

Council Agenda

27 July 2016

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 27 JULY 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, 27 July 2016, commencing at 5.30pm.

Your attendance is respectfully requested.

MIKE ARCHER

CHIEF EXECUTIVE OFFICER

15 July 2016

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 27 JULY 2016

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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 Tony Peak from the Abundant Life Centre.

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. <u>APPLICATION FOR LEAVE OF ABSENCE</u>

7. PETITIONS AND PRESENTATIONS

8. <u>DISCLOSURE OF INTERESTS</u>

A decleration of Impartiality Interest has been received from:

 Chief Executive Officer, Mike Archer in relation to agenda Item 11.7 - DA14/0561 -Proposed Extractive Industry - Lot 61 (No.1958) Caves Road, Naturaliste

In accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration will be read out immediately before Item 11.7 is discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

9.1 Minutes of the Council Meeting held 22 June 2016

RECOMMENDATION

That the Minutes of the Council Meeting held 22 June 2016 be confirmed as a true and correct record.

Committee Meetings

9.2 <u>Minutes of the Policy & Legislation Committee Meeting held 21 June 2016</u>

RECOMMENDATION

- 1) That the minutes of the Policy and Legislation Committee Meeting held 21 June 2016 be received.
- 2) That the Council notes the outcomes from the Policy and Legislation Committee Meeting held 21 June 2016 being:
 - a) The Use of Internet Policy Youth Policy item is presented for Council consideration at item 10.1 of this agenda.
 - b) The Proposed City of Busselton Cemeteries Amendment Local Law 2016 is presented for Council consideration at item 10.2 of this agenda.
 - c) The Policy: Leases of City Land and Buildings item is presented for Council consideration at item 10.3 of this agenda.

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 21/06/2016 - USE OF INTERNET POLICY - YOUTH POLICY

SUBJECT INDEX: Use of Internet - Libraries / Youth Policy

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Community Services

ACTIVITY UNIT: Busselton and Dunsborough Libraries

REPORTING OFFICER: Manager, Community Services - Maxine Palmer

AUTHORISING OFFICER: Director, Community and Commercial Services - Naomi Searle

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Youth Policy

Attachment B Use of Internet Policy

This item was considered by the Policy and Legislation Committee at its meeting on 21 June 2016, the recommendations from which have been included in this report.

PRÉCIS

As part of the Council's ongoing policy review, two policies relating to the delivery of youth services and pubic internet use at the Busselton and Dunsborough Libraries are presented to Council for review and updating.

BACKGROUND

Internet Use within the Busselton and Dunsborough Public Libraries Policy

On 27 April 2016, Council adopted the 2016/17 Schedule of Fees and Charges for advertising, effective from 1 July 2016. These fees include a new \$2.00 charge for non-library members to use the public internet computers within Busselton and Dunsborough libraries. This fee was included to encourage travelers and tourists to use their own devices instead of the public PCs which are in high demand for study and other essential services by local residents. This report contains the corresponding amendment to the Policy: *Internet Use within the Busselton and Dunsborough Public Libraries Policy*.

Youth Policy

In 2015 Council endorsed the City of Busselton Social Plan (2015-2025) as a guide for future planning. The Social Plan considers ten (10) sectors of the community, one being Youth Services. This report proposes the key issues, goals and outcomes outlined in the Youth Services section of the Social Plan now supersede the issues and role of the City as outlined in the Youth Policy - 067.

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 has proposed to do this on a recommendation of a Committee it has established in accordance with Section 5.8 of the Act.

RELEVANT PLANS AND POLICIES

This report relates to the City of Busselton Social Plan (2015–2025) and the following policies:

- Youth Policy 067
- Internet Use within the Busselton and Dunsborough Public Libraries Policy 077

FINANCIAL IMPLICATIONS

As part of the 2014/15 adopted Fees and Charges Schedule, the City imposes a \$2.00 fee for non-library members to use the public internet computers. This has been considered in the development of the Library Services 2016/17 draft budget.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This proposal aligns with the City of Busselton Strategic Community Plan 2013 (revised 2015) Key Goal Area 1 of a Caring and inclusive community

RISK ASSESSMENT

An assessment of the potential implication of implementing the officer recommendation has been undertaken using the City's risk assessment framework. No risks of medium rating or above were identified for the Policy changes detailed in this report.

CONSULTATION

Public notice has been given for the implementation of the Council's Schedule of Adopted Fees and Charges 2016/17.

Significant consultation was conducted to develop all aspects of the City of Busselton Social Plan 2012-2020 when it was first adopted by Council in 2012 with further consultation conducted during 2015 when it was reviewed to become the City of Busselton Social Plan (2015-2025). In particular for the Youth Services Sector, Officers consulted the City's Youth Advisory Council and relevant government departments, agencies and groups who work with young people in our local community.

OFFICER COMMENT

Internet Use within the Busselton and Dunsborough Public Libraries Policy

The new \$2.00 charge for non-library members to use the public internet computers within Busselton and Dunsborough libraries has already been adopted by Council in the 2016/17 Schedule of Fees and Charges. This fee was included to encourage travelers and tourists to use their own devices instead of the public PCs which are in high demand for study and other essential services by local residents. This report updates point 1. in the corresponding Policy: *Internet Use within the Busselton and Dunsborough Public Libraries* to incorporate a requirement for non-library members to purchase a 'Guest Pass.'

Youth Policy

The current Youth Policy outlines issues associated with youth affairs, and broadly how the City will determine its role and/or involvement in issues affecting young people. The Council endorsed City of Busselton Social Plan (2015-2025) identifies current key issues and a series of actions for the City's Youth Sector. For each action a lead agency is identified and who the lead agency will partner with to achieve each action. The role of City is therefore clearer in the Social Plan as opposed to the current Youth Policy, with the issues outlined the Youth Policy also being outdated. The Youth Policy could be updated to reflect the key issues in the Social Plan, however this is deemed unnecessary. Officer's therefore recommend the Youth Policy is revoked on the basis that the City of Busselton Social Plan (2015-2025) now supersedes it.

CONCLUSION

Officers recommend that the Council adopts the amended Policy 077 - 'Internet Use Within The Busselton and Dunsborough Public Libraries' and revokes the current Policy 067 – 'Youth.'

OPTIONS

Council may determine one or more of the following:

- 1. Not to amend Policy 077- 'Internet Use Within The Busselton and Dunsborough Public Libraries' on the basis that the \$2.00 fee for non-library members to use the public computers be reviewed, and/or
- 2. Policy 067 'Youth' be updated to reflect the City of Busselton Social Plan (2015-2025).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be endorsed the relevant changes will be made to the associated Policies immediately.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council:

- 1) Adopts amended Policy 077 'Internet Use Within The Busselton and Dunsborough Public Libraries' as attached;
- 2) Revokes Policy 067 'Youth' on the basis that it has been superseded by the City of Busselton Social Plan (2015-2025);

27 July 2016

067 Youth Curre	rent
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In consideration of the existing available resources (and resources likely to become available in the near future) the following matrix provides a guide for Council's potential involvement in issues affecting young people.

COUNCIL'S ROLE IN YOUTH SERVICES					
	Co- ordination	Facilitation	Planning	Service Delivery	
Accommodation	4	8	4	8	
Health	4	4	4	8	
Legal Issues	4	8	8	8	
Transport	4	8	4	8	
Employment and Training	4	8	4	8	
Leisure	4	4	4	4	

Over-riding Philosophy

As an overriding philosophy the Shire of Busselton should consider its role in Youth Affairs as primarily to direct resources and energies towards the benefit of all young people within the municipality. These resources may come from within the community, or be drawn from agencies and organisations outside the local community. In directing these resources four (4) key strategies may be employed and these include:

1. Co-ordination

In a co-ordinating role Council will ensure that available resources and energies, programs and services provided by government, non-government agencies and others are allocated efficiently to ensure the real interests of local young people are being addressed.

2. Facilitation

As a facilitator the Shire of Busselton will assist in the development of services and programs making the task of local youth orientated organisations less difficult in meeting the needs of their clientele. Examples of this role may include providing information, advocacy and inkind support for community groups to meet its own needs.

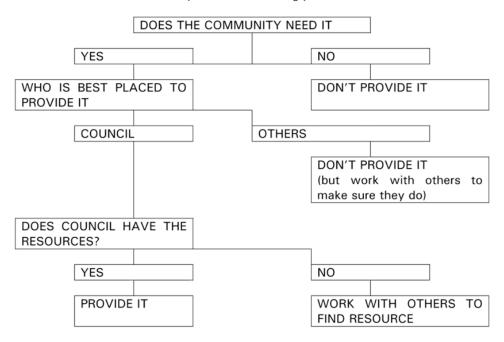
3. **Planning**

Council should adopt an integrated planning process in the allocation of available resources and energies to ensure an efficient and sustainable approach towards meeting the needs of young people at a local and regional level. This approach should encourage the participation of young people, the community, professionals in Youth Affairs, Council and other organisations as required.

4. Service Provision

The Shire of Busselton has a legitimate role in providing some services for young people, (as do other spheres of government and non-government agencies). It is however, vitally important that services are provided by the most appropriate organisation ie; those with sufficient resource, energies and commitment to do so. The following flow chart can act as a simple guide to the decision making process as to whether Council should be a service provider or not.

Should Council Provide a Service? A simple decision making process



Issues Defined

The identified issues affecting young people have been distilled from a variety of sources including recognition of expressed local needs:

1. Accommodation

Accommodation has been raised on many occasions as a significant issue affecting young people in the Busselton region. Accommodation issues affecting young people can be categorised into four (4) main areas:

* Crisis accommodation requiring immediate access for up to two (2) weeks with internal support.

Youth Policy

10.1 Attachment A

- * Crisis to short term immediate access up to three (3) months with internal support.
- * Medium term available up to six (6) months with either internal or external support.
- * Long term available for six (6) months for either internal or external support. Leading toward tenant independence.

Broad role of Council

- * Supporting the concept of family.
- * Advocating and lobbying for local accommodation services.
- Encouraging existing local agencies to provide both accommodation and support services.

2. Health

A young persons health can be an outcome of his or her lifestyle. Lack of social harmony and sense of well-being can create a range of serious health problems in young people. Substance use, drink driving, unemployment, suicide, suicide attempts, unprotected sexual activity, unplanned pregnancies, accidents and criminal activity are some of the health issues affecting young people as a result of a compromised lifestyle.

