, there were a number of discussions between City officers, the BPC and the Volunteer Bushfire Brigade. However, ultimately the joint proposal which was presented to community members and Councillors at the community forum in February 2011 did not proceed and thus there was no master plan prepared to meet the requirements of part 6 of the April 2011 Council resolution. There has not been any active proposal for a joint facility between the two groups for the last few years. Both groups have undertaken planning for separate facilities in order to meet their future needs, with the Ambergate Bushfire Brigade looking at a number of possible sites for a new fire brigade facility in the Ambergate area.

There have been some changes in the management of the BPC over the last few years and while the club has investigated a number of different proposals, including alternative temporary and permanent sites, in recent times the club have been actively investigating the development of a modern, fully indoor pistol shooting range. The development of an appropriate and fully compliant indoor range would overcome the complex regulatory requirements associated with an outdoor range as well as other possible associated noise and safety issues.

In the last 4 years, the City has had a number of discussions with Department of Environmental Regulation (DER) to determine the best approach to resolve any contamination issues. As a result of these discussions and correspondence with DER, further site investigations have been undertaken. In 2012, a site remediation plan was prepared. With the necessary works identified, a staged approach towards remediation has been recommended. The proposed works are further detailed later in this report.

For at least the last 8 years, the BPC has been restricted to using the Reserve for indoor air pistol shooting only. However, in recent years the BPC membership has increased substantially. To maintain their affiliation with the relevant State Shooting Associations, BPC members regularly travel to Boyup Brook to shoot other pistol (lead projectile) disciplines. The space within their existing facility limits the numbers of members that can compete at any one time. They have been looking at ways to improve their facilities and have been actively raising funds to enable them to construct new facilities.

Earlier this year the BPC presented the City with a totally new proposal to develop a new fully indoor shooting range. The proposal includes environmental remediation of the Reserve, followed by construction of a fully enclosed indoor shooting range. In February 2016, City officers briefed Council on this proposal. At the same time officers briefed Council on the proposed staged approach to remediate the Reserve and the role the BPC would play in relation to this.

As a result of this, City officers then invited interested residents to a community forum to update them on the situation regarding the Reserve and to inform them of the new BPC proposal. The forum was held on the 23 May 2016. The outcome of the forum is further detailed in the consultation and officer comment sections of this report.

The Ambergate Bushfire Brigade received funding in 2015 to develop a new fire brigade shed facility. Discussions have been ongoing with the Brigade and the Ambergate community regarding a number of possible locations for this shed. The shed could still possibly be located on the Reserve. As the new BPC indoor pistol range proposal only requires a relatively small portion of the Reserve, approval of the BPC proposal would not prevent the new Ambergate Bushfire Brigade shed being located on the Reserve. However, the BPC proposal is a totally separate one to the new Ambergate Fire Brigade shed and the two proposals should now be considered independently.

## **STATUTORY ENVIRONMENT**

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirement of section 3.58 of the Local Government Act. However 3.58 (5) (d) provides exemptions to this process under Regulation 30 (2) (b) (i) (ii) of the Local Government (Functions & General) Regulations.

This section states “disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the member of which are not enlisted to receive any pecuniary profit from the body’s transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act”. The constitution of the BPC is such that this exemption applies.

Reserve 28419 being Lot 4455, Diagram 10562, Volume LR3004 Folio 303, 573 Queen Elizabeth Avenue, Ambergate (the “Reserve”) is vested with the City with the power to lease for any term not exceeding 21 years, subject to the consent of the Minister of Lands, for the designated purpose of “Hall Site and Recreation”.

In 2006, the Contaminated Sites Act 2003 came into effect which required the then Department of Environment and Conservation (DEC) now known as the Department Environmental Regulation to classify sites reported to it so informed decisions can be made about the site. As the site was previously used as an outdoor pistol shooting range, a use that has potential to cause contamination through the possible presence of contaminants (e.g. metal, lead shot) which may impact on the soil, the Reserve was reported to DER as per the reporting obligations under the Act. The Reserve had been classified as possibly contaminated with further investigations required. A memorial to this effect has been registered on the land title.

The Firearms Act 1973 contains the requirements in relation to the approval of shooting ranges, with all ranges, including indoor facilities, having to be approved by the Commissioner of Police. It will be the BPC’s responsibility to ensure it complies with these requirements if their proposal proceeds.

## **RELEVANT PLANS AND POLICIES**

Although Council have previously resolved to enter into a 21 year lease with the BPC, it is recommended that Council consider offering a slightly different term of lease, one that is consistent with the principles of the recently adopted policy “Leases of City Land and Buildings” adopted by Council on 27 July 2016.

As the club will be making a significant capital investment towards the construction of the facilities, it is recommended that Council consider granting the longer term lease of 10 years with a further 10 year option. However, it is proposed that the option is subject to the City having the ability to review the terms of the lease. This would enable to the City to review such things as the precise leased area and other terms to ensure they are appropriate to meet the needs of the BPC as well as being in the best interests of the community at the time.

The BPC's preference is for the term previously resolved to remain the same, however, the recommendation will still provide them with a similar length of tenure but potentially with some minor changes in terms and conditions after 10 years.

As per the Policy it is proposed that BPC have full responsibility for the construction and ongoing maintenance of the proposed new facility and all associated outgoings and other costs.

## **FINANCIAL IMPLICATIONS**

The rent charged to community and sporting groups for City land and/or building is currently \$205.00 per annum (inclusive of GST). If Council adopt the officer recommendation, then BPC would be liable for all insurance and maintenance costs in respect of their leased premises. Hence the City would not incur any financial liability associated with the proposed new lease to the BPC.

The BPC has agreed to bear most of the costs associated with works to remediate the potential lead contamination on the Reserve, such as removal of infrastructure and providing labour and machinery. The works that the club are unable to do including soil analysis and testing, will be undertaken by the City and a budget of \$25,000 has been allowed for this in the current financial year. The staging and responsibility for remediation works is discussed in more detail in the officer comment section of this report.

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

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation to enter into a lease with the BPC is consistent with the following City of Busselton Strategic Priorities:

Key Goal Area 2 – Well planned, Vibrant and Active Places:

- 2.1 A City where the community has access to quality cultural, recreation and leisure facilities and services.
- 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

Council Strategies:

- Ensure our recreational facilities meet the needs of our growing community;
- Maintain community assets at an appropriate standard.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the officer recommendation. The recommendation of a lease with options mitigates the risks associated with the current adopted term of lease. The recommendations to include additional terms and conditions other than those in the standard community group lease addresses some specific concerns and issues in relation to this proposal and the past and present use of the Reserve.

## CONSULTATION

The City has worked with DER officers on the best approach towards remediation. Discussions have been held with the BPC on the works required. This is further detailed in the Officer Comment section of this report.

City officers have liaised with other local governments where similar indoor shooting facilities have been established. A site visit to ranges located within residential areas in the Perth area was undertaken. This provided officers with a clearer understanding of the way these facilities are managed, including approaches to noise management and lead containment.

The BPC are keen to secure tenure of a portion of the Reserve to progress with their new indoor shooting range proposal. They are aware and acknowledge that they would be required to continue to work towards the rehabilitation of the Reserve, provide plans addressing issues relating to noise and safety and enter into a lease on the terms and conditions contained in the City's standard community lease.

The City invited all Ambergate Heights residents and those residents within a 1.5km radius of Reserve 28419 to attend a community forum on the 23 May 2016. An invitation was also extended to the whole community, with an advertisement featured in the 18 May 2016 Council for Community pages. The forum was attended by City officers, Councillors, representatives of the BPC and 23 community members. Outcomes of the forum are discussed in more detail in the officer comment section of this report.

## OFFICER COMMENT

### Lead Contamination

In accordance with the Council resolution of 2011, the City carried out further site investigations with the objective of finding a timely resolution to the contamination issue. The area subject to remediation is located in the North Eastern corner of the Reserve as shown hatched green on attachment A. This area contained the outdoor shooting stands and range barriers. A site remediation plan was prepared in 2012. Following this there were considerable further discussions and correspondence with DER which indicated that site remediation could be undertaken in stages.

Following the discussions and correspondence with DER it has been in effect determined that there are three stages to the remediation process necessary for the Reserve. The first stage is the removal of the outdoor shooting stands and range barriers and the skimming of the shooting ranges, bunds, embankments and surrounding lands in order to remove all lead contamination. Stage 2 is to remove or treat the soil as necessary and determined by analysis of the remaining soil on site. Stage 3 will be to reinstate soil and other earthworks at the effected site.

These remediation stages have been discussed with the BPC who have agreed that they should take primary responsibility for carrying out stages 1 and 3. As mentioned earlier in the report, the City has budgeted in the 2016/17 budget to spend up to \$25,000 on soil analysis and testing to ensure the completion of stage 2.

The BPC removed the stands and range barriers in August this year. The next work is to skim the shooting ranges, bunds and embankments. It is proposed that the BPC will do this in the next few months with the City overseeing the process. Soil in this area would then need to be removed or treated followed by an analysis of the remaining soil. Subject to the results of this, the last stage would then be to undertake reinstatement works, which would be done by the BPC.

The remediation of this area may take several years to fully resolve, however, there are no current proposals to develop this section of land. DER have advised that while the whole of the Reserve is registered as contaminated, the portion of the Reserve which is now proposed to be leased to the BPC would be suitable for industrial type use. The BPC proposal is likely to fit within this category of use. It is proposed that the completion of the Reserve remediation works as outlined in this report would be made a requirement of any new lease to be granted to the BPC, regardless of whether the premises includes the area to be remediated or not.

#### Ambergate Volunteer Bush Fire Brigade

The fire truck and equipment for the AVBFB is currently stored on private property. During the community consultation on the future use of Reserve 28419, it was identified that there was a need to relocate this to City owned or managed land and that the Reserve would be a possible location.

In April 2011, the Council resolved (C1104/142 item 5) to support the proposal from the AVBFB to construct a bush fire brigade shed and training room on a portion of the Reserve, subject to the resolution of the contamination issue.

The City has obtained funds from the Local Government Grant Scheme Capital Funding Programme administered by the Department of Fire and Emergency Services to construct a shed for the AVBFB. However, the City and the group have been considering alternative sites. A report will be presented to Council at a later date if an alternative site is preferred. The outcome of this will have no impact on the officer recommendation, as there will be sufficient land still available on the Reserve for both the shed and the BPC proposal.