Broad role of Council:

- * Liaise with local health and youth service providers to ensure young people have access to acceptable and adequate health services that recognise and respect the special needs and preferences of young people.
- * Provide information, advocacy, "in-kind" support or resources for community organisations to further enhance their services.
- Council does not need to play a role in directly providing these services.

3. Legal Issues

Juvenile crime and especially habitual offending is a complex social phenomenon which defies single or simple explanations. In broad terms juvenile offending has been found to have strong links with social disadvantage and depravation. More specifically juvenile crime is closely associated with unemployment, homelessness, school alienation, family breakdown, drug abuse, boredom and inactivity, low self esteem and inadequate community, family and youth support services.

10.1 Attachment A

Broad role of Council:

Council is well placed to assist in attracting (and advocating for) youth legal service programs to the region.

4. Transport

Young people are mostly dependent on others for transport. Young people of driving age cannot necessarily afford vehicles and associated maintenance cost. The main issues affecting young peoples access to transport are:

- Lack of transport options.
- Young persons income.
- Residential location.
- Timing of public transport services.
- Structure of public services eg; lack of intra-community routes.

Broad role of Council:

- To ensure young persons specific transport needs are effectively communicated to local and regional transport providers.
- Via an effective planning approach (both within the organisation and externally) integrated and consultative transport strategies are to be developed and implemented.

Employment and Training 5.

Employment provides young people with money / purchasing power, self esteem, a sense of purpose and direction, security and stability, status, recognition and identity, social opportunities, ongoing vocational skills development and improved overall health. Unemployed young people experience a sense of hopelessness, insecurity, isolation, boredom, feelings of low self worth, family conflict, lack of finance, direction, independence and motivation. These issues are usually increased among young people who are employed for longer periods of time.

Broad role of Council:

- Encourage other government and non-government agencies to provide appropriate local employment and training opportunities for young people.
- Liaise with local education institutions and employment agencies to provide work experience opportunities for young people with the Busselton Shire Council.

6. Leisure

In broad terms leisure and recreation defines the time spent by individuals pursuing self fulfillment and enjoyment away from work, school and other commitments. Young people have varied interests and needs in relation to their leisure and recreation. Young peoples interests range from participating in organised sporting clubs and organised recreational activities to more informal, unstructured activities.

The Shire of Busselton has traditionally catered well for organised clubs with sporting grounds, club room facilities and subsidised use. While these groups provide valuable services for young people in the community research has demonstrated only a relatively small percentage of young people become involved in these types of activities.

Age and culturally appropriate positive leisure opportunities have the potential to provide an avenue for social interaction, build confidence, self esteem, develop life skills, leadership, trust, team work skills and more.

Limited access to positive leisure has shown to lead young people to become involved in risk taking endeavors eg; using drugs and alcohol, exploring inappropriate sexual activity, involvement in criminal activity and other poor health outcomes.

Broad role of Council:

- Council should take an active role in ensuring a wide range of leisure services and opportunities are locally available to young people. This would incorporate consultation with external service providers including private, community based, church sponsored and other local government organisations.
- Integrating of young peoples leisure needs into forward and strategic planning processes initiated by Council and other government departments.
- Significant involvement in providing and encouraging leisure opportunities for young people through its leisure courses, facility provision and subsidised use of sports facilities.

077	Internet Use within the Busselton and Dunsborough	V8 Current
	Public Libraries	

PURPOSE

In response to developing technology and the changing needs of the community, the Busselton and Dunsborough Public Libraries endeavour to satisfy the education, information, recreation and cultural needs of the community by providing electronic access to relevant and up-to-date information resources.

SCOPE

Busselton and Dunsborough Public Libraries provide free Internet access to all library members.

POLICY CONTENT

- 1. Non Library members may purchase a "Guest Pass" and will be charged in accordance with the Council's Schedule of Fees and Charges.
- 2. Printing from the Internet is available and will be charged in accordance with the Council's Schedule of Fees and Charges.
- 3. Latecomers will forfeit the unused portion of reserved time. If a user is more than fifteen (15) minutes late for a booking, they may forfeit the entire booked period.
- 4. All users for the service, excluding accessing the Library catalogues, must read and agree to the Busselton and Dunsborough Public Libraries "Conditions of Public Access Internet Use".
- 5. Supervision of a child's access to the Internet is the responsibility of the parent or guardian. A parent or guardian must read the "Conditions of Public Access Internet Use".
- 6. The Library does not take any responsibility for technical problems in accessing sites on the Internet. The Library cannot guarantee the Internet will remain operational at all times, and if down-time occurs, the user will lose their booked time.
- 7. A maximum of two public users per Internet computer is allowed at any one time.
- 8. Due to the problem of computer viruses, NO outside software programs may be used in the library computers.
- 9. Users are not permitted to modify the installed hardware of software in any way.
- 10. As with all formats of information, patrons must respect copyright laws and licensing agreements and abide by general rules of acceptable Internet conduct. Acts of behaviour which may jeopardise a source's files, or behaviour which may jeopardise the Library account or access to resources will result in revocation of Internet privileges at the Library.
- 11. The Library cannot be held responsible for the security or privacy of content left on the Internet by users. It is the user's responsibility to remove any content at the completion of a booked session.

- 12. The following disclaimer applies to the Libraries Public Internet Access Facility.
 - a) The City of Busselton has no control over the information accessed through the Internet and cannot be held responsible for its content.
 - b) A person must not use a library computer to transmit, obtain possession of, demonstrate, advertise or request the transmission of an article knowing it to contain objectionable material (WA Censorship Act 1996, s101). The city of Busselton is not responsible for any access points reached.
 - c) A person must not use a computer service to transmit restricted material to a minor (WA Censorship Act 1996, s3). Supervision or restriction of a minor's access is the responsibility of the parent or guardian.
 - d) The City of Busselton does not guarantee or accept any liability for the information's accuracy, authoritativeness, timeliness or usefulness for a particular purpose. The City of Busselton shall have no liability for any direct or indirect or consequential damages related to the use of the information contained therein.

Policy Background

Policy Reference No. – 077

Owner Unit – Libraries

Originator – Manager, Information Services

Policy approved by – Council

Date Approved – 13/12/2006

Review Frequency – As required

Related Documents – N/A

Background / History – Implemented 27 August 1997

History

Carrail Danalutian	Data	lf
Council Resolution	Date	Information
		Review June 2016 to include a
		"Guest Pass"
		Version 8
C1103/072	9 March 2011	Reviewed by Council. No
		changes made.
C0612/375	13 December 2006	New policy 077/03 to replace
		former 077/02 for more
		efficient method of registering
		use and the removal of
		operational information.
		Version 7
C018/444	22 August 2001	Implementation of the
		provision of free access to the
		internet.
		Version 6
C011/037	24 January 2001	Fees and charges levels

		removed as dealt with during
		budgeting process.
		Version 5
C9911/507	10 November 1999	Student discount approved.
		Version 4
	28 August 1999	New fees and charged inserted
		into policy.
		Version 3
C995/0208	26 May 1999	New policy to include access to
		email facilities from library
		computers.
		Version 2
C978/330	27 August 1997	Date of Implementation.
		Version 1

10.2 <u>Policy and Legislation Committee - 21/06/2016 - PROPOSED CITY OF BUSSELTON</u> CEMETERIES AMENDMENT LOCAL LAW 2016

SUBJECT INDEX: Local Laws

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Corporate Services
ACTIVITY UNIT: Legal Services

REPORTING OFFICER: Legal Services Coordinator - Cobus Botha

AUTHORISING OFFICER: Director, Finance and Corporate Services - Matthew Smith

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Proposed Cemeteries Amendment Local Law 2016

This item was considered by the Policy and Legislation Committee at its meeting on 21 June 2016, the recommendations from which have been included in this report.

PRÉCIS

Following gazettal of the *City of Busselton Cemeteries Local Law 2015* (Cemeteries Local Law) the Joint Standing Committee on Delegated Legislation (JSC) notified the City that a penalty imposed under clause 9.1 of the Cemeteries Local Law is inconsistent with the *Cemeteries Act 1986* (Cemeteries Act) and consequently required amendment of the local law to resolve the issue. Council subsequently resolved to authorise the preparation and advertising of the proposed *City of Busselton Cemeteries Amendment Local Law 2016* (Amendment Local Law). The purpose of this report is for Council to consider submissions received in relation to the proposed Amendment Local Law and to consider whether to make the proposed Amendment Local Law pursuant to section 3.12 of the *Local Government Act 1995* (Act).

It is recommended that Council resolve to make the proposed Amendment Local Law.

BACKGROUND

On 11 November 2015 Council resolved to make the Cemeteries Local Law which was subsequently gazetted on 10 December 2015 and came into operation 14 days after its publication in the *Government Gazette*.

The JSC, which is a committee of state politicians from both houses of the Western Australian Parliament, has delegation from Parliament to scrutinize and recommend the disallowance of local laws to the Parliament of Western Australia. Under the above mentioned delegation, the JSC reviewed the Cemeteries Local Law following gazettal thereof and advised the City that, although section 55(1)(p) of the Cemeteries Act limits the further fine for a continued contravention of a local law to \$20 for every day or part of a day during which the offence has continued, clause 9.1 of the Cemeteries Local law specifies a maximum penalty of \$50 for such an offence; resulting in this provision of the Cemeteries Local Law being inconsistent with the Cemeteries Act. As a consequence the JSC requested Council to give certain undertakings in relation to the Cemeteries Local Law, which resulted in Council resolving on 9 March 2016 as follows:

That the Council:

- 1. Provides, in relation to the City of Busselton Cemeteries Local Law 2015, the following undertaking to the Joint Standing Committee on Delegated Legislated:
 - a) To amend by no later than 25 August 2016 clause 9.1 of the local law by replacing the amount of \$50 with the amount of \$20;

- b) Not to enforce the continuing fine under clause 9.1 of the local law until it has been amended in accordance with resolution 1(a) above; and
- c) Where the local law is made publicly available, whether in hard copy or electronic form, ensure that the law is accompanied by a copy of these undertakings.
- 2. Commences the law-making process for amending the City of Busselton Cemeteries Local Law 2015, the purpose and effect of the amendment local law being as follows:

<u>Purpose</u>: To amend clause 9.1 of the City of Busselton Cemeteries Local Law 2015 to ensure consistency with the Cemeteries Act 1986.

<u>Effect</u>: Replacement of the penalty \$50 for a continuing offence under clause 9.1 of the City of Busselton Cemeteries Local Law 2015 with a penalty of \$20 to achieve consistency with the relevant provisions under the Cemeteries Act 1986.

- 3. Authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act 1995, by
 - (i) giving Statewide public notice and local public notice of the proposed amendment of the local law; and
 - (ii) giving a copy of the proposed amendment local law and public notice to the Minister for Local Government.
- 4. That the CEO, after the close of the public consultation period, submit a report to the Council on any submissions received on the proposed amendment of the local law to enable the Council to consider the submissions made and to determine whether to make an amendment local law in accordance with section 3.12(4) of the Act.

Pursuant to abovementioned Council resolution the City provided the requested undertakings to the JSC, gave Statewide and local public notice of the proposed Amendment Local Law and provided the Minister for Local Government and Communities with a copy of the public notice and proposed Amendment Local Law.

The proposed Amendment Local Law is now referred to Council for consideration to resolve whether or not to make the proposed Amendment Local Law.

STATUTORY ENVIRONMENT

The procedure for making an amendment local law is the same as the procedure for making a local law. The procedure for making local laws is set out in section 3.12 of the Act and Regulation 3 of the Local Government (Functions and General) Regulations 1996.

In terms of section 3.12(4) of the Act Council is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was originally proposed. A decision to make a local law has to be supported by an absolute majority of the Council.

If Council resolve to make the proposed Amendment Local Law then the process required under section 3.12(5) and (6) of the Act needs to be carried out. Section 3.12(5) requires that the local law be published in the *Government Gazette* and a copy be provided to the Minister. Section 3.12(6) requires that after the local law has been published in the *Government Gazette*, the City must give local public notice stating the title of the local law, summarising the purpose and effect of the local law and advising that copies of the local law may be inspected at or obtained from the City offices.

In accordance with section 3.14 of the Act the Amendment Local Law will come into operation 14 days after publication in the *Government Gazette*.

RELEVANT PLANS AND POLICIES

None.

FINANCIAL IMPLICATIONS

Costs associated with the advertising and gazettal of the proposed Amendment Local Law will come from the legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose. Making and implementing the proposed Amendment Local Law should not have any other financial implications for the City.

Long-term Financial Plan Implications

Abovementioned expenses will not impact on the City's Long-term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

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

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

RISK ASSESSMENT

The proposed Amendment Local Law does not involve any significant changes from current practices and is therefore considered low risk with no risks identified as "medium" or greater.

CONSULTATION

The proposed Amendment Local Law was advertised publicly in both local and state wide newspapers for a minimum of 6 weeks in accordance with the requirements under section 3.12(3)(a) of the Act. No public submissions were received.

The proposed Amendment Local Law was also given to the Minister for Local Government and Communities for consideration and comment. Except for minor drafting changes, the Department of Local Government and Communities, who responded on behalf of the Minister, did not require any variations to the proposed Amendment Local Law.

OFFICER COMMENT

Section 55 of the Cemeteries Act provides local governments with the heads of power to make local laws that are necessary or convenient for the purposes of this act. In terms of Section 55(1)(p) a local law may provide that contravention of a local law constitutes an offence and provide for penalties not exceeding a fine of \$500 and, if the offence is a continuing one, to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued.

Clause 9.1 of the Cemeteries Local Law, which was made in accordance with the provisions of Section 55(1)(p) of the Cemeteries Act, specifies the further fine for a continuing offence as "not exceeding \$50 for every day or part of a day during which the offence has continued". The amount of \$50 (instead of \$20 as prescribed under the act) is a typographical error and clearly inconsistent with the relevant provisions of the Cemeteries Act. In order to rectify this error the amount of \$50 in clause

9.1 of the Cemeteries Local Law must be replaced with \$20. No other amendments to the local law are required as a consequence of this change.

The proposed amendment is consistent with the undertakings provided by the City to the JSC. It is therefore recommended that Council resolve to make the proposed Amendment Local Law.

CONCLUSION

The proposed Amendment Local Law will achieve consistency between the relevant provisions of the Cemeteries Local Law and the Cemeteries Act and avoid disallowance of the Cemeteries Local Law by Parliament.

OPTIONS

Cognisant of the undertakings given by Council to the JSC to effect the proposed amendment and given the matter has previously been considered by Council and obtained unanimous support, it is considered that Council have no other option than adopting the Officer Recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If Council resolve to make the proposed Amendment Local Law, the local law will be gazetted and will come into operation 14 days after publication. The timeframe for completion of the gazettal process is approximately thirty days from the date of the Council resolution.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

- 1. Resolves to make the City of Busselton Cemeteries Amendment Local Law 2016 in accordance with section 3.12(4) of the Local Government Act 1995.
- 2. Authorises the Chief Executive Officer to carry out the processes required to make the City of Busselton Cemeteries Amendment Local Law 2016 in accordance with section 3.12(5) and section 3.12(6) of the Local Government Act 1995.

Chief Executive Officer

LOCAL GOVERNMENT ACT 1995 CEMETERIES ACT 1986

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City of Busselton

Cemeteries Amendment Local Law 2016

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986* and under all other powers enabling it, the Council of the City of Busselton resolved on [insert date] to make the following local law.

1. Title

This is the City of Busselton Cemeteries Amendment Local Law 2016.

2. Commencement

This local law commences on the 14th day after the day on which it is published in the Government Gazette.

3. Principal Local Law

This local law amends the City of Busselton Cemeteries Local Law 2015 as published in the Government Gazette of 10 December 2015.

4. Clause 9.1 amended

Clause 9.1 of is amended by deleting "\$50.00" and replacing it with "\$20.00".

Dated: [insert date]
The Common Seal of the City of Busselton was affixed by authority of a resolution of the Council in the presence of—
GRANT DOUGLAS HENLEY Mayor
MICHAEL STEPHEN LEE ARCHER

10.3 Policy and Legislation Committee - 21/06/2016 - POLICY: LEASES OF CITY LAND AND BUILDINGS

SUBJECT INDEX: Leasing

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Finance and Corporate Services

ACTIVITY UNIT: Property Services

REPORTING OFFICER: Director, Finance and Corporate Services - Matthew Smith

Property Management Coordinator - Sharon Woodford-Jones

AUTHORISING OFFICER: Director, Finance and Corporate Services - Matthew Smith

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Draft Leases of City Land and Buildings Policy

This item was considered by the Policy and Legislation Committee at its meeting on 21 June 2016, the recommendations from which have been included in this report.

PRÉCIS

There is currently no formal Council policy that covers the leasing of City owned and controlled land. City officers have prepared a policy which seeks to guide leasing practices to ensure consistency and transparency. This report outlines the rationale behind that policy and seeks its endorsement and adoption.

BACKGROUND

The City's property portfolio comprises a mixture of land and buildings consisting of freehold ownership and reserves vested by management order or leased from the Crown on a long term basis to the City. The City leases property to a variety of lessees, including individuals, not for profit organisations, sporting and community groups, agencies and organisations providing essential services as well as commercial entities. Prominent examples of buildings and land currently part of this portfolio are the Busselton Community Resource Centre – a public building comprising a mixture of office premises and meeting rooms for occasional hire and the Locke Estate – 16 campsites leased to community groups for specific purposes. There are numerous ovals and sporting facilities as well as buildings leased to not for profit organisations for a variety of purposes. The City also have existing leasehold arrangements with commercial lessees on the Busselton foreshore and as the Busselton and Dunsborough foreshores redevelopment progresses, more commercial and/or mixed use ventures are expected.

A number of policies exist which impact on the use of land and buildings such as the Commercial Hire Sites Policy and the Trading in Public Places Policy but there is no policy which deals specifically with the granting of exclusive possession for a fixed term in the form of a lease. The same can be said of the approach to ongoing management of lessees and licensees and the method of assessing requests for renewal.

A uniform and transparent approach to leasing City owned or managed land and buildings will give clear direction and guidance to all those involved and affected. Council decisions have generally established a consistent approach and a move towards standardisation of terms and conditions; the proposed Leasing Policy (the Policy) seeks to capture and reinforce this.

STATUTORY ENVIRONMENT

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

The Land Administration Act 1997 (WA) governs management of Crown Land. The City is responsible for the care, control and management of land reserved by the Minister for Lands under the Land Administration Act 1997. The City manages land in accordance with Management Orders made under section 46 of the Act which may include a power to lease or licence the whole or a part of the land. Any proposal to lease or licence land may not proceed without the prior written approval from the Minister.

RELEVANT PLANS AND POLICIES

Policy 019 Building Insurance deals with the provision of insurance by the City and requirements for reimbursements due from lessees of City buildings.

The Building Asset Management Plan is a framework for determining the extent to which existing buildings (which would include leased buildings or buildings constructed on leased land) should be maintained. It will be referred as a guide when assessing and negotiating the maintenance provisions in a lease and, in certain circumstances, could impact on the term to be granted.

FINANCIAL IMPLICATIONS

There are financial implications associated with individual leases. However, there are not any additional financial implications for the draft policy as it largely reflects the existing practices of the City in relation to leasing.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The adoption of this policy is consistent with the following Strategic Community Plan objectives:

- Key Goal Area 2 Infrastructure assets are well maintained and responsibly managed to provide for future generations
- Key Goal Area 6 A Council that engages with its community and makes responsible decisions, respecting communities' needs and aspirations, and in particular Strategic Community Objective 6.2 "Governance systems that deliver responsible, ethical and accountable decision making"

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. No risks were found where the residual risk, once controls have been identified, were considered to be 'medium' or greater.

CONSULTATION

Whilst there has been no specific consultation with the community in relation to the proposed Leasing Policy, it reflects the Council's general approach to leasing and lease management and in the main seeks to formalise this. The policy also endeavours to address some of the concerns that have been expressed by some groups associated with relatively recent community group lease renewals regarding the duration of the lease and security of tenure.