#### Busselton Pistol Club Proposal

In 2011, the BPC presented the City with a proposal to construct an indoor pistol club building on a portion of the Reserve. The Council agreed subject to the facility being used for firing only air pistols and subject to the resolution of the contamination issue.

Since 2011 there have been a number of changes in the Executive Committee of the BPC and the club has been proactive in looking at ways to improve their facilities and expand their membership. Ultimately this has resulted in the BPC developing a totally new proposal for a standalone indoor shooting facility, which the BPC would like to see located on the Reserve.

The BPC would like to offer other disciplines of indoor shooting in the future, such as standard pistol, rapid fire and black powder. Members currently have to travel to other local authorities to train and compete in these disciplines. Under the current resolution of Council (C1104/142 item 4) the club are only permitted to conduct indoor air pistol shooting. They have requested that Council allow the club to conduct other indoor shooting disciplines from this Reserve in the future as part of the development of their proposed new facility.

The BPC are proposing to develop a fully enclosed indoor shooting range. The facility would be constructed from concrete tilt panel walls, which would be required to be built to a sufficient standard to provide a barrier for noise, which has been a concern of nearby residents in the past. The range would also be required to be built to specifications to meet all statutory and regulatory requirements and must be approved by the relevant statutory authorities prior to any use. The West Australian Pistol Association have reviewed the preliminary range design and advised it appears viable, subject to fit out, to be able to conduct sanctioned matches in proposed shooting disciplines from the proposed facility.

The BPC have proposed a development in three stages. The first stage is the construction of a facility that includes a secure 25m indoor shooting range with preparation area, meeting room and internal

ablutions. The construction of a 50m indoor range is the second stage, which will then allow further opportunities for members to compete at state and national levels and increase the number of disciplines available locally. The third stage, is another 25m indoor range and will be considered at a later date if and when membership expands to justify this.

The cost of stage 1 is expected to be in the vicinity of \$315,000. The BPC are currently raising funds and are in the process of seeking funding to assist with these costs. The club submitted an application to the City for the first round of the 2016/17 Community Bids funding program seeking \$100,000 towards stage 1, of which \$40,000 was endorsed by Council at its ordinary meeting on 10 August 2016. The funding was granted subject to the club meeting statutory requirements and obtaining all necessary approvals and securing all other funding necessary for the first stage of the project. With in-kind contributions, voluntary labour and the City's contribution the BPC now have approximately two thirds of the funding required for this stage of the project.

Each year Local Government Authorities are required to rate, prioritise and forward Community Sport and Recreation Facilities Fund (CSRFF) submissions received from within their district. An application received from the BPC seeking a grant for the sum of \$103,000.00 towards the construction of stage 1 was ranked and presented to Council at its meeting of 14 September 2016. The Council resolved to support their application. The BPC should know the outcome of this submission by the end of December 2016.

#### Community Forum

The City invited members of the public and Ambergate residences to attend the community forum. This was an opportunity to provide them with an update on the resolution of the lead contamination issues, the BPC's new proposal and the proposal for an alternative site for the AVBFB. A number of residents and Councillors attended.

Those in attendance had an opportunity to raise their concerns and ask questions. A BPC representative provided information about what the sport in general involves and how the design and construction of the indoor shooting ranges would address their concerns such as lead containment, safety and noise.

The City provided details of the staged approach to the remediation of the Reserve. Those attending were pleased to see some progress with regards to this and appeared happy that the Reserve would be tidied up through this process. The demolition works of the outdoor range infrastructure has since been completed resulting in a considerable improvement to the appearance of the Reserve.

Although those in attendance understood that the new BPC proposal involved the conduct of shooting in a controlled environment, they did have concerns around this type of activity being in close proximity to their community. This is an issue that is likely to arise no matter where an indoor shooting range is located. The City re-iterated that there is no proposal for the Reserve to be used for outdoor shooting now or into the future and that the proposed leased premises would purely be for the purpose of indoor shooting only. Further, the control of potential amenity impacts of developing such a facility, such as noise and safety, would likely be the subject of conditions of planning consent, which would be required before the facility could proceed. There is also a variety of other regulatory requirements addressing these issues that the facility would have to comply with.

#### Ambergate Hall

In 2009 a structural assessment of the Hall was undertaken. The report received stated that the condition of the Hall was such that it should be closed to the public. Since then the Hall has been closed, but continues to deteriorate and should be removed. The Hall would need to be removed prior to the construction of any new facility and the BPC should be required to do this. However, if

the new facility does not progress, it is recommended that the Hall be removed as soon as practical due to its poor condition. The removal of the Hall remains the BPC's responsibility under its existing lease and if stage 1 of the BPC's proposal does not proceed as anticipated, discussions will need to occur with the BPC about the timing of the Hall's removal.

The City acknowledges that the long term Ambergate residents have had a strong connection to the Hall. Knowing that it was imminent that the Hall would need to be removed, the City arranged for its heritage consultant to inspect the Hall. The heritage consultant agreed that the Hall is in a very poor condition and that there have been alterations to the original fabric of the Hall and a loss of historic detail over time, thus reducing its heritage value. The recommendation that the Hall be demolished was supported but prior to doing so, given its social value in the past, the consultant recommended that the Hall should be recorded photographically. This recommendation has been noted and will form part of any future actions in relation to the Hall.

#### New BPC Lease

The most recent resolution of Council relating to the BPC occupation of the Reserve was in 2011, when the Council resolved to enter into a 21 year lease with the BPC subject to a resolution of the lead contamination. As the contamination issues have not been finally resolved, a new lease has never been offered in accordance with this resolution. As mentioned previously, the BPC remain in occupation on a holding over clause of their lease first entered into in 1989.

The 2011 Council resolution only permits the BPC to conduct indoor air pistol shooting so the BPC are seeking Councils approval to be able to conduct other indoor shooting disciplines when the new facility is constructed. This would be subject to obtaining all necessary statutory approvals. Until such time as a new facility is built the club would continue to be permitted to use their existing facility for indoor air pistol shooting only in accordance with the existing Council resolution.

As mentioned previously, a new resolution is being sought in relation to the term of the lease. The recommendation to change the term to 10 years with a further 10 year option provides the BPC with long term tenure but also enables the City to review and update lease terms and conditions after 10 years and maintain an extra level of control over the future use of the Reserve. The proposed term is consistent with the City's recently adopted leasing policy.

It is not proposed that the City enter into a new lease with the BPC straight away. Given the existing obligations of the BPC with respect to the Reserve, the new lease needs to be made subject to satisfactory progress being made on remediation of contamination at the Reserve and the removal of the Hall.

The proposed new lease is also very much dependent on the satisfactory progress of stage 1 of the BPC's proposal for an indoor shooting facility. Thus it is proposed that the new lease should not be entered into until such time as the BPC have obtained planning consent from the City for the facility. A number of issues that have been of concern to Ambergate residents in relation to the BPC's use of the Reserve including lead contamination, safety, noise management and dust issues, are likely to be addressed during the planning consent process.

The timely progression of the new proposal will be made a requirement of the new lease. Thus it is proposed the lease contain a provision requiring the substantial commencement of stage 1 of the BPC facility within 2 years, and the completion of the construction of this stage of the facility within 3 years. In this way, the City would have the option of bringing the lease to an end if for some reason the facility does not progress in a timely fashion.

## CONCLUSION

For many years the City has worked with the BPC to assist them to progress a new, safe and compliant indoor shooting facility. The BPC's proposal involves environmental remediation of the leased site, followed by the construction of a fully enclosed indoor shooting range. By supporting the BPC's funding application and providing the club with grant funds the Council have already shown indicative support for the BPC's proposal.

This new facility will allow members of the local community to participate in shooting in an appropriate environment and also provide an opportunity for the BPC to expand over time. In order to progress this proposal, it is recommended that the City enter into a new lease with the BPC subject to the conditions and on the terms outlined in the Officer Recommendation.

## OPTIONS

There are a range of options with regard to the pre-conditions for leasing a portion of the Reserve to the BPC, the activities permitted on the Reserve and the terms and other requirements of a new lease to the BPC. These are reflected in this report but can be explained in more detail if needed.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

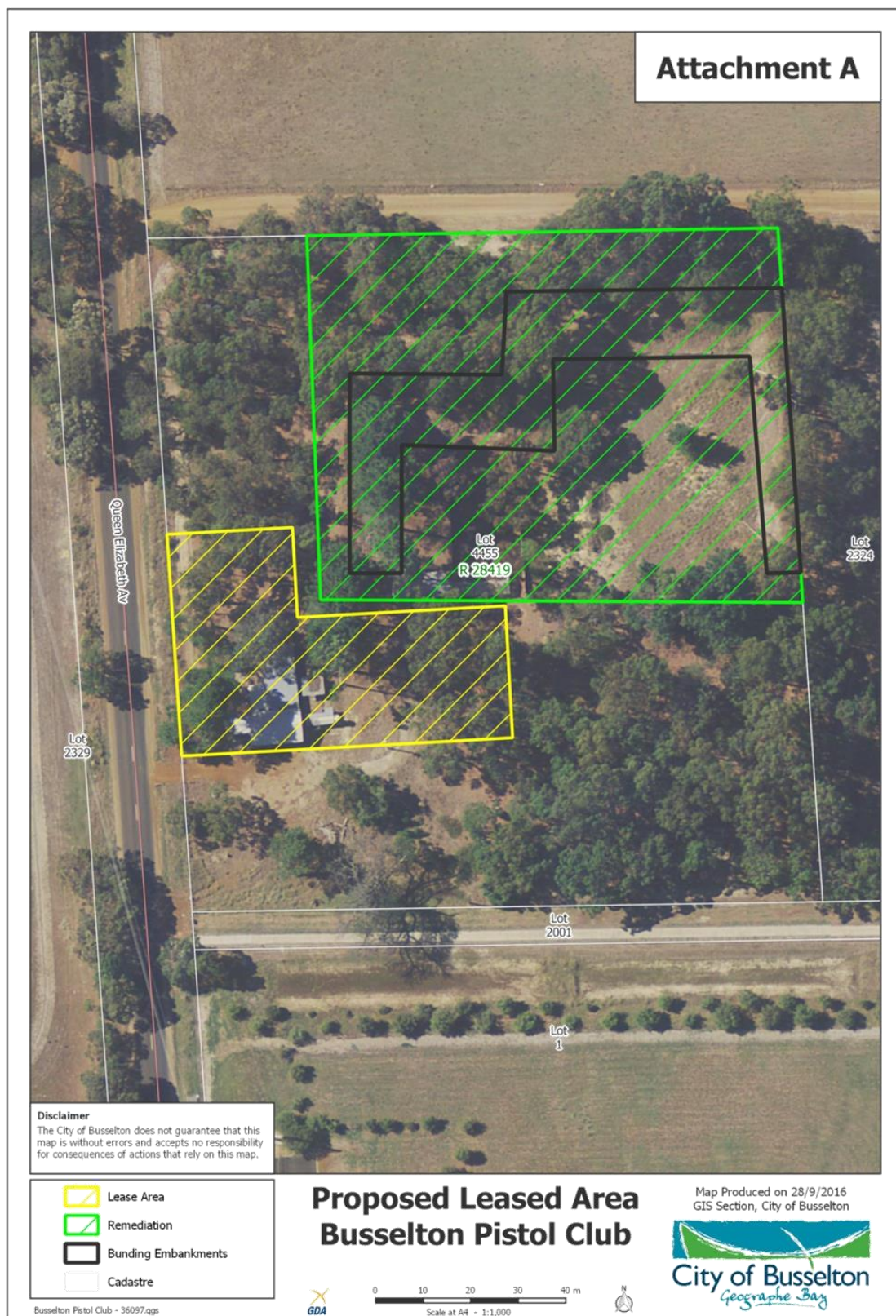
It is not proposed to enter into a lease with BPC until conditions referred to in the Officer Recommendation are met. A new lease will be required prior to construction of stage 1 of the proposed new facility commencing on the Reserve and will be subject to the Minister for Lands approval. If satisfactory progress is not made on the new BPC proposal by December 2017 a further report will be put to Council.