OFFICER COMMENT

There are many variables associated with the leasing of land and buildings. The Policy proposed is designed to encompass the majority of issues encountered and provide comprehensive guidance and consistency of approach.

The Policy therefore includes the following:

Leasing principles

The Policy contains a standard set of principles to be applied when assessing a proposal from either a potential not for profit or commercial lessee. The criteria and factors for consideration are not designed to be exhaustive but will guide Council and officers in the assessment of the appropriateness of a lease and any specific terms and conditions applicable in the circumstances. Matters such as overall community benefit and the improvement to sporting, recreational and cultural amenity will feature in this process. Detailing the factors that may be relevant to a decision provides the framework for both the form of a request for a lease and its assessment.

Criteria

Potentially, there are a wide range of issues that Council will want to consider when deciding whether to enter into a lease and the Policy therefore identifies those that could apply depending on the type of lessee, the duration of the lease and the nature of the proposed use. The Policy reflects that certain criteria will apply in every case regardless of the type of lessee but also identifies those that are specifically relevant to not for profit/community organisations and commercial lessees.

The Duration of a Lease

The policy distinguishes between commercial and non-commercial lessees and provides that the term of a lease to a not for profit, sporting or community organisation will generally be for a period of 5 years with an option (exercisable by the lessee) of the grant of a further 5 years. This is reflective of the term of the majority of the City's existing community group leases. The length of term is intended to ensure a level of certainty of tenure for community groups to enable forward planning and associated expenditure, while ensuring the City can still review arrangements every 10 years to ensure the intended community benefit is still being achieved.

There may, however, be occasions where a community group is well established and/or has made a significant capital investment to a building in which case a longer term might be justified. The Policy provides for this and also states that the overall benefit to the community which the lessee provides will be a factor in determining whether a longer term lease should be granted.

The Policy provides for the ability for the City to grant a longer term via a 10 year initial term plus a 10 year option. In these circumstances, it is intended that the 10 year option would provide the City as lessor with the opportunity to review the lease after 10 years and make minor changes to leased area or terms that might be necessary for the benefit of the community while still giving the community group lessee the guarantee of up to a 20 year lease term.

The policy also provides for longer term for leases that relate to the provision of emergency and essential services.

The duration of a commercial lease is for more variable and dependent on the situation and individual negotiations.

CONCLUSION

The policy is designed to provide a framework for leasing and to guide Council and officers in decision making. It is intended to provide a balance between the needs of the community and the City's responsibilities for the upkeep, appropriate usage and protection of City land and property assets. The principles in the policy are largely reflective of the established approaches and practices of the City in relation to leasing of property. It is recommended that the Council adopt the Leasing Policy.

OPTIONS

Council can decide not to adopt the proposed Leasing Policy or to make changes to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Leasing Policy is made upon adoption by Simple Majority resolution of Council. The City's Policy Manual will be updated to include it within 14 days of the resolution.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council adopts the Leases of City Land and Buildings Policy:

	Leases of City Land and Buildings	V1 Draft
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1. PURPOSE

The City's land and buildings are an important resource for the community and should be managed in a manner that reflects the goals and aspirations of the City's Strategic Community Plan to ensure there is a good range and quality of services and facilities available to the community.

The purpose of this policy is to provide a framework and methodology to facilitate responsible and effective utilisation of City owned and controlled land and buildings in a consistent manner that achieves maximum community benefit.

2. SCOPE

This policy applies to any grant of a right of exclusive of land or buildings within the City of Busselton district, being either land owned outright by the City of Busselton or land owned by the Crown and managed by the City. It does not cover licences for occasional or short term hire or non-exclusive use of Council property (such as the hire of rooms or halls for a day or the hire of sporting grounds for limited periods).

3. **DEFINITIONS**

A Lease is an agreement in which the Landlord (or Lessor) agrees to give the Tenant (or Lessee) the exclusive right to occupy land for a specific term.

A Licence is a contractual right for the Licensee to carry out a permitted activity on land or within a building without the right of exclusive occupation.

4. RELEVANT LEGISLATION AND POLICY

The Land Administration Act 1997 (WA) governs leases on Crown Land. The City is responsible for the care, control and management of land reserved by the Minister for Lands under the Land Administration Act 1997. The City manages land in accordance with management orders made under section 46 of the Act which may include a power to lease or licence the whole or a part of the land. Any proposal to lease or licence land may not proceed without the prior written approval from the Minister.

The Local Government Act 1995 governs all systems and operations of local governments in Western Australia. The City is bound by specific conditions under this Act with regard to the disposal of property. Section 3.58 of the Act provides that a local government can only dispose of property by public auction, public tender or by undertaking the local public notice procedure set out in section 3.58(3). In this context, disposing of property means to 'sell, lease or otherwise dispose or, whether absolutely or not', but does not include licensing.

However, there are a number of exemptions to these requirements set out in regulation 30 of the Local Government (Functions & General) Regulations 1996. These include:

- Where property is to be disposed to not for profit, charitable, benevolent, religious, cultural, educational, recreational or sporting organisations; and
- If the property is to be occupied for a period of less than two (2) years and the agreement does not give exclusive possession.

The City of Busselton Strategic Community Plan 2013 sets out the community goals, aspirations and objectives for the next ten (10) years. It is reviewed every four (4) years. Any proposals for leasing or licencing property within the City of Busselton will be required to fit within the key goals and objectives outlined in the plan.

The Building Asset Management Plan is a framework for determining the approach to building maintenance (which includes leased buildings or buildings constructed on leased land). Where relevant, it may guide the maintenance provisions in a lease and, in certain circumstances, could impact on the term to be granted.

5. LEASING PRINCIPLES

5.1 The provision of benefits to the community through leasing

Leasing should support the development of healthy communities and, where appropriate, promote positive social, economic and environmental outcomes. Factors that may be taken into account in assessing a report to lease include, but are not limited to, the following:

Community

- Consideration of benefits to the community;
- Promotion of public health and wellbeing;
- Improvement of sporting, recreational and cultural facilities;
- Protection of public land values; and
- Any other impacts on social, economic and environmental outcomes.

Commercial

- Attracting investment and enhancement of an amenity (e.g. Busselton and Dunsborough foreshores);
- Creation of employment;
- Promotion of tourism;
- Economic return; and
- Impacts on social, economic and environmental outcomes

5.2 Governance that meets ethical and statutory standards

Consideration must be given to the purpose of the City entering into a lease and whether it provides for the effective control and management of the land, building and/or facility.

The following are factors that may be relevant to Council's assessment of a proposal:

- The ability, in terms of experience and competence, of the prospective tenant to fund, resource and manage the lease over the lease term;
- The potential opportunities for future utilisation of the asset;
- The existence of any statutory restrictions or implications for heritage or conservation value of the asset;
- The extent and current use of the land proposed to be leased and the impact on adjoining land;
- Whether the purpose of the lease and activities proposed meet the objectives of Council strategies and initiatives;
- Whether the proponent proposes a capital works programme that is compatible with the authorised purpose and the Council's vision for the land or facility;
- The overall financial viability of the proposal;
- The outcome of any consultation processes if considered necessary;
- Any potential risks to the City and/or the Community of entering into the arrangement; and
- Whether the proposal achieves the highest and best use of the land or facility.

6. LEASES TO NOT FOR PROFIT, SPORTING AND COMMUNITY ORGANISATIONS

6.1 Criteria

In addition to the generic governance factors listed in section 5.2, the following are criteria that should be applied to the assessment of a proposed lease. The outcome of that assessment would assist in determining the terms and conditions of the lease.

• The aims and objectives of the organisation as expressed in its Constitution;

- The history and experience in the area of activity expressed in the aims and objectives;
- The length of time the organisation has been active in the district and/or its connection with the community;
- The services offered to the community;
- Whether there are other organisations nearby offering the same or similar services and the demand for such services;
- The costs and expenses Council would incur for maintenance and other outgoings if it did not lease the land or building;
- Whether the organisation is able to generate an income from the premises and if so whether that income is used for the leased premises only or the services to the local community;
- Financial viability and the potential to be self-funded through membership and social activities;
- The ability to obtain insurance for public liability, building and contents;
- The ability to provide at least one year's accounts and any other financial information considered appropriate;
- Good governance practices including annual general meeting and appropriate policies and procedures;
- The ability to enter into regular communication with the broader community where appropriate; and
- A program of social and/or community activities and events for members, the broader community and visitors to the district.

7. DURATION OF LEASE

7.1 Not for Profit, Sporting and Community Organisations

The usual or standard length of lease term for leases to not for profit, sporting and community organisations would generally be for a period of five (5) years with an option for the lessee to extend the term by a further five (5) years subject to being in compliance with lease obligations. By offering a five (5) year term with a five (5) year option the intention is to find the balance between the need for the community group lessee to have security of tenure and thus be able to effectively run its services and facilities for the benefit of the community and the obligation on the City to ensure that community resources are utilised in an appropriate and effective manner. A review of tenure arrangements every ten (10) years enables the City to ensure that community land continues to be effectively and appropriately used and sufficient community benefit is being achieved and provides an opportunity to review lease terms to ensure they are current.

There may be circumstances where it would be appropriate to offer a lease term to a not for profit, sporting or community organisation which is longer than five (5) years with a five (5) year option. In those circumstances lease terms would usually not exceed twenty-one (21) years, which is usually the maximum period for which a reserve vested for community purposes can be leased in accordance with the usual terms of a reserve management order. The factors which would support

the granting of a community group lease for a longer overall term than ten (10) years in total include:

- The record of the relevant community group and in particular whether it has an established history of providing quality services and/or facilities to the community from the leased land;
- Whether the community group has paid for or substantially contributed to the construction
 of the buildings and/or facilities on the leased land and/or whether they have made or it is
 proposed that they will make a significant capital investment in those buildings and/or
 facilities;
- The extent of the membership of the community group and/or the number of persons utilising the services and/or facilities on the leased land; and
- The quality of the governance of the community organisation and its compliance history and/or demonstrated capacity to comply with lease obligations.

The City may elect to grant a longer term in the form of up to a ten (10) year lease with up to a ten (10) year option. An option in these circumstances may be subject to additional criteria that could enable the City to review such things as the leased area and/or rent and other terms to ensure that they are appropriate to meet the needs and best interests of the community at that time, while not altering the fundamental nature of the lease.