## OFFICER RECOMMENDATION

That the Council:

1. Subject to:
  - (i) The Busselton Pistol Club making satisfactory progress on remediation of the Reserve in accordance with the agreed staged remediation plan;
  - (ii) Agreeing to remove all existing infrastructure from the Reserve associated with the Busselton Pistol Club's previous use of the Reserve including but not limited to the Ambergate Hall; and
  - (iii) Obtaining planning consent from the City for stage 1 of the new proposed fully indoor pistol shooting facility;
2. Enter into a lease, with the Busselton Pistol Club Incorporated for the occupation of a portion of Reserve 28419, Lot 4455, Queen Elizabeth Avenue, Ambergate, as shown hatched yellow on Attachment A on the following terms;
  - a) The term of the lease to be 10 years commencing no later than 30 December 2017, with a further 10 year option subject to discussions between the City and the club and the Council and the City's consideration of community needs at the time;
  - b) The annual rent to be the nominal rental of \$205.00 inclusive of GST and is to be increased by CPI annually;

- c) The lease will be consistent with the City's standard community group lease with the addition of clauses requiring that;
  - (i) The Lessee complete the remediation of all lead contamination issues associated with the Reserve;
  - (ii) The Lessee will be responsible for all costs associated with the removal of any existing infrastructure located on the Reserve including the Ambergate Hall;
  - (iii) The Lessee only be able to conduct shooting activities from the Premises in respect of which all necessary statutory approvals have been issued;
  - (iv) The Lessee prepare and comply with a noise management plan developed for the Premises; and
  - (v) The Lessee prepare and comply with a lead containment and safety plan developed for the Premises;
- d) All costs associated with the preparation of the lease to be met by the Lessee.



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

### **15.1 AWARD OF TENDER RFT17/16 MILNE STREET SPORTS PAVILION CONSTRUCTION**

<b>SUBJECT INDEX:</b>	Milne Street Pavilion, Barnard Park
<b>STRATEGIC OBJECTIVE:</b>	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Major Projects
<b>REPORTING OFFICER:</b>	Contract & Tendering Officer - Lisa McDonald Senior Consultant Major Projects - Jan Hopper
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Nil

**Attachment A and B 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 RFT17/16 for Milne Street Sports Pavilion Construction. The tender has now closed and tender submissions have been received and evaluated. This report summarises the submissions received and recommends that Council awards RFT17/16 – Milne Street Sports Pavilion Construction Contract to Innovest Construction Pty Ltd, in accordance with the tender evaluation panel recommendation.

### **BACKGROUND**

The City of Busselton’s 2016/17 Capital Works Program includes provision for the construction of a multi-user sports pavilion on the original alignment of Milne Street within the Barnard park Sports Complex (see attached plan A). The purpose of the works is to provide a facility for the sporting groups that use Barnard Park now and into the future including change rooms, public ablutions, a function room, kitchen and bar.

### **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”.

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.

Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

### **RELEVANT PLANS AND POLICIES**

The City’s purchasing, tender selection criteria, occupational health and safety and engineering technical standards and specifications, were all relevant to this tender and have been adhered to in the process of requesting and evaluating tenders.

## FINANCIAL IMPLICATIONS

The total budget for the construction of the Milne Street pavilion within the Barnard Park precinct is \$1,626,940 (Cost Centre B9593) which is less than required for the preferred tender. Based on the tender received it is now proposed the total project budget be \$1,876,736, which allows for the preferred tender and a small contingency. It is proposed that the additional funding to complete the works which could be sourced from the Community Development Reserve Fund. This is shown in the table below:

Description	Account String	2016/2017 Adopted Budget	2016/2017 Amended Budget (Proposed)	Variation to 2016/17 Budget
Milne Street Pavilion	120-B9593-3280	\$1,626,940	\$1,876,736	\$249,796
Transfer from Community Development Contribution Reserve (City District)	302-9103	(\$1,041,313)	(1,291,109)	(\$249,796)
CSRFF Grant	120-b9593-1213	(\$542,310)	(\$542,310)	0
Municipal Fund	Municipal Fund	(\$43,317)	(\$43,317)	0
<b>Net Exp / (Rev)</b>		\$0	\$0	0

Innovest Construction's submitted tender price is accommodated within the amended budget.

It is expected that any variations will be paid from the existing budget, authorised by the Superintendent.

### Long-term Financial Plan Implications

Nil

## STRATEGIC COMMUNITY OBJECTIVES

The construction of the Milne Street pavilion is consistent with following the City of Busselton's Strategic Objectives:

2. Well planned, vibrant and active places;
- 2.3 Infrastructure assets are well maintained and responsibly managed to provide for future generations.

## RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer's recommendation has been undertaken using the City's risk assessment framework. The assessment sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls has been identified as medium or greater are included below.

Risk	Controls	Consequence	Likelihood	Risk Level
Delay of materials from a third party and services supplied by a sub-	Early award to the contractor. Included in the contract	Medium	Unlikely	Medium

contractor. The worst impact would be a delay in materials delaying the completion of the project.	scope and project timeline. Delay would be at contractor's risk. Liquidated damages may be imposed for delays that cause loss to the City.			
The contractor fails to complete the installation by the end of June 2017.	Weekly project meetings to monitor progress. Liquidated damages may be imposed for delays that cause loss to the City.	Medium	Possible	Medium
The costs associated with the construction is over the Council endorsed budget due to variations to the contractors scope of work.	Tender contract terms & conditions; Regular project meetings to monitor progress and provision of a contingency budget.	Medium	Likely	Medium
The contractor fails to construct the infrastructure in accordance with the design.	The Contractor will be monitored to confirm that design is being adhered to at appropriate hold points.	Medium	Unlikely	Medium

## CONSULTATION

RFT17/16 was advertised in the West Australian newspaper on 13 August 2016; the Council for Community pages in the Busselton Dunsborough Mail editions on 17 August 2016; the City of Busselton tenders website page on Saturday 13 August 2016 and Public Notice Boards on Monday 15 August 2016. The closing date for submissions was 15 September 2016 at 2.00pm.

## OFFICER COMMENT

The City issued Request for Tender documents to twenty-seven (27) potential Respondents and received a total of ten (10) submissions from; Innovest Construction, Pro Construction, Civil Con, Q Design and Construct, Smith Constructions, Pindan, Perkins, Big Ben Builders, ZD Construction and CLPM.

The tender assessment was carried out by a tender review panel consisting of Martyn Glover – Executive Director (Panel Chair), Jan Hopper – Senior Consultant Major Projects, and Lisa McDonald – Contracts and Tendering Officer. A copy of all documentation was provided to each member of the tender review panel for assessment.

As part of the tender evaluation process an initial compliance check was conducted to identify submissions that were non-conforming with the immediate requirements of the RFT. This included compliance with contractual requirements and the provision of requested information. All tender submissions were found to be compliant with the specified requirements.

The tender required applicants to address the specified qualitative and quantitative criteria, and complete a pricing schedule for the contract.

The qualitative criteria assessed and weightings applied were as follows:

- Relevant Experience 10%
- Key Personnel Skills and Experience 10%
- Tenderer's Resources 10%
- Demonstrated Understanding 10%

The Tendered price was given a weighting of 60%.

The preferred tenderer has been recommended on the basis of a complete tender evaluation in accordance with the above.

The attached confidential Tender Evaluation and Recommendation report (Attachment B) provides the detailed evaluation outcome.

In Summary, the final ranking demonstrated that the tender from Innovest Construction Pty Ltd represents the best value for money option for the City

## **CONCLUSION**

The tender evaluation panel has completed their assessment in line with the City's tender process and Officers now recommend the Council award Milne Street Pavilion Construction to Innovest Construction Pty Ltd.

## **OPTIONS**

The Council may consider the following alternate options:

1. The Council chooses not to accept the Officers Recommendation and award the Tender to an alternative tenderer. In the view of the Officer's this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer.
2. The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the development of the Busselton Foreshore.

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

The award of the tender can be made immediately after the Council has endorsed the Officer's recommendation. Subject to finalisation of a number of administrative requirements, the successful tenderer will receive formal written notification within seven (7) days of the resolution. All unsuccessful tender applicants will also be notified at this time.

## **OFFICER RECOMMENDATION**

## **ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council:

1. Endorses the outcomes of the evaluation panel's assessment in relation to Tender RFT17/16 for Milne Street pavilion Construction which has resulted in the tender submitted by Innovest Construction Pty Ltd being ranked as the best value for money.
2. Delegate authority to the CEO to award the contract for Tender RFT17/16 to Innovest Construction Pty Ltd, subject to negotiations over the final price sum.
3. That the Council Endorses an amendment to the 2016/2017 adopted budget on the following basis to enable the commitment of additional funding to the Milne Street Pavilion project:

<b>Description</b>	<b>Account String</b>	<b>2016/2017 Adopted Budget</b>	<b>2016/2017 Amended Budget (Proposed)</b>	<b>Variation to 2016/17 Budget</b>
Milne Street Pavilion	120-B9593-3280	\$1,626,940	\$1,876,736	\$249,796
Transfer from Community Development Contribution Reserve (City District)	302-9103	(\$1,041,313)	(1,291,109)	(\$249,796)
<b>Net Exp / (Rev)</b>		\$585,627	\$585,627	0

## 15.2 COUNCILLORS' INFORMATION BULLETIN

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Executive Services
<b>REPORTING OFFICER:</b>	Administration Officer - Governance - Hayley Barge
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Planning Applications Received 1 September - 15 September Attachment B Planning Applications Determined 1 September - 15 September Attachment C State Administrative Tribunal Appeals as at 28 September Attachment D City of Busselton - Compulsory Accreditation for Bushfire Consultants Attachment E Minister for Commerce - Response to Compulsory Accreditation for Bushfire Consultants Attachment F Minister for Planning; Disability Services - Response to Compulsory Accreditation for Bushfire Consultants Attachment G Parliament of Western Australia - Letter of Appreciation Attachment H Busselton Hospice Care Inc - Letter of Appreciation Attachment I Dunsborough Probus Club Inc - Letter of Appreciation

### PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

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

#### 15.2.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 September, 2016 and 15 September, 2016. 38 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 January, 2016 and 14 January, 2016. A total of 28 applications (including subdivision referrals) were determined by the City during this period with 28 approved / supported and 0 refused.

#### 15.2.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 28 September 2016.

### **15.2.3 Compulsory Accreditation for Bush Fire Consultants**

Attachment D is a letter sent by the City to relevant Ministers associated with accreditation requirements for bush fire consultants. The letter was sent following the Council's recent revocation of its own bush fire planning policies, which have been superseded by equivalent State level policies. Attachment E is a response from the Minister for Commerce, the responsible Minister in relation to the Building Act. The letter, unfortunately, confirms that the State is not currently contemplating making accreditation compulsory. The letter does, however, confirm that if City building surveyors, in their role as certifiers of building permit applications, are not satisfied that bush fire assessments provided in support of a building permit application are adequate, or are not prepared by someone with, in their opinion, adequate experience and qualifications, they can refuse to certify a building permit application on that basis. Also at Attachment F is a response from the Minister of Planning; Disability Services to the City's letter Attachment D. The City is yet to receive responses from the other relevant Ministers.

### **15.2.4 Parliament of Western Australian – Letter of Appreciation**

Correspondence has been received from the Parliament of Western Australia and is available to view in Attachment G.

### **15.2.5 Busselton Hospice Care Inc – Letter of Appreciation**

Correspondence has been received from Busselton Hospice Care and is available to view in Attachment H.

### **15.2.6 Dunsborough Probus Club Inc – Letter of Appreciation**

Correspondence has been received from the Dunsborough Probus Club and is available to view in Attachment I.

### **OFFICER RECOMMENDATION**

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

- [15.2.1 Planning and Development Statistics](#)
- [15.2.2 State Administrative Tribunal \(SAT\) Appeals](#)
- [15.2.3 Compulsory Accreditation for Bush Fire Consultants](#)
- [15.2.4 Parliament of Western Australian – Letter of Appreciation](#)
- [15.2.5 Busselton Hospice Care Inc – Letter of Appreciation](#)
- [15.2.6 Dunsborough Probus Club Inc – Letter of Appreciation](#)



## Applications Received (Deemed Complete) Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
<b>Development Applications</b>								
DA13/0886.01	MULTI RESIDENTIAL DEVELOPMENT (MODIFICATION TO DEVELOPMENT APPROVAL DP/13/00808)	8 Inverness Avenue~DUNSBOROUGH WA 6281	Lot 62 PLAN 402665	1/09/2016	85000	The Bird (WA) Pty Ltd	The Bird (WA) Pty Ltd	35
DA16/0540	HOLIDAY HOME (SINGLE HOUSE) 8 PEOPLE	116 Bussell Highway~WEST BUSSELTON WA 6280	Lot 13 DIAGRAM 25974	6/09/2016	0	Murray Charles Kinnane, Tahlia Madeline Kinnane, Janice Elizabeth Linardi, Vincent Bruno Linardi	Janice Elizabeth Linardi	3
DA16/0552	RELOCATED BUILDING ENVELOPE TO ACCOMMODATE A SINGLE HOUSE, WATER TANKS AND AN EXISTING OUTBUILDING (LANDSCAPE VALUE AREA)	16 Tall Tree Crescent~REINSCOURT WA 6280	Lot 102 PLAN 23469	14/09/2016	280000	Alan Kian Ann Khoo & Monica Mui Gek Chia	Ausasia Design Consultants	63
DA16/0560	SINGLE HOUSE (RETAINING WALL IN PORT GEOGRAPHE DEVELOPMENT AREA - RETROSPECTIVE)	15 Keel Retreat~GEOGRAPHE WA 6280	Lot 507 PLAN 22448	1/09/2016	10000	Ian David Robbins & Pamela Jean Robbins	Ian David Robbins, Pamela Jean Robbins	1
DA16/0594	Single House (New two storey dwelling)	11 Toddy Place~DUNSBOROUGH WA 6281	Lot 302 PLAN 219011	14/09/2016	800000	Bruce Cardell Johnson & Colleen Elizabeth Johnson	Bruce Cardell Johnson, Colleen Elizabeth Johnson	7
DA16/0612	Grouped Dwelling (extension in Special Character Area)	7A Elsegood Avenue~YALLINGUP WA 6282	Lot 2 SSPLN 32352	14/09/2016	95000	Christopher Shaun Davies & Joanne Mary Joy Davies	Mark Webster Design	2
DA16/0614	SINGLE HOUSE (SINGLE HOUSE & OUTBUILDING IN SPECIAL CHARACTER / LANDSCAPE VALUE AREA)	Carnarvon Castle Drive~EAGLE BAY WA 6281	Lot 319 PLAN 55023	1/09/2016	312000	Timothy James Paltridge & Alexandra Nelly Scourtis	Quiraing Trading Pty Ltd	37
DA16/0629	Use Not Listed (Caravan Storage)	792 Ludlow-Hithergreen Road~RUABON WA 6280	Lot 1833 PLAN 201682	6/09/2016	75000	Darryl Wayne Stone & Alison Maureen Stone	Alison Maureen Stone, Darryl Wayne Stone	0
DA16/0634	SINGLE HOUSE (Proposed two storey dwelling)	17 Jingarie Place~DUNSBOROUGH WA 6281	Lot 171 PLAN 37192	1/09/2016	350000	Apples (WA) Pty Ltd	Naked Architecture	19
DA16/0635	SINGLE HOUSE (ADDITIONS/ALTERATIONS WITHIN EAGLE BAY SPECIAL CHARACTER AND LANDSCAPE VALUE AREAS)	29A Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 632 PLAN 58323	1/09/2016	150000	NHOJ Nominees Pty Ltd	Brett David Evans, Andrew Maunder Williams, Evan James Williams	10
DA16/0641	SINGLE HOUSE (DWELLING AND OUTBUILDING IN LANDSCAPE VALUE AREA)	14 Hebrides Close~QUINDALUP WA 6281	Lot 272 PLAN 68461	1/09/2016	380000	Gotthard Bauer	AMBA Building Pty Ltd	28
DA16/0647	Holiday Home (Grouped Dwelling) 6 people	3/2 Lecaille Court~DUNSBOROUGH WA 6281	Lot 3 STPLN 30658	12/09/2016	0	Olga Mirmikidis	Olga Mirmikidis	32
DA16/0657	OUTBUILDING (WITHIN LANDSCAPE VALUE AREA)	40 Kinross Loop~QUINDALUP WA 6281	Lot 249 PLAN 68461	9/09/2016	15000	Jacobus Lodewzkus De Klerk & Renae Jane McEncroe De Klerk	Jacobus Lodewzkus De Klerk	14
DA16/0659	Holiday Home (Single house) increase from 8 people to 10 people	38 Geographe Bay Road~DUNSBOROUGH WA 6281	Lot 121 PLAN 7393	6/09/2016	1	Christine Anne Featch	Christine Anne Featch	0
DA16/0668	RELOCATED BUILDING ENVELOPE TO ACCOMMODATE AN OVERHEIGHT OUTBUILDING	1A Furphy Place~WEST BUSSELTON WA 6280	Lot 408 PLAN 400479	1/09/2016	0	Craig John McArthur & Louise Honor McArthur	Craig John McArthur, Louise Honor McArthur	29
DA16/0669	HOLIDAY HOME (SINGLE HOUSE) - 7 PEOPLE	67 Peppermint Drive~DUNSBOROUGH WA 6281	Lot 175 PLAN 8543	6/09/2016	0	Anthony Walter Ryall & Laura Ryall	Anthony Walter Ryall, Laura Ryall	12
DA16/0670	Single House (Landscape Value Area) use of light colours for external cladding	Panorama Rise~QUINDALUP WA 6281	Lot 44 PLAN 23807	9/09/2016	235559	Sally Elizabeth Rogers & Philip David Roger	WA Country Builders Pty Ltd - Busselton	0
DA16/0674	Single House (Alfresco Addition to Single House with Reduced Setback)	12 Augusta Parade~DUNSBOROUGH WA 6281	Lot 1069 PLAN 58898	1/09/2016	6000	Nicole Cherie Giglia	Nicole Cherie Giglia	16
DA16/0677	Relocated Building Envelope (Relocated Building Envelope to Accommodate an Outbuilding in Landscape Value Area)	22 Blue Orchid Court~YALLINGUP WA 6282	Lot 13 PLAN 24327	8/09/2016	21000	Gaynor Elizabeth King	Busselton Sheds Plus	17
DA16/0679	Single House (Special Character and Landscape Value Area)	8 Eagle Bay Road~EAGLE BAY WA 6281	Lot 46 DIAGRAM 40953	9/09/2016	650000	Ian John Everett & Philippa Dawn Piesse	Rebecca June Richards	17
DA16/0680	Single House (Carport / Patio Addition with Reduced Setback)	11 Rubica Place~DUNSBOROUGH WA 6281	Lot 149 PLAN 18379	13/09/2016	9416	Desmond Stanley Duplex	Desmond Stanley Duplex, Bunbury Patio Solutions (WA) Pty Ltd	21
DA16/0683	Outbuilding (reduced setbacks)	242 Dunsborough Lakes Drive~DUNSBOROUGH WA 6281	Lot 1240 PLAN 406062	13/09/2016	14000	Benjamin Jeffrey Alone	Busselton Sheds Plus	14
DA16/0684	Carport (reduced open space)	33 Sickle Drive~VASSE WA 6280	Lot 317 PLAN 52481	14/09/2016	6760	Keith Michael Glanfield	CPR Outdoor Centre	14
DA16/0685	Outbuilding (Outbuilding with Reduced Setbacks)	32 Pennyworth Ramble~WEST BUSSELTON WA 6280	Lot 338 PLAN 400537	7/09/2016	2000	Patricia Elizabeth Hehir & David Hehir	David Hehir, Patricia Elizabeth Hehir	5
DA16/0686	Holiday Home (Grouped Dwelling) 6 people	1/43 Gibney Street~DUNSBOROUGH WA 6281	Lot 1 STPLN 46429	6/09/2016	1	Kimble Anne Miller	Kimble Anne Miller	17
DA16/0688	Single House (Ancillary Dwelling with Reduced Setback)	60 Bignell Drive~WEST BUSSELTON WA 6280	Lot 304 PLAN 14516	8/09/2016	124919.09	Lancelot Rupert Pereira & Sandra Anne Merrin	Tangent Nominees Pty Ltd	0