There are circumstances in which community groups may be given leased terms which are less than ten (10) years. This will be appropriate in the circumstances where a shorter or different lease term is consistent with the business plan or overall management requirements of a larger facility such as in the case of the Busselton Community Resource Centre and the ArtGeo Old Court House Cultural Complex.

7.2 Renewal of Lease to Not for Profit, Sporting and Community Organisations

The following factors are relevant when the City is considering whether or not to grant a renewal of an expiring lease to a not for profit, sporting or community organisation:

- The extent of compliance by the lessee throughout the term, including whether the lessee has properly maintained the premises as required and/or completed any required works;
- Whether the lessee has demonstrated good governance practices throughout the term of their lease;
- Whether demand by other groups for access to land or premises has increased or decreased and whether it is appropriate for one organisation to continue to have exclusive use; and
- The level of community benefit the lessee provides.

The principles and factors referred to in paragraph 7.1 are also relevant in considering the length of term granted where a community group lease is renewed.

7.3 State Government Agencies and Providers of Essential Services

Leases to State government agencies or organisations that provide essential services will generally be granted a longer term that is reflective of the nature of the services and facilities that these organisations provide. The Lessee in such circumstances will generally take full responsibility under the lease for the construction and ongoing maintenance of the facility and associated outgoings and other costs.

Organisations within this category currently include St John's Ambulance, the Volunteer Marine

Rescue Service, the Department of Child Protection and Family Protection and the Department of Fire and Emergency Services (DFES). The nature of the service provided and the level of capital investment will be taken into consideration when determining the duration of a lease, noting that generally leases of reserve land generally cannot exceed twenty-one (21) years in length.

7.4 Commercial Leases

The term of Commercial leases will be negotiated on a case by case basis.

8. RENT AND OUTGOINGS

8.1 Not for Profit, Sporting and Community Organisation

Generally the City will charge a nominal rent, established each year as part of the fees and charges schedule, in relation to leases to not for profit, sporting and community organisation. Leases of this type will generally require the lessee to meet the full cost of the building and facilities leased including construction, maintenance, utilities and insurance.

Where a building or facility is provided by the City and the City retains responsibility for maintenance and other outgoings, rents should be sufficient to meet or substantially contribute to the cost of such maintenance and outgoings including insurance. The rent should also be sufficient to meet or contribute to the funding required for ongoing management in accordance with the relevant building asset management plan.

8.2 Commercial Leases

Rent and other payments associated with commercial leases will be negotiated on a case by case basis.

9. FORM OF COMMUNITY GROUP LEASE

The City maintains a standard form Community Group lease that deals with a range of usual leasing matters such as payment of rent and outgoings, rent reviews, insurance requirements and payment of building insurance, permitted use, maintenance and repair, rights of access of other groups and other statutory and miscellaneous obligations. The City's standard community group lease will be used for all leases to not-for-profit, sporting and other community organisations.

Policy Background

Policy Reference No. Owner Unit – Property Services
Originator – Property Management Coordinator
Policy approved by –
Date Approved –
Review Frequency – As Required
Related Documents –

History

Council Resolution	Date	Information

Leases of City Land and Bu	uildings	V1 Draft	

PURPOSE

The City's land and buildings are an important resource for the community and should be managed in a manner that reflects the goals and aspirations of the City's Strategic Community Plan to ensure there is a good range and quality of services and facilities available to the community.

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The purpose of this policy is to provide a framework and methodology to facilitate responsible and effective utilisation of City owned and controlled land and buildings in a consistent manner that achieves maximum community benefit.

SCOPE

This policy applies to any grant of a right of exclusive of land or buildings within the City of Busselton district, being either land owned outright by the City of Busselton or land owned by the Crown and managed by the City. It does not cover licences for occasional or short term hire or non-exclusive use of Council property (such as the hire of rooms or halls for a day or the hire of sporting grounds for limited periods).

DEFINITIONS

A Lease is an agreement in which the Landlord (or Lessor) agrees to give the Tenant (or Lessee) the exclusive right to occupy land for a specific term.

A Licence is a contractual right for the Licensee to carry out a permitted activity on land or within a building without the right of exclusive occupation.

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However, there are a number of exemptions to these requirements set out in regulation 30 of the Local Government (Functions & General) Regulations 1996. These include:

- Where property is to be disposed to not for profit, charitable, benevolent, religious, cultural, educational, recreational or sporting organisations; and
- If the property is to be occupied for a period of less than two (2) years and the agreement does not give exclusive possession.

The City of Busselton Strategic Community Plan 2013 sets out the community goals, aspirations and objectives for the next ten (10) years. It is reviewed every four (4) years. Any proposals for leasing or licencing property within the City of Busselton will be required to fit within the key goals and

Draft Leases of City Land and Buildings Policy

objectives outlined in the plan.

The Building Asset Management Plan is a framework for determining the approach to building maintenance (which includes leased buildings or buildings constructed on leased land). Where relevant, it may guide the maintenance provisions in a lease and, in certain circumstances, could impact on the term to be granted.

5. LEASING PRINCIPLES

5.1 The provision of benefits to the community through leasing

Leasing should support the development of healthy communities and, where appropriate, promote positive social, economic and environmental outcomes. Factors that may be taken into account in assessing a report to lease include, but are not limited to, the following:

Community

- Consideration of benefits to the community;
- Promotion of public health and wellbeing;
- · Improvement of sporting, recreational and cultural facilities;
- Protection of public land values; and
- · Any other impacts on social, economic and environmental outcomes.

Commercial

- Attracting investment and enhancement of an amenity (e.g. Busselton and Dunsborough foreshores);
- Creation of employment;
- Promotion of tourism;
- · Economic return; and
- · Impacts on social, economic and environmental outcomes

5.2 Governance that meets ethical and statutory standards

Consideration must be given to the purpose of the City entering into a lease and whether it provides for the effective control and management of the land, building and/or facility.

The following are factors that may be relevant to Council's assessment of a proposal:

- The ability, in terms of experience and competence, of the prospective tenant to fund, resource and manage the lease over the lease term;
- The potential opportunities for future utilisation of the asset;
- The existence of any statutory restrictions or implications for heritage or conservation value of the asset;
- The extent and current use of the land proposed to be leased and the impact on adjoining land;

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- Whether the purpose of the lease and activities proposed meet the objectives of Council strategies and initiatives;
- Whether the proponent proposes a capital works programme that is compatible with the authorised purpose and the Council's vision for the land or facility;
- · The overall financial viability of the proposal;
- The outcome of any consultation processes if considered necessary;
- Any potential risks to the City and/or the Community of entering into the arrangement; and
- Whether the proposal achieves the highest and best use of the land or facility.

6. LEASES TO NOT FOR PROFIT, SPORTING AND COMMUNITY ORGANISATIONS

6.1 Criteria

In addition to the generic governance factors listed in section 5.2, the following are criteria that should be applied to the assessment of a proposed lease. The outcome of that assessment would assist in determining the terms and conditions of the lease.

- · The aims and objectives of the organisation as expressed in its Constitution;
- The history and experience in the area of activity expressed in the aims and objectives;
- The length of time the organisation has been active in the district and/or its connection with the community;
- · The services offered to the community;
- Whether there are other organisations nearby offering the same or similar services and the demand for such services;
- The costs and expenses Council would incur for maintenance and other outgoings if it did not lease the land or building;
- Whether the organisation is able to generate an income from the premises and if so whether that income is used for the leased premises only or the services to the local community;
- Financial viability and the potential to be self-funded through membership and social activities;
- · The ability to obtain insurance for public liability, building and contents;
- The ability to provide at least one year's accounts and any other financial information considered appropriate;
- Good governance practices including annual general meeting and appropriate policies and procedures;
- The ability to enter into regular communication with the broader community where appropriate; and

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A program of social and/or community activities and events for members, the broader community and visitors to the district.

7. **DURATION OF LEASE**

7.1 Not for Profit, Sporting and Community Organisations

The usual or standard length of lease term for leases to not for profit, sporting and community organisations would generally be for a period of five (5) years with an option for the lessee to extend the term by a further five (5) years subject to being in compliance with lease obligations. By offering a five (5) year term with a five (5) year option the intention is to find the balance between the need for the community group lessee to have security of tenure and thus be able to effectively run its services and facilities for the benefit of the community and the obligation on the City to ensure that community resources are utilised in an appropriate and effective manner. A review of tenure arrangements every ten (10) years enables the City to ensure that community land continues to be effectively and appropriately used and sufficient community benefit is being achieved and provides an opportunity to review lease terms to ensure they are current.

There may be circumstances where it would be appropriate to offer a lease term to a not for profit, sporting or community organisation which is longer than five (5) years with a five (5) year option. In those circumstances lease terms would usually not exceed twenty-one (21) years, which is usually the maximum period for which a reserve vested for community purposes can be leased in accordance with the usual terms of a reserve management order. The factors which would support the granting of a community group lease for a longer overall term than ten (10) years in total include:

- The record of the relevant community group and in particular whether it has an established history of providing quality services and/or facilities to the community from the leased land;
- Whether the community group has paid for or substantially contributed to the construction of the buildings and/or facilities on the leased land and/or whether they have made or it is proposed that they will make a significant capital investment in those buildings and/or facilities;
- The extent of the membership of the community group and/or the number of persons utilising the services and/or facilities on the leased land; and
- The quality of the governance of the community organisation and its compliance history and/or demonstrated capacity to comply with lease obligations.

The City may elect to grant a longer term in the form of up to a ten (10) year lease with up to a ten (10) year option. An option in these circumstances may be subject to additional criteria that could enable the City to review such things as the leased area and/or rent and other terms to ensure that they are appropriate to meet the needs and best interests of the community at that time, while not altering the fundamental nature of the lease.

There are circumstances in which community groups may be given leased terms which are less than ten (10) years. This will be appropriate in the circumstances where a shorter or different lease term is consistent with the business plan or overall management requirements of a larger facility such as in the case of the Busselton Community Resource Centre and the ArtGeo Old Court House Cultural Complex.