**Applications Received (Deemed Complete) Report**

<i>Application Number</i>	<i>Description</i>	<i>Primary Property Address</i>	<i>Primary Property Legal Desc</i>	<i>Date Application Deemed Complete</i>	<i>Estimated Cost</i>	<i>Primary Property Owners</i>	<i>Applicant Name</i>	<i>Clock Days</i>
<b>Development Applications</b>								
DA16/0699	Extractive Industry (Limestone) and Crushing Facility	Ludlow Park Road~LUDLOW WA 6280	Lot 237 PLAN 250375	13/09/2016	1	John Anthony Forrest	BSO Development Consultants Pty Ltd	10
DA16/0701	Holiday Home (Single House) 8 People	8 Cypress Brace~DUNSBOROUGH WA 6281	Lot 961 PLAN 47638	13/09/2016	0	Roderick Johnson Mccrossan & Lorraine Mccrossan	Roderick Johnson Mccrossan, Lorraine Mccrossan	3
DA16/0702	Single House (Patio Addition to Single House in Landscape Value Area)	17 Schooner Crescent~DUNSBOROUGH WA 6281	Lot 61 PLAN 26367	14/09/2016	15000	Austin Patrick Dignan & Rebecca Dignan	Bunbury Patio Solutions (WA) Pty Ltd	1
DA16/0703	Single House (Special Character Area)	21 Annmaria Rise~EAGLE BAY WA 6281	Lot 326 PLAN 55023	14/09/2016	369522.72	Mark Hamilton Lee & Myriam Ornella Zaggia	Tangent Nominees Pty Ltd	2
DA16/0704	Single House (Patio Addition to Single House)	48 Peron Avenue~DUNSBOROUGH WA 6281	Lot 136 DIAGRAM 75068	14/09/2016	7250	Helen Joyce Leppard	CR Design Solutions	9
DA16/0708	Outbuilding (carport addition to outbuilding with reduced setback)	546 Geographe Bay Road~ABBAY WA 6280	Lot 59 PLAN 7121	14/09/2016	8860	Ian David Clark	CPR Outdoor Centre	3
WAPC16/0046	Subdivision - 3 x Lots (636m2 - 637m2)	8 Hennessey Loop~DUNSBOROUGH WA 6281	Lot 20 PLAN 50804	2/09/2016	0	Savita Pty Ltd	L8 Planning	21
WAPC16/0047	SUBDIVISION - ROAD WIDENING	Blum Boulevard~YALVALUP WA 6280	Lot 503 PLAN 23798	2/09/2016	0	Brian Arthur Blum & Dorothy Alice Blum	Able Planning & Project Management	21
WAPC16/0048	SUBDIVISION - 3 x LOTS (13,842m2, 12,762m2 & 10,092m2)	72 Kookaburra Way~VASSE WA 6280	Lot 248 PLAN 4918	5/09/2016	0	Stephen Norman Dalziel & Wendy Louise Dalziel	RPS Australia East Pty Ltd	18

## Applications Determined Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Application Determined Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications										
DA16/0484	WINERY AND CELLAR DOOR (ADDITIONS)	5 Harmans Mill Road~METRICUP WA 6280	Lot 112 PLAN 40318	9/09/2016	Approved	Approved	71	250000	Gregory Owen Garnish, Kristine Louise Garnish, Raymond Craig Fokkema, Theresa Fokkema, Daniel Bosveld, Diane Shirley Bosveld, Brian Bosveld, Elizabeth Oetje Bosveld, Alan Bosveld, Sharon Leanne Bosveld, Humphry Cornelis Faas, Shal Nominees Pty Ltd	Busseton Sheds Plus
DA16/0509	BOUNDARY FENCE - (2.23M HIGH)	2 Moonshine Place~DUNSBOROUGH WA 6281	Lot 1 SSPLN 48233	14/09/2016	Approved	Approved	6	10000	Troy Paige Davison	Troy Paige Davison
DA16/0524	INDUSTRIAL - UNITS (3)	10 Trumper Drive~BUSSELTON WA 6280	Lot 157 PLAN 20856	14/09/2016	Approved	Approved	64	550000	Robert Tognela	Kelly Price Pro Living
DA16/0530	WINERY	1105 Vasse-Yallingup Siding Road~QUINDALUP WA 6281	Lot 308 PLAN 41324	8/09/2016	Approved	Approved	55	20000	Benjamin Malcolm Gould & Naomi Jean Gould	Benjamin Malcolm Gould, Naomi Jean Gould
DA16/0540	HOLIDAY HOME (SINGLE HOUSE) 8 PEOPLE	116 Bussell Highway~WEST BUSSELTON WA 6280	Lot 13 DIAGRAM 25974	8/09/2016	Approved	Approved	3	0	Murray Charles Kinnane, Tahlia Madeline Kinnane, Janice Elizabeth Linardi, Vincent Bruno Linardi	Janice Elizabeth Linardi
DA16/0541	DISPLAY HOME (SIGNAGE)	117 Bussell Highway~WEST BUSSELTON WA 6280	Lot 83 DIAGRAM 35449	9/09/2016	Approved	Approved	53	6595	BGC Residential Pty Ltd	BGC Residential Pty Ltd
DA16/0560	SINGLE HOUSE (RETAINING WALL IN PORT GEOGRAPHE DEVELOPMENT AREA - RETROSPECTIVE)	15 Keel Retreat~GEOGRAPHE WA 6280	Lot 507 PLAN 22448	2/09/2016	Approved	Approved	1	10000	Ian David Robbins & Pamela Jean Robbins	Ian David Robbins, Pamela Jean Robbins
DA16/0568	SINGLE HOUSE (PATIO AND CARPORT WITH REDUCED SIDE SETBACK)	8 Reynolds Street~WEST BUSSELTON WA 6280	Lot 1 SSPLN 73364	1/09/2016	Approved	Approved	23	9800	Hema-Tanemahuta Heke & Lucy Kate Heke	Mick Strange Carpentry
DA16/0571	SINGLE HOUSE (SPECIAL CHARACTER AREA)	22 Annmaria Rise~EAGLE BAY WA 6281	Lot 327 PLAN 55023	9/09/2016	Approved	Approved	22	350000	Natalie Janes Jenkinson & Matthew David Jenkinson	David Cann
DA16/0572	OUTBUILDING (OVER-HEIGHT OUTBUILDING WITH REDUCED SETBACK)	53 Peron Avenue~DUNSBOROUGH WA 6281	Lot 287 PLAN 12170	9/09/2016	Approved	Approved	28	15000	Murray Robert Wharton & Jo-Ann Marie Wharton	Resonate Homes
DA16/0591	SINGLE HOUSE (PATIO ADDITION WITH REDUCED SETBACK)	40 Sickle Drive~VASSE WA 6280	Lot 320 PLAN 52481	9/09/2016	Approved	Approved	33	9000	Sean Rosser Stephens & Shannon Jeffrey	Sean Rosser Stephens, Shannon Jeffrey
DA16/0596	SINGLE HOUSE (ADDITIONS / ALTERATIONS IN A SPECIAL CHARACTER AREA)	2/28 Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 2 SSPLN 40069	12/09/2016	Approved	Approved	3	30000	Arbed Nominees Pty Ltd	Geoff Leding Wilton
DA16/0604	CARPORT (PORT GEOGRAPHE DEVELOPMENT AREA)	6 Pebble Drive~GEOGRAPHE WA 6280	Lot 240 PLAN 21424	1/09/2016	Approved	Approved	22	1000	Thomas Herbert Sewell & Pamela Margaret Sewell	Thomas Herbert Sewell, Pamela Margaret Sewell
DA16/0607	SINGLE HOUSE (R-CODE VARIATION - REDUCED REAR SETBACK)	8A Reynolds Street~WEST BUSSELTON WA 6280	Lot 2 SSPLN 73364	14/09/2016	Approved	Approved	27	234000	Mark Anthony Mitchell	Mick Bray Building
DA16/0613	HOLIDAY HOME (SINGLE HOUSE) 12 PEOPLE	7 Kestrel Street~EAGLE BAY WA 6281	Lot 15 PLAN 12895	6/09/2016	Approved	Approved	0	1	Crystal Lakes Pty Ltd	Crystal Lakes Pty Ltd
DA16/0615	SINGLE HOUSE (PORT GEOGRAPHE DEVELOPMENT AREA)	19 Headstay Cove~GEOGRAPHE WA 6280	Lot 27 PLAN 57392	12/09/2016	Approved	Approved	29	617630	David John Ebert & Julie May Ebert	M and MJ Constructions Pty Ltd
DA16/0616	OUTBUILDING (OVER-HEIGHT WALL)	5 Bishop Place~WEST BUSSELTON WA 6280	Lot 342 PLAN 15815	12/09/2016	Approved	Approved	26	10000	Brian William Campbell & Elisa Jayne Cole	Brian William Campbell, Elisa Jayne Cole
DA16/0622	OUTBUILDING (WATER TANK IN LANDSCAPE VALUE AREA)	55 Lagoon Drive~YALLINGUP WA 6282	Lot 13 PLAN 21893	8/09/2016	Approved	Approved	20	9000	Patrick John Keelty & Vivien June Keelty	Patrick John Keelty, Vivien June Keelty
DA16/0630	OUTBUILDING (LANDSCAPE VALUE AREA)	916 Cape Naturaliste Road~NATURALISTE WA 6281	Lot 64 PLAN 400662	7/09/2016	Approved	Approved	20	100000	Michael Sydney Simm	Busseton Sheds Plus
DA16/0634	SINGLE HOUSE (Proposed two storey dwelling)	17 Jingarie Place~DUNSBOROUGH WA 6281	Lot 171 PLAN 37192	8/09/2016	Approved	Approved	19	350000	Apples (WA) Pty Ltd	Naked Architecture
DA16/0635	SINGLE HOUSE (ADDITIONS/ALTERATIONS WITHIN EAGLE BAY SPECIAL CHARACTER AND LANDSCAPE VALUE AREAS)	29A Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 632 PLAN 58323	14/09/2016	Approved	Approved	10	150000	NHOJ Nominees Pty Ltd	Brett David Evans, Andrew Maunder Williams, Evan James Williams
DA16/0663	Caravan and Camping Grounds (Accessible Ablution Facility)	162 Caves Road~SIESTA PARK WA 6280	Lot 5303 PLAN 220583	13/09/2016	Approved	Approved	16	22000	Scripture Union of Western Australia	Scripture Union of Western Australia
DA16/0667	SINGLE HOUSE (R-CODE VARIATION - VEHICULAR ACCESS)	2 Somerset Road~DUNSBOROUGH WA 6281	Lot 1222 PLAN 406062	1/09/2016	Approved	Approved	0	212749.09	Jason Miles Callaghan	Tangent Nominees Pty Ltd
DA16/0669	HOLIDAY HOME (SINGLE HOUSE) - 7 PEOPLE	67 Peppermint Drive~DUNSBOROUGH WA 6281	Lot 175 PLAN 8543	6/09/2016	Approved	Approved	12	0	Anthony Walter Ryall & Laura Ryall	Anthony Walter Ryall, Laura Ryall
DA16/0679	Single House (Special Character and Landscape Value Area)	8 Eagle Bay Road~EAGLE BAY WA 6281	Lot 46 DIAGRAM 40953	14/09/2016	Approved	Approved	17	650000	Ian John Everett & Philippa Dawn Piesse	Rebecca June Richards
DA16/0685	Outbuilding (Outbuilding with Reduced Setbacks)	32 Pennyworth Ramble~WEST BUSSELTON WA 6280	Lot 338 PLAN 400537	13/09/2016	Approved	Approved	5	2000	Patricia Elizabeth Hehir & David Hehir	David Hehir, Patricia Elizabeth Hehir
DA16/0695	Outbuilding (Landscape Value Area)	Panorama Rise~QUINDALUP WA 6281	Lot 44 PLAN 23807	14/09/2016	Approved	Approved	3	9972.73	Sally Elizabeth Rogers & Philip David Roger	Sally Elizabeth Rogers, Philip David Roger
DA16/0702	Single House (Patio Addition to Single House in Landscape Value Area)	17 Schooner Crescent~DUNSBOROUGH WA 6281	Lot 61 PLAN 26367	14/09/2016	Approved	Approved	1	15000	Austin Patrick Dignan & Rebecca Dignan	Bunbury Patio Solutions (WA) Pty Ltd

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

**As at 28 September 2016**

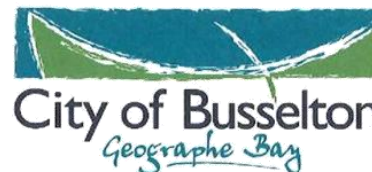
APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
<b>Eichenberg vs City of Busselton</b>	Lot 21 No 231 Injidup Spring Road, Yallingup	December 2014	Appeal against Section 214(2) and 214(3) Notices issued on 17 December 2014 for the removal of all illegal structures and cease the use of the land for raves and functions.	Jo Wilson / Paul Needham / Moshe Philips	Mediation on 20 November 2015 which resulted in following orders being made: <ul style="list-style-type: none"> <li>• Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan.</li> <li>• All notices have been stayed pending consideration of the BFMP.</li> <li>• Applicant did not engage a specialist to undertake a BFMP as a result the matter has been listed for a Directions Hearing to set dates for a Formal Hearing.</li> <li>• Directions Hearing on 6 May 2016, the applicant was given 2 months to submit a planning application and FMP.</li> <li>• A development application was received on 30 June 2016.</li> <li>• Mediation on 12 July 2016 where it was agreed that an amended Development Application will be submitted by the 21 July 2016 and the current development application will be withdrawn.</li> <li>• An amended development application has not been received; as a result in accordance with the Orders the City will prepare a Statement of Issues, Facts and Contentions by 7 October 2016;</li> <li>• The matter is listed for final Hearing on 26 October 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• Statement of Issues, Facts and Contentions to be provided by the City by 7 October 2016.</li> </ul>	
<b>DCSC vs Southern JDAP</b>	Lot 108 No 57 Dunn Bay Road, Dunsborough	January 2016	Appeal against refusal of Development application for Service Station	State Solicitors Office / Anthony Rowe / Paul Needham	<ul style="list-style-type: none"> <li>• Parties circulated documents categorising the land use within 14 days.</li> <li>• Land use has been determined by SAT to be a convenience store;</li> <li>• Mediation scheduled for 5 October 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• Mediation scheduled for 5 October 2016.</li> </ul>	
<b>Caves Caravan Park vs City of Busselton</b>	Lot 5037 No 23 Yallingup Beach Road, Yallingup	March 2016	Appeal against Section 34(4) of the Caravan Parks and Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping	Moshe Philips / Tanya Gillett / Anthony Rowe	<ul style="list-style-type: none"> <li>• Directions hearing to commence proceedings and discuss way forward.</li> <li>• Mediation hearing on 29 April 2016. The City prepared a report to Council in line with the Orders from SAT for the reconsideration of S.34 of the Caravan and Camping Grounds Act 1995.</li> <li>• Directions hearing 10 August 2016 where the applicant under Section 34(4) was withdrawn;</li> <li>• 7 September the City filed a Statement of Issues, Facts and Contentions and Section 24 Bundle, by 3 October the City shall file a response to the Issues, Facts and Contentions as submitted by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li>• Directions hearing on 6 October 2016.</li> </ul>	
<b>Caves 1676 Pty Ltd v Western Australian Planning Commission and City of Busselton</b>	Lot 200 No 1676 Caves Road, Dunsborough	April 2016	Appeal against the refusal of a survey-strata subdivision	State Solicitors Office / Joanna Wilson / Moshe Philips	<ul style="list-style-type: none"> <li>• Mediation Hearing on 27 April 2016 the issue of whether the development approval which has expired had substantially commenced was discussed. The applicant submitted evidence that the works have substantially commenced and the City and SSO is to form a view if they agree.</li> <li>• Mediation on 7 June 2016, an agreement on substantial commencement could not be reached; the SSO and</li> </ul>	<ul style="list-style-type: none"> <li>• After 7 October 2016, the Tribunal will decide whether a determination on the documents or an oral hearing will take place.</li> </ul>	

APPEAL (Name, No. and Shire File Reference)	PROPERTY	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
					<p>Tribunal have suggested that the City submit an intervention application to become a party to the proceedings.</p> <ul style="list-style-type: none"> <li>Intervention application was submitted by the City.</li> <li>Directions hearing on 29 July 2016 it was decided that by 23 September 2016 parties must file agreed statement of facts; 7 October 2016 the parties exchange written submissions and 21 October 2016 exchange written submission in response to the other parties' submission.</li> </ul>		
<b>Formas v Western Australian Planning Commission</b>	Lot 4082 No 3 Tilly Road, Yallingup	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office / Joanna Wilson	<ul style="list-style-type: none"> <li>Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved.</li> <li>The parties could not agree in Mediation and the application has requested the matter goes to a Hearing.</li> <li>Directions Hearing on 2 June to set dates for a Hearing.</li> <li>Directions hearing on 5 August 2016, the applicant requested an extension on the hearing dates in order to organise a Flora Survey and additional bushfire management plans.</li> <li>City's expert witness statement submitted.</li> <li>Expert Witness conferral on 19 October 2016, Hearing set for 31 October 2016 for a duration of three days.</li> </ul>	<ul style="list-style-type: none"> <li>Hearing 31 October 2016</li> </ul>	
<b>Credaro v City of Busselton</b>	Lot 4079 No 121 Chambers Road, Yelverton	June 2016	Appeal against the refusal of an extension of time for an Extractive Industry	Anthony Rowe / Andrew Watts	<ul style="list-style-type: none"> <li>Directions hearing on 29 June 2016 to arrange date mediation;</li> <li>Mediation scheduled for 12 August 2016, Councillors/CEO and Mr Threadgold is invited to attend the mediation;</li> <li>Mediation on 5 September 2016 where the matter was adjourned for a further mediation on 30 September 2016.</li> </ul>	<ul style="list-style-type: none"> <li>Mediation on 30 September 2016</li> </ul>	
<b>Kumar v City of Busselton</b>	Lot 16 No 33 Southern Drive, Busselton	May 2016	Appeal against the refusal of a development application for residential enterprise.	Tanya Gillett / Anthony Rowe	<ul style="list-style-type: none"> <li>Directions hearing on 22 June 2016 to arrange date for mediation;</li> <li>Mediation on 1 July 2016 where it was agreed that the matter be deferred subject to negotiations to find alternative locations for the applicant;</li> <li>Mediation on 22 July 2016 where it was agreed that the applicant lease kitchen facilities and an amended development approval will be issued restricting the shed for storage and washing by 6 September 2016.</li> <li>Directions hearing on 23 September 2016.</li> </ul>	<ul style="list-style-type: none"> <li>Application withdrawn.</li> </ul>	
<b>Realview Holdings v City of Busselton</b>	Lot 17 No 80 West Street, West Busselton	August 2016	Appeal against the refusal of a development application for a medical centre and shop.	Jo Wilson / Moshe Philips	<ul style="list-style-type: none"> <li>Directions Hearing on 30 September 2016.</li> </ul>		





Our Ref: 2739048  
Enquiries: Paul Needham (08) 9781 0476



4 August 2016

The Honourable Michael Mischin MLC  
Minister for Commerce  
10th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Minister

**RE: COMPULSORY ACCREDITATION FOR BUSH FIRE CONSULTANTS**

I am writing to you and to several of your Ministerial colleagues in relation to the above – noting that this matter relates not just to one portfolio, but to all three of the Planning, Commerce and Emergency Services portfolios. I am requesting, on behalf of the City and our community that the Government moves to a system of compulsory accreditation for bush fire consultants as soon as practicable.