7.2 Renewal of Lease to Not for Profit, Sporting and Community Organisations

The following factors are relevant when the City is considering whether or not to grant a renewal of an expiring lease to a not for profit, sporting or community organisation:

Draft Leases of City Land and Buildings Policy

The extent of compliance by the lessee throughout the term, including whether the lessee
has properly maintained the premises as required and/or completed any required works;

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- Whether the lessee has demonstrated good governance practices throughout the term of their lease;
- Whether demand by other groups for access to land or premises has increased or decreased and whether it is appropriate for one organisation to continue to have exclusive use; and
- The level of community benefit the lessee provides.

The principles and factors referred to in paragraph 7.1 are also relevant in considering the length of term granted where a community group lease is renewed.

7.3 State Government Agencies and Providers of Essential Services

Leases to State government agencies or organisations that provide essential services will generally be granted a longer term that is reflective of the nature of the services and facilities that these organisations provide. The Lessee in such circumstances will generally take full responsibility under the lease for the construction and ongoing maintenance of the facility and associated outgoings and other costs.

Organisations within this category currently include St John's Ambulance, the Volunteer Marine Rescue Service, the Department of Child Protection and Family Protection and the Department of Fire and Emergency Services (DFES). The nature of the service provided and the level of capital investment will be taken into consideration when determining the duration of a lease, noting that generally leases of reserve land generally cannot exceed twenty-one (21) years in length.

7.4 Commercial Leases

The term of Commercial leases will be negotiated on a case by case basis.

8. RENT AND OUTGOINGS

8.1 Not for Profit, Sporting and Community Organisation

Generally the City will charge a nominal rent, established each year as part of the fees and charges schedule, in relation to leases to not for profit, sporting and community organisation. Leases of this type will generally require the lessee to meet the full cost of the building and facilities leased including construction, maintenance, utilities and insurance.

Where a building or facility is provided by the City and the City retains responsibility for maintenance and other outgoings, rents should be sufficient to meet or substantially contribute to the cost of such maintenance and outgoings including insurance. The rent should also be sufficient to meet or contribute to the funding required for ongoing management in accordance with the relevant building asset management plan.

8.2 Commercial Leases

Rent and other payments associated with commercial leases will be negotiated on a case by case basis.

9. FORM OF COMMUNITY GROUP LEASE

The City maintains a standard form Community Group lease that deals with a range of usual leasing

10.3

Attachment A

Draft Leases of City Land and Buildings Policy

matters such as payment of rent and outgoings, rent reviews, insurance requirements and payment of building insurance, permitted use, maintenance and repair, rights of access of other groups and other statutory and miscellaneous obligations. The City's standard community group lease will be used for all leases to not-for-profit, sporting and other community organisations.

Policy Background

Policy Reference No. Owner Unit – Property Services
Originator – Property Management Coordinator
Policy approved by –
Date Approved –
Review Frequency – As Required
Related Documents –

History

Council Resolution	Date	Information

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 AMENDMENT 22 TO LOCAL PLANNING SCHEME 21 - TO REZONE LOT 41 (182) GEOGRAPHE BAY ROAD QUINDALUP FROM R12.5 TO R20 - CONSIDERATION FOR INITIATION

SUBJECT INDEX: Town Planning Scheme Amendments

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Development Services and Policy ACTIVITY UNIT: Development Services and Policy

REPORTING OFFICER: Manager, Development Services and Policy - Anthony Rowe **AUTHORISING OFFICER:** Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Location of Subject Land
Attachment B Scheme Amendment Map

PRÉCIS

The City has received a request by the owner of the land located at 182 Geographe Bay Road, Quindalup to rezone the land from R12.5 to R20 for the purpose of accommodating four dwellings, rather than the maximum of two permissible with the existing zoning. Having considered the site and its context, officers are broadly supportive of the proposal.

The Council is requested to consider initiating the proposed Amendment for advertising.

BACKGROUND

The City has received a request to consider rezoning the land located at 182 Geographe Bay Road to facilitate four dwellings instead of two dwellings as currently provided for by the Scheme. To facilitate this will require an amendment to Scheme 21.

The subject land is as Lot 41 (182) Geographe Bay Road, Quindalup.

The site is 2,259 m² in area, is vacant and largely cleared of vegetation. It is zoned 'Residential' in Scheme 21 and coded R.12.5. It is located in the Quindalup Special Character Area.

The present Quindalup Special Character Area policy and the minimum lot size required in the R12.5 coding limits development of the site to two dwellings. The current policy however, allows if the original lot exceeds 2,400m² three or more dwellings may be developed at the R12.5 density. Given the average lot size required in R12.5 is 800m², a lot above 2,400m² would yield 3 dwellings.

The owner is proposing that it would be orderly and proper planning to re-code the land to R20 (average lot size 450m²) to enable 4 dwellings to be accommodated.

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

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

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

STATUTORY ENVIRONMENT

The active statutes affecting this application include -

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

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

City of Busselton Local Planning Scheme No. 21.

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

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

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

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

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

RELEVANT PLANS AND POLICIES

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

State Planning Policy 3.1 Residential Design Codes of Western Australia

The Residential Design Codes ('R-Codes') address development standards as well as assigning density by prescribing the minimum and average lot sizes for the coded categories, ranging from R2 at the

lowest through to R80 at the highest (note that there are denser codes, but the permissible density only increases for multiple dwellings – i.e. flats/apartments – but not for single houses or grouped dwellings – i.e. houses, villas, townhouses).

In areas coded R12.5 the R-Codes prescribe a minimum site area per dwelling of $700m^2$ and an average of $800m^2$. In areas coded R20 it prescribes a minimum site area per dwelling of $350m^2$ and an average of $450m^2$. The area taken by internal driveways servicing grouped dwellings are counted in the average of the site area, but not the minimum.

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

State Planning Policy 2.6 - Coastal Management

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

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

City of Busselton Local Planning Strategy

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

The Local Planning Strategy identifies urban/residential consolidation at the Dunsborough Town Centre and for an area extending up to Elmore Road; which is specifically identified for *Urban Consolidation* (medium+ density). The area to the east of Elmore Road, including the subject land, is to be retained as low density.

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

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

The background provided in the policy explains its reason:

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

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

The description for Precinct 2 is an area "of a mixed blend of old and new housing styles". In other words there is no homogeneous built form. The primary character elements are the building setbacks and the street side vegetation. Accordingly, the development controls in Precinct 2 describe a building set back of 10m from the street front and other provisions describe maintaining a heavily vegetated street line.

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

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

This Development Control suggests that when the policy originated, notwithstanding the 'policy background', a higher density in Sector 2 was envisaged to provide 3 dwellings from 2,100m² instead of that described in the Scheme - 3 dwellings from 2,400m² (using present day R-Codes lot sizes at R12.5).

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

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

CONSULTATION

There is no requirement under the *Planning and Development Act 2005* to advertise a scheme amendment prior to it being initiated by the Council.

As a standard amendment the Council's decision to initiate the amendment and to confirm it as a standard amendment will cause it to be advertised for a period of 28 days. As a preliminary requirement the proposed amendment will be referred to the EPA for 21 days. The proposal is considered straightforward and does not affect a known EPA interest. It is unlikely the EPA would require a formal environmental assessment.

Preliminary consultation with the State Department of Planning indicated broad support for the Amendment, subject to explicit coding (R20) being illustrated on the Scheme Map. It should be noted, however, that the Department's role in this respect is advisory only, and decision-making power rests with the Western Australian Planning Commission and Minister for Planning (although Department officers have some delegation from the Commission).

OFFICER COMMENT

The City of Busselton Local Planning Policy 3 – Special Character Areas and Visual Management -3B Quindalup Special Character Area Provisions was created by the City in 1993 in response to a then

perceived community desire to maintain the perception of the area at a low density. It established a future development requirement for an average lot size of 800m² and a 10m setback. This was reflective of a low density expectation at the time.

The perception is an important element of consideration. The Policy does not seek to place controls in the intensity of development at the site, ie open space to be retained. Aerial photos indicate most lots have buildings (houses and outbuildings) distributed in no particular order (other than the front setback). The subject land has numerous buildings adjoining its side boundaries. The development of the subject land would also not restrict any particular views or interfere with any consistent placement of buildings generally in the immediate area (the front set back will be retained). The perception of low density, as it contributes to the locality character, is ostensibly determined from ones view from and along the street. It is from this perspective that the fit of the amendment is to be compared, with the conscious purpose by which the Policy was created.

Orderly and proper planning

The Policy has not been substantially reviewed since its introduction, but in the period between then and now, the perception/expectation of what constitutes low density development and the public's perception of what constitutes a high amenity environment has changed.

The 2015 draft Liveable Neighbourhoods, as an example, now identifies any coding less than R40 (average 220m²) to be low density – this is a higher density than current community expectations or even that presently marketed, but it is indicative of the trend. Lots of 300m² now represent the most common new allotment size created in Perth and now lots of 260m² are not unusual. The expectation of low density is heading toward smaller lot sizes.

In the context of the District, lots at $300m^2$ (R-Coded as R30) are considered to be 'medium' density and lots with an average size of $450m^2$ (R-Coded as R20 or less) are effectively a low density classification.

Since 2009, and since the Quindalup Special Character Area Provisions were introduced in 1993, there have been 35 lots created in the area that are less than $700m^2$ and 33 of those lots are less than $550m^2$ in area. This is notwithstanding the policy's prescribed average lot size of $800m^2$ and a minimum of size of $700m^2$.

If the current Scheme policy was literally applied to the subject land, it could be developed as either one dwelling on a lot of 2,259m², or two dwellings each having a lot of 1,129m²; a very low density outcome in the present context.

The proposed amendment would result in four dwellings and would yield an average lot size of 569m², this still a low density outcome and also a low density outcome compared to lots approved since 2009.

The draft local planning strategy whilst it recognised that the area west of Elmore is identified for medium + density as a consolidation of the urban area, the area east of Elmore is to be retained as *existing urban* which is to say increasing the urban density will not be proactively pursued, but it remains under a general recognition that consolidation will be necessary, if the Dunsborough township population targets are to be achieved.

The proposed amendment is considered to achieve both a contemporary expectation of low density and a more efficient use of the land, than a literal interpretation that the current policy may apply. The proposed amendment is considered consistent with the principle of orderly and proper planning.

The appearance of land and buildings

All development in the Quindalup Special Control Area is subject to planning approval and notwithstanding the Quindalup Special Character Area Policy is somewhat dated; the objective to maintain a sense of openness and low density is clear and can still be used to guide the future development that would follow the amendment of the Scheme.