This is something that the City has advocated for a number of years and at one stage understood that the Government was moving in this direction. The City now understands that the Government is now not proposing to move to compulsory accreditation and is very disappointed with this. The reasons why the City is supportive of compulsory accreditation are set out briefly below.

The Government has recognised, through the introduction of new planning policy direction and regulations as well as through revised approaches to building control and emergency management, the growing importance of bush fire safety in planning and building both new development and in redevelopment of existing areas. The City is very supportive of these initiatives.

It should be noted that the City had developed and implemented its own fairly comprehensive policies several years prior to the State's new direction coming into effect. We are very pleased that our own policies are now redundant. As a result of several years experience in implementing our own policies, though, which are very similar in practice to what is now being implemented at State level, the City feels that it is well placed to identify practical issues that may arise.

One of the most critical issues that the City has identified is the inconsistency in qualifications, experience and capability of bush fire consultants. This results in sometimes enormous inconsistencies in approach and in the quality of advice provided by bush fire consultants at all stages of the development process. This inconsistency can be so great that in several instances the City has seen one bush fire consultant assess a particular site as being undevelopable; whereas another has assessed the same site as being BAL-Low (i.e. no special requirements needed for bush fire safety). The City has also had situations where people without any relevant qualifications or experience whatsoever have sought to prepare bush fire hazard assessment, bush fire management plans and/or bush fire attack level assessments.

*Events Capital of Regional WA*

In addition to the issue of inconsistency, which in part is caused by inconsistencies in the qualifications, experience and capability of bush fire consultants, the lack of any accreditation or other professional standards requirements means that local government staff responsible for assessing the information provided by bush fire consultants (or others) are, in effect, responsible for assessing the adequacy of the information provided, and determining whether it is adequate or not. Local government staff are, therefore, professionally responsible. That is very clearly the case with planning processes, and it is strongly arguable it is also the case with building control processes as well – and that would seem to undermine the overall Government policy direction with respect to building approvals, where the intent is that building design can be certified by either the local government or an independent, private building surveyor, and that the certification of the building design is separated from the essentially administrative task of issuing a building permit.

Further, whilst the City does have some staff with experience and capability in assessing bush fire related plans, the City does not have the ability to fully assess all of the plans that are received. Because of our experience and the importance of this issue to the City, however, I do not think it is unreasonable to assume that the City would be better placed than most other local governments in the State.

Given the above, the City is of the view that the current lack of clear professional standards for bush fire consultants, standards that would only arise through a system of professional accreditation, poses a real and significant risk in terms of bush fire safety and in terms of the Government's ability to achieve its own policy objectives.

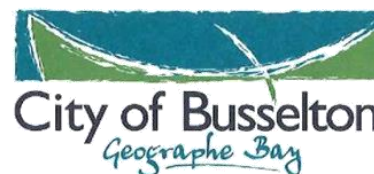
I look forward to your comments and welcome discussion on the above matters. Please do not hesitate to contact Paul Needham, Director Planning and Development Services on 9781 0476 or email [paul.needham@busselton.wa.gov.au](mailto:paul.needham@busselton.wa.gov.au) should you have any queries.

Yours faithfully

  
Grant Henley  
**MAYOR**



Our Ref: 2739048  
Enquiries: Paul Needham (08) 9781 0476



4 August 2016

The Honourable Donna Faragher MLC  
Minister for Planning; Disability Services  
7<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Minister

**RE: COMPULSORY ACCREDITATION FOR BUSH FIRE CONSULTANTS**

I am writing to you and to several of your Ministerial colleagues in relation to the above – noting that this matter relates not just to one portfolio, but to all three of the Planning, Commerce and Emergency Services portfolios. I am requesting, on behalf of the City and our community that the Government moves to a system of compulsory accreditation for bush fire consultants as soon as practicable.

This is something that the City has advocated for a number of years and at one stage understood that the Government was moving in this direction. The City now understands that the Government is now not proposing to move to compulsory accreditation and is very disappointed with this. The reasons why the City is supportive of compulsory accreditation are set out briefly below.

The Government has recognised, through the introduction of new planning policy direction and regulations as well as through revised approaches to building control and emergency management, the growing importance of bush fire safety in planning and building both new development and in redevelopment of existing areas. The City is very supportive of these initiatives.

It should be noted that the City had developed and implemented its own fairly comprehensive policies several years prior to the State's new direction coming into effect. We are very pleased that our own policies are now redundant. As a result of several years experience in implementing our own policies, though, which are very similar in practice to what is now being implemented at State level, the City feels that it is well placed to identify practical issues that may arise.

One of the most critical issues that the City has identified is the inconsistency in qualifications, experience and capability of bush fire consultants. This results in sometimes enormous inconsistencies in approach and in the quality of advice provided by bush fire consultants at all stages of the development process. This inconsistency can be so great that in several instances the City has seen one bush fire consultant assess a particular site as being undevelopable, whereas another has assessed the same site as being BAL-Low (i.e. no special requirements needed for bush fire safety). The City has also had situations where people without any relevant qualifications or experience whatsoever have sought to prepare bush fire hazard assessment, bush fire management plans and/or bush fire attack level assessments.

*Events Capital of Regional WA*

In addition to the issue of inconsistency, which in part is caused by inconsistencies in the qualifications, experience and capability of bush fire consultants, the lack of any accreditation or other professional standards requirements means that local government staff responsible for assessing the information provided by bush fire consultants (or others) are, in effect, responsible for assessing the adequacy of the information provided, and determining whether it is adequate or not. Local government staff are, therefore, professionally responsible. That is very clearly the case with planning processes, and it is strongly arguable it is also the case with building control processes as well – and that would seem to undermine the overall Government policy direction with respect to building approvals, where the intent is that building design can be certified by either the local government or an independent, private building surveyor, and that the certification of the building design is separated from the essentially administrative task of issuing a building permit.

Further, whilst the City does have some staff with experience and capability in assessing bush fire related plans, the City does not have the ability to fully assess all of the plans that are received. Because of our experience and the importance of this issue to the City, however, I do not think it is unreasonable to assume that the City would be better placed than most other local governments in the State.

Given the above, the City is of the view that the current lack of clear professional standards for bush fire consultants, standards that would only arise through a system of professional accreditation, poses a real and significant risk in terms of bush fire safety and in terms of the Government's ability to achieve its own policy objectives.

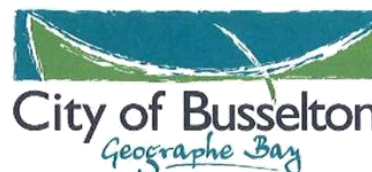
I look forward to your comments and welcome discussion on the above matters. Please do not hesitate to contact Paul Needham, Director Planning and Development Services on 9781 0476 or email [paul.needham@busselton.wa.gov.au](mailto:paul.needham@busselton.wa.gov.au) should you have any queries.

Yours faithfully

  
Grant Henley  
**MAYOR**



Our Ref: 2739048  
Enquiries: Paul Needham (08) 9781 0476



4 August 2016

The Honourable Joe M Francis MLA  
Minister for Emergency Services; Fisheries; Corrective Services; Veterans  
13th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Minister

**RE: COMPULSORY ACCREDITATION FOR BUSH FIRE CONSULTANTS**

I am writing to you and to several of your Ministerial colleagues in relation to the above – noting that this matter relates not just to one portfolio, but to all three of the Planning, Commerce and Emergency Services portfolios. I am requesting, on behalf of the City and our community that the Government moves to a system of compulsory accreditation for bush fire consultants as soon as practicable.

This is something that the City has advocated for a number of years and at one stage understood that the Government was moving in this direction. The City now understands that the Government is now not proposing to move to compulsory accreditation and is very disappointed with this. The reasons why the City is supportive of compulsory accreditation are set out briefly below.

The Government has recognised, through the introduction of new planning policy direction and regulations as well as through revised approaches to building control and emergency management, the growing importance of bush fire safety in planning and building both new development and in redevelopment of existing areas. The City is very supportive of these initiatives.

It should be noted that the City had developed and implemented its own fairly comprehensive policies several years prior to the State's new direction coming into effect. We are very pleased that our own policies are now redundant. As a result of several years experience in implementing our own policies, though, which are very similar in practice to what is now being implemented at State level, the City feels that it is well placed to identify practical issues that may arise.

One of the most critical issues that the City has identified is the inconsistency in qualifications, experience and capability of bush fire consultants. This results in sometimes enormous inconsistencies in approach and in the quality of advice provided by bush fire consultants at all stages of the development process. This inconsistency can be so great that in several instances the City has seen one bush fire consultant assess a particular site as being undevelopable, whereas another has assessed the same site as being BAL-Low (i.e. no special requirements needed for bush fire safety). The City has also had situations where people without any relevant qualifications or experience whatsoever have sought to prepare bush fire hazard assessment, bush fire management plans and/or bush fire attack level assessments.

*Events Capital of Regional WA*

All communications to: The Chief Executive Officer, Locked Bag 1 Busselton WA 6280

Tel: (08) 9781 0444 Fax: (08) 9782 4050 Email: [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au) [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au)

In addition to the issue of inconsistency, which in part is caused by inconsistencies in the qualifications, experience and capability of bush fire consultants, the lack of any accreditation or other professional standards requirements means that local government staff responsible for assessing the information provided by bush fire consultants (or others) are, in effect, responsible for assessing the adequacy of the information provided, and determining whether it is adequate or not. Local government staff are, therefore, professionally responsible. That is very clearly the case with planning processes, and it is strongly arguable it is also the case with building control processes as well – and that would seem to undermine the overall Government policy direction with respect to building approvals, where the intent is that building design can be certified by either the local government or an independent, private building surveyor, and that the certification of the building design is separated from the essentially administrative task of issuing a building permit.

Further, whilst the City does have some staff with experience and capability in assessing bush fire related plans, the City does not have the ability to fully assess all of the plans that are received. Because of our experience and the importance of this issue to the City, however, I do not think it is unreasonable to assume that the City would be better placed than most other local governments in the State.

Given the above, the City is of the view that the current lack of clear professional standards for bush fire consultants, standards that would only arise through a system of professional accreditation, poses a real and significant risk in terms of bush fire safety and in terms of the Government's ability to achieve its own policy objectives.

I look forward to your comments and welcome discussion on the above matters. Please do not hesitate to contact Paul Needham, Director Planning and Development Services on 9781 0476 or email [paul.needham@busselton.wa.gov.au](mailto:paul.needham@busselton.wa.gov.au) should you have any queries.

Yours faithfully

  
Grant Henley  
**MAYOR**



**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

Your Ref: 2739048  
Our Ref: 44-23343

Mr Grant Henley  
Mayor  
City of Busselton  
Locked Bag 1  
BUSSELTON WA 6280

City of Busselton	Application No	Receipt No	City of Busselton
	CIO ID		
	05 SEP 2016		
	Property ID	Doc ID	
	Retention		

Dear Mayor Henley

**COMPULSORY ACCREDITATION FOR BUSHFIRE CONSULTANTS**

Thank you for your letter dated 4 August 2016 seeking a system of compulsory accreditation for bushfire consultants as soon as practicable.

In your correspondence, you raised concerns regarding the quality of some bushfire hazard assessments and fire management plans that fall outside of the Commerce portfolio. I note that you have provided copies of your correspondence to the relevant Ministers and I expect that those Ministers will provide responses to those particular matters in due course. I can provide you with the following information that applies under the building legislation in designated bushfire prone areas.

The *Building Act 2011* (the Act) requires a registered building surveyor to certify that a building or incidental structure complies with each applicable building standard, namely the Building Code of Australia (BCA). The BCA includes bushfire construction requirements for certain residential buildings in designated bushfire prone areas.

The BCA is a performance based document that allows compliance through deemed-to-satisfy solutions (such as the Australian Standard AS 3959 – *Construction of buildings in bushfire-prone areas*), or through the development of a performance solution.

The BCA sets out assessment methods and other types of suitable evidence for supporting how a building will comply with the BCA requirements. Such methods include the use of expert judgement by someone who has appropriate qualifications and experience to determine whether compliance with the BCA requirements has been achieved.

It is up to the relevant building surveyor for the particular building to be satisfied that a person has suitable qualifications and experience to provide advice as part of the building surveyor's certification for compliance with building standards. This applies not only to bushfire risk assessments, but to other disciplines used for determining building compliance such as engineering (for example, structural, fire, and mechanical), access consulting and energy efficiency assessments.

Minister for Commerce - Response to Compulsory  
Accreditation for Bushfire Consultants

To assist with providing general guidance to building surveyors, local government and industry, the State Government developed a framework for organisations wishing to provide accreditation schemes for bushfire risk assessors and planning practitioners. To date, only the Fire Protection Association has been recognised in a joint agency statement as meeting the Guidelines for providing a bushfire accreditation scheme in WA.

Additionally, the Department of Commerce (Building Commission Division) facilitated training for building surveyors to provide guidance on the types of things to consider when accepting a bushfire attack level (BAL) assessment as part of the building approval system. It was recommended that building surveyors consider the use of suitably qualified and experienced people to provide BAL reports, such as an accredited Level 1 BAL assessor.

Regardless of any accreditation system, the relevant building surveyor should be satisfied that any person providing advice for compliance with building standards has suitable qualifications and experience to provide that advice, and that it is suitable for the particular building, before signing a certificate of compliance under the Act. To disregard such considerations may leave a building surveyor open to disciplinary action under the *Building Services (Registration) Act 2011*.

I commend the good work that the City has done for many years in actively applying consideration of bushfire risk under its planning and building processes. I thank you for bringing this matter to my attention.

Yours sincerely



Hon. Michael Mischin MLC  
**ATTORNEY GENERAL; MINISTER FOR COMMERCE**

✓✓ Cc: Hon. Donna Faragher MLC  
Minister for Planning  
7<sup>th</sup> Floor, Dumas House  
2 Havelock St  
WEST PERTH WA 6005

31 AUG 2016

Hon. Joe Francis MLA  
Minister for Emergency Services  
13<sup>th</sup> Floor, Dumas House  
2 Havelock St  
WEST PERTH WA 6005

Minister for Planning; Disability Services - Response to  
Compulsory Accreditation for Bushfire Consultants



Minister for Planning; Disability Services

Our Ref: 40-14721  
Your Ref: 2739048

Mayor Grant Henley  
City of Busselton  
c/o The Chief Executive Officer  
Locked Bag 1  
BUSSELTON WA 6280

City of Busselton	Application No		Receipt No		City of Busselton
	C/O ID				
	29 SEP 2016				
	Property ID		Doc ID		
	Retention				

Dear Mayor Henley

**COMPULSORY ACCREDITATION FOR BUSHFIRE CONSULTANTS**

Thank you for your letter of 4 August 2016 regarding the above matter.

I congratulate the City on its work to protect the City's residents from the impact of bushfire.

As part of the Government's significant reforms to improve bushfire safety, a formal accreditation scheme for bushfire planning and design practitioners has been established to ensure a level of oversight of the industry and to address the issues you raise in relation to consistency, experience and capability. The scheme ensures that an accredited assessor has minimum training requirements, has ongoing professional development requirements, adheres to a Code of Practice and is covered by liability insurance. These minimum requirements provide assurances that accredited bushfire practitioners have an operational understanding of both bushfire behaviour and the planning system.

The scheme is currently self-regulated. However, *State Planning Policy 3.7: Planning in Bushfire Prone Areas* states that accredited Bushfire Planning Practitioners should be used in providing bushfire assessments. Local governments may request a new assessment if there are doubts about the accuracy of an assessment or it does not address the policy's requirements.

The accreditation framework requires continuous professional development to ensure that industry standards continue to improve over time. If you have concerns regarding the standard of assessments, including in relation to specific individuals, I encourage you to contact the government-approved accrediting body, the Fire Protection Association of Australia.

I trust this information is of assistance.

Yours sincerely

Hon Donna Faragher JP MLC  
**MINISTER FOR PLANNING; DISABILITY SERVICES**

22 SEP 2016



**PARLIAMENT OF WESTERN AUSTRALIA**

PARLIAMENT HOUSE, PERTH, WESTERN AUSTRALIA 6000  
TELEPHONE: (+61 8) 9222 7222

21 September 2016

Cr Grant Henley  
Mayor of Busselton  
Locked Bag 1  
Busselton WA 6280

City of Busselton	Application No	Receipt No	City of Busselton
	CIO ID		
	28 SEP 2016		
	Property ID	Doc ID	
	Retention		

Dear Cr Henley

A handwritten signature in blue ink, appearing to read 'Grant'.

As a part of an ongoing exchange between the legislatures of Western Canada and the Parliament of Western Australia, a three person delegation from the Legislative Assembly of Saskatchewan, Canada, recently visited the Parliament of Western Australia.

We would like to thank you for your valuable contribution to the visit which was considered a success by all parties involved. Your attendance at lunch on Saturday, 3 September 2016 was warmly received by the delegation.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Barry House'.

**HON BARRY HOUSE MLC**  
President of the Legislative Council

A handwritten signature in blue ink, appearing to read 'Michael Sutherland'.

**HON MICHAEL SUTHERLAND MLA**  
Speaker of the Legislative Assembly



## Busselton Hospice Care Inc.

Supporting the

*Geographie Bay*  
**CENTRE**

Centre for Excellence in Palliative Care

15 September, 2016

Lisa Haste  
City Of Busselton Geographie Bay  
Locked Bag 1  
BUSSELTON WA 6280

City of Busselton	Application No	Receipt No	City of Busselton
	CIO ID		
	20 SEP 2016		
	Property ID	Doc ID	
	Retention		

Dear Lisa Haste

I wish to take this opportunity to sincerely thank The City of Busselton for their most generous donation of \$500.00 to Busselton Hospice Care Inc.

Your sponsorship to assist with the Annual Golf Day is greatly appreciated. As you may know, our service relies on the community for funding and support of our volunteer, bereavement support and training programs. It is heart warming to experience the generosity, which ensures our palliative care and hospice service is available to everyone in need.

On behalf of the committees, the staff and volunteers, thank you for your support and acknowledgement of our service.

Yours sincerely

Garry Prus  
Volunteer Co-ordinator  
**Geographie Bay Centre supported by  
Busselton Hospice Care Inc.**

Att. Rec#4434

Cheques Payable to: **Busselton Hospice Care Inc.**

Craig Street, Busselton  
PO Box 5103, Busselton West WA 6280

Telephone: (08) 9751 1642  
Facsimile: (08) 9751 1653  
Email: [admin@geographiebaycentre.org.au](mailto:admin@geographiebaycentre.org.au)

*A Caring Community Project*  
supported by Busselton Hospice Care Inc.

**12<sup>th</sup> September 2016**

**City of Busselton**

**Locked Bag 1**

**Busselton WA 6280**

**Lisa Haste,**

**Ref: 26/1617**

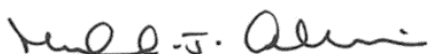
City of Busselton	Application No		Receipt No		City of Busselton
	C/O ID				
	15 SEP 2016				
	Property ID		Doc ID		
	Retention				

**Dear Lisa,**

**On behalf of the Probus Club of Dunsborough, I would like to thank the City of Busselton for their kind donation towards our Probus event in October, it is very much appreciated, and I can assure you that the sponsorship will be read out at the event and will also appear on the list of sponsors which will be on each table.**

**I will contact Janien Wesley nearer to the event to see if we can have some banners to display.**

**Yours Sincerely,**



**Mike Allison ( Probus Sub Committee Sec:)**

**16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**17. CONFIDENTIAL REPORTS**

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

**RECOMMENDATION**

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

**17.1     Airport Advisory Committee - 30/09/2016 - RFT11/16 - AIRSIDE D & C CONTRACTOR**

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

**18. QUESTIONS FROM MEMBERS****19. PUBLIC QUESTION TIME****20. NEXT MEETING DATE**

Wednesday, 28 October 2016

**21. CLOSURE**