The setback of 10m along Geographe Bay Road and the street side vegetation are the notable character elements in the locality. Other than this, there is no homogenous built form that might be identified to guide a future compatible character.

The amendment will retain that the 10m set back will apply to the subject land. Only one dwelling will face the street, as the frontage width needs to accommodate the access to the three other dwellings. No additional requirements are required to guide the future form of building on the subject land other than its maximum development of four dwellings as provided in the proposed amendment.

Spot Rezoning

The proposed amendment is a 'spot rezoning' affecting only the subject land, rather than a comprehensive review that may apply to an area rather than a specific location. There are persuasive arguments that can be made for 'spot rezoning'.

The advantage of 'spot rezoning' is it is responsive to opportunity, owner initiated, and can create a mix of development forms. Its weakness is a lack of certainty and variations are often acceptable up to a point as a proportion of overall development; but after this point the variation may become the dominant character. Determining this point can be subjective, uncertain, and once reached its adherence can be perceived as unfair for anyone who may seek a similar variation after that point.

Comprehensive approaches, alternatively apply to areas rather than specific locations. They can also seek a mix of development and promote choice by applying variable ratios, averages and minimums, but in doing so suffer the same problem as a spot zoning; that at some point when too many have applied for the minimum, the next applicant would see their restriction as unfair.

A 'comprehensive approach' can have value where a mix is undesirable, i.e. where there is a particular homogeneous character to be protected, but otherwise the approach can be inflexible, often only achieves the lowest common denominator as its minimums represent site value optimisation and the only development pursued by the market place. It is slow to adapt to contemporary expectations.

Generally 'spot rezonings' can be acceptable where they are within the extent of a conscious purpose. In this instance the spot zoning can be seen to align a formal development control affecting the subject land with that which has occurred since 1993 (35 lots).

The outcome the proposed amendment would provide, remains within the conscious purpose of the locality, to maintain the perception of a low density environment. This is because from public view points the street set back will be retained, only one dwelling will face the street, and the lots whilst not directly visible from the street, are sufficient in size to provide space between buildings and a sense of a low scale; that may be glimpsed from the street.

Infrastructure

There are no infrastructure restrictions that may affect the consideration of this proposal. The subject land is serviced by two sewer junctions and has the capacity to be developed for more than one dwelling.

The subject land is an infill site and has access to mains water, power and the telecommunications network.

A proposal for four dwellings at the subject land is below the threshold for any specific traffic study. Geographe Bay Road in the locality is not at capacity and it is not expected that the proposal would have any noticeable or adverse impact upon the road network.

CONCLUSION

Since the local planning policy for Quindalup was prepared there have been 35 allotments created in the area as a variation on the policy. The amendment will provide certainty for the future development of the lot; that is comparative to accepted variations on the policy and the development that has occurred since 2009.

The proposed amendment will result in a more efficient use of the land but at the same time it remains within a contemporary expectation of low density and the conscious purpose of the local planning policy to retain the perception of the area as low density.

The proposal warrants proceeding to public consultation.

OPTIONS

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

- 1. To decline the request to initiate the proposed Amendment in its entirety (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to initiate an amendment.
- 2. To seek further information before making a decision.
- 3. To initiate the proposed Amendment subject to modification(s) as required.

Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of these options and it is considered that option 3 could be more appropriately considered following public consultation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

That the Council:

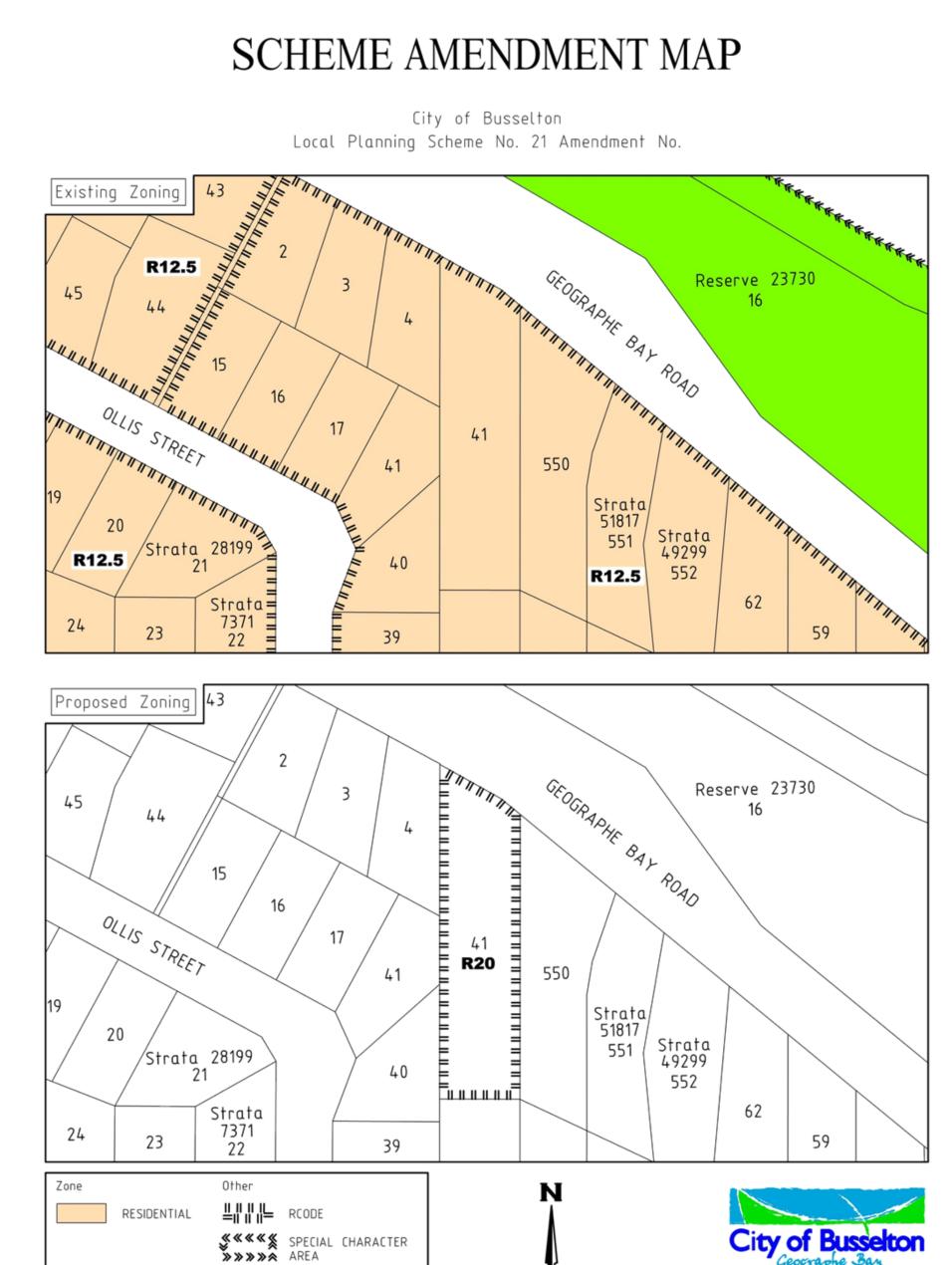
- a) In pursuance of Part V of the *Planning and Development Act 2005*, adopts draft Amendment No. 18 to the City of Busselton Local Planning Scheme No. 21 for public consultation for the purpose of:
 - i. Rezoning Lot 41; and
 - ii. Amending the Scheme map accordingly.
- b) In accordance with regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is the opinion of the Council that the draft Amendment is a 'standard amendment', for the following reason(s):
 - i. The draft Amendment will have minimal impact on land in the Scheme area that is not the subject of the amendment; and
 - ii. The draft Amendment will have no significant environmental, social, economic or governance impacts on land in the Scheme area.
- c) That, as the draft Amendment is consistent with Part V of the Planning and Development Act 2005, and Regulations made pursuant to that Act, that upon preparation of the necessary documentation the draft Amendment be referred to the Environmental Protection Authority (EPA). Upon receipt of a response from the EPA stating that the draft Amendment is not required to be subject to a formal environmental assessment, it be advertised for public consultation for a period of 42 days. In the event that the EPA determines that the proposed Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to consultation.

11.1 Attachment A Location of Subject Land

Location of Subject Land at Lot 41 Geographe Bay Road, Quindalup



SCHEME AMENDMENT MAP



11.2 <u>DISPOSAL OF RESERVE 44384 (LOT 5016 (75) FORD ROAD, GEOGRAPHE) FOLLOWING</u> CONSULTATION

SUBJECT INDEX: Development/Planning Applications

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Development Services and Policy **ACTIVITY UNIT:** Development Services and Policy **REPORTING OFFICER:** Planning Officer - Stephanie Izzard

AUTHORISING OFFICER: Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Proposed Amalgamation and 'Exchange' Plan

PRÉCIS

The Council is asked to provide its final support for the disposal of Reserve 44384 into private ownership. This matter has previously been considered by the Council at its meetings held on 10 July 2013 and 23 July 2014 where on both accounts it was resolved to support the disposal. This matter is brought before the Council for a final time as a resolution of the Council is required following the conclusion of consultation on the disposal of the reserve to finalise the disposal process.

BACKGROUND

This matter has previously been presented to the Council on the 10 July 2013 and again on the 23 July 2014. The matter was initially presented to the Council to obtain in principle support of the disposal of the reserve so that Officers could commence the disposal process.

Once in principle support was obtained from the Minister for Lands the matter was again presented to the Council on 23 July 2014 to obtain consent from the Council to commence advertising of the proposed disposal of the reserve and agree to the requirements for the disposal. At this meeting the Council resolved as follows:

- 1. To dispose of Reserve 44384 to Mr Clark at 5% of the unimproved value of the land, with all costs of disposal and transfer to freehold being met by Mr Clark.
- 2. That the valuation of Reserve 44384 accepted by the Minister of Land's for the disposal of Reserve 44384 into the City's ownership is considered a true indication of the unimproved value at the time of proposed disposition to Mr Clark.
- 3. To seek the Minister of Land's approval to dispose of Reserve 44384.
- 4. That the transfer to Mr Clark in fee simple will be conditional upon:
 - a) Mr Clark providing an upfront payment of \$15,000 for the City to use to meet any costs associated with the disposal of Reserve 44384 and transfer in fee simple to Mr Clark, any unspent funds will be returned to Mr Clark;
 - b) Mr Clark entering into a legal agreement with the City providing for:
 - i) Amalgamation of Reserve 44384 with the northern portion of Lot 9500;
 - ii) Ceding at no cost to the City a 10 metre wide strip along the southern boundary of Lot 9500;
 - iii) Engaging by Mr Clarke of a suitably qualified agent to manage the subdivision process;
 - iv) Transfer of Reserve 44384 into the sole ownership of Mr Clark;
 - v) Indemnifying the City for costs that may be borne by the City; and
 - vi) Acknowledging that the legal agreement and transfer of Reserve 44384 into Mr Clark's ownership is subject to public consultation and resolution of Council to support the method of disposal under Section 3.58 of the Local Government Act 1995.

- 4. To undertake community consultation of no less than 14 days inviting submissions regarding the intent of the City to dispose of Reserve 44384 to Mr Clark at the value of 5% of the unimproved value.
- 5. To include the Rezoning of Reserve 44384 from 'Recreation Reserve' to 'Residential R20' in the next omnibus amendment to the new Local Planning Scheme No. 21.

A copy of the proposed amalgamation and 'exchange' outlined in the Council's resolution above is provided at Attachment A. The reports previously presented to the Council on this matter and which more fully explain the background and context of the decision the Council is now being asked to make can be provided to Councillors on request.

Since this report was presented to the Council a legal agreement has been entered into between the City and Mr and Mrs Clark to facilitate the transfer of the reserve into their private ownership and enforce the conditions of the transfer imposed as part of the resolution of the Council provided above.

It is also noted that the rezoning of Reserve 44384 from "Reserve – Recreational" to "Residential" with a density of R20 was included as part of the Omnibus Amendment endorsed by Council at its meeting held on 9 March 2016 but as the Amendment is awaiting final endorsement by the Minister for Planning the zoning change has not yet occurred.

To facilitate the disposal of the reserve, the site has been purchased by the City from the Crown using the funds paid by Mr Clark to the City to facilitate the disposal of the Reserve. Subsequently, the City has also undertaken consultation on the disposal of the reserve in accordance with the *Local Government Act 1995*.

Following the conclusion of the advertising period this report is presented to the Council to outline the outcomes of this consultation period and obtain final endorsement before the reserve can be officially disposed of and transferred into the private ownership of Mr and Mrs Clark.

STATUTORY ENVIRONMENT

Reserve 44384 was vested to the local government by order, under the then *Land Act 1996* with a designated purpose of "Public Recreation."

The relevant Act in this matter is the *Planning and Development Act 2005*. Section 152 is the mechanism by which land, through the subdivision process, is vested to the Crown for public purpose/recreation. The authority to cancel or revoke a reserve and approve crown land to be transferred into fee simple is by the Minister for Lands (referred herein as 'the Minister') under *Sections 50* and *51* of the *Land Administration Act 1997*.

The Crown Land and Administration & Registration Practice Manual July 2013 outlines the process for the disposal of surplus reserves/land created under Section 152 of the Planning and Development Act 2005. The Crown Land Administration and Registration Practice Manual states that funds from the disposal of reserves "should only be spent on capital improvements to recreation land in the vicinity of the land sold." The requirements for the disposal of reserve under the manual are summarised below:

- The local government seeks and obtains the Minister's *in-principle* support to dispose the unwanted reserve;
- Community consultation is undertaken (30 days informing the value and application of the proceeds) and considered by Council;
- The Minister's approval is sought and provided;
- The land is transferred fee simple to the local government;

- The disposal to the local government is on the basis of 5% of unimproved market value, as advised by the Valuer General; and
- The Department of Lands is advised of the disposition of the proceeds.

Once the disposal of Reserve 44384 is approved and transferred to the ownership of the City, the provisions of the *Local Government Act 1995* apply.

Broadly the procedure is consistent between the two documents.

RELEVANT PLANS AND POLICIES

Development Control Policy 2.3: Public Open Space in Residential Area is the authority for the areas and attributes of land required as the provision of Public Open Space in residential areas. In residential areas it is typically a minimum of 8 - 10% of the gross subdivisible area that is to be given up, free of cost by the subdivider, and vested in the Crown under section 152 Planning and Development Act 2005) as a Reserve for Recreation. Note that land that is not developable by virtue of its environmental constraints does not form part of the gross subdivisible area and nor can it form part of the 8-10% public open space allocation.

FINANCIAL IMPLICATIONS

The applicant has paid the City \$15,000 to cover the cost of the transfer of land as well any fees associated with the transfer. A portion of these monies has already been used to finance the purchase of the reserve from the Crown into the ownership of the City.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; "Growth is managed sustainably and our environment is protected and enhanced as we develop."

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only.

Given the current condition and use of the land, the absence of community concern during the public advertising, and the fact the purpose of disposal as an 'exchange' was clearly indicated in that advertising, an adverse community concern about the disposal of the land, as a reputational risk, is low.

It should be noted that even if Reserve 44384 is transferred to the ownership of Mr Clark prior to the City completing the omnibus amendment to rezone Reserve 44384 from 'Reserve for Recreation' to 'Residential', the agreement with Mr Clark indemnifies the City from any potential injurious affection claim.

CONSULTATION

The disposal of the reserve into the private ownership of Mr and Mrs Clark was advertised in accordance with the requirements of clause 3.58 Disposing of Property of the Local Government Act 1995. The disposal of the reserve was advertised for 14 days ending on 25 May 2016 and was advertised via a sign on site, notice in the local newspaper and on the City's website, as well as a notice being displayed at the City's Customer Information Centre and libraries.

Following the conclusion of the advertising period no submissions were received.

OFFICER COMMENT

As outlined in previous Council reports on the matter, Reserve 44384 is surplus public open space. The reserve is low lying and prone to inundation and relatively small, making it have little purpose as a recreation reserve. It has therefore been previously resolved by the Council to support the disposal of Reserve 44384.

This report finalises the process for the disposal of the reserve into private ownership and fulfill the requirements of the legal agreement entered into between the City and Mr and Mrs Clark.

CONCLUSION

It is recommended that the disposal of Reserve 44384 be finalised in accordance with the provisions outlined within the legal agreement entered into between the City and Mr and Mrs Clark.

OPTIONS

The Council could decide to retain the land in question, however, the land does not appear to provide any benefit to the community and that would clearly contrary to the expectations that have arisen from the previous two decisions made by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

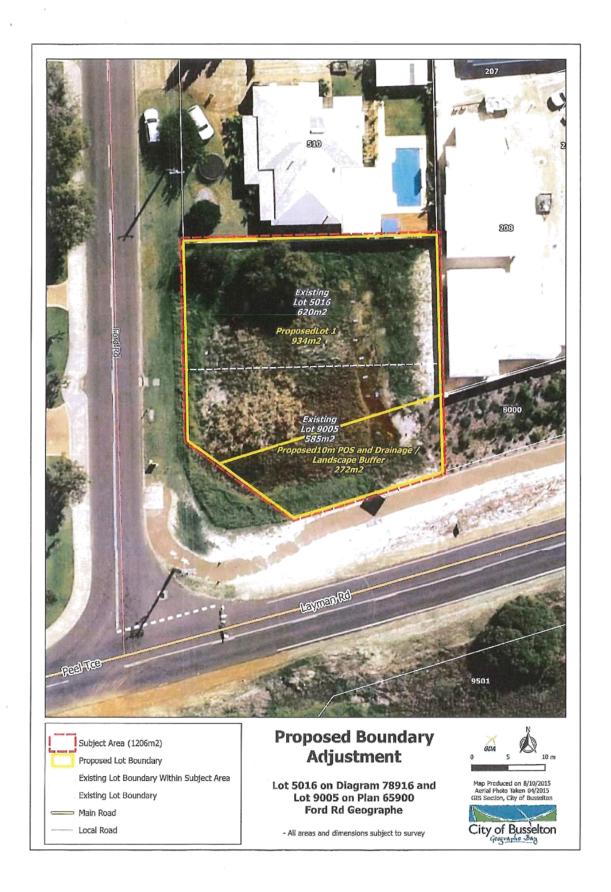
The timeline for completion of this matter in relation to the transfer of the reserve into the private ownership of Mr and Mrs Clark is expected to be six to twelve months. Resolution of the zoning of the land, to designate it within a Residential zone will be subject to the timings of the Omnibus Amendment.

OFFICER RECOMMENDATION

That the Council resolve:

- 1. To dispose of Reserve 44384 to Mr Clark at 5% (\$4,000) of the unimproved value of the land, once the requirements of the legal agreement entered between the City and Mr Clark have been met.
- Authorise and sign the subdivision application to the Western Australian Planning Commission
 for the amalgamation of existing Lot 9005 and Lot 5016 (Reserve 44384). This application shall
 include the ceding of a 10 metre wide POS and drainage/landscape buffer to the City along the
 southern portion of the lot.
- 3. Once the transfer is complete, return any unspent funds from the \$15,000 upfront payment made by Mr Clark to the City, to meet the costs associate with the transfer, back to Mr Clark.
- 4. The \$4,000 paid for the land to be used on capital improvements to recreation land in the vicinity of the site.

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11.3 <u>SCHEME AMENDMENT 10 - TRANSPORTABLE AND PREFABRICATED BUILDING CONTROLS</u>

SUBJECT INDEX: Town Planning Schemes and Amendments

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Development Services and Policy

ACTIVITY UNIT: Development Services

REPORTING OFFICER: Manager, Development Services and Policy - Anthony Rowe **AUTHORISING OFFICER:** Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Ministerial Decision 27 April 2016

PRÉCIS

On 25 November 2015 the City sought the Minister's approval to amend Scheme 21 to introduce controls over 'prefabricated buildings', including the requirement for planning approval and the introduction of a development standard.

The City has since received the Minister's decision (27 April 2016) to decline the City's proposal for the control of 'prefabricated buildings', but as an alternative the Minister has offered new definitions and control over development meeting the description of *Re-purposed Dwellings* or *Second–hand dwellings*.

Council's approval is sought to advertise a modified Scheme Amendment – Amendment 10 (AMD21/0010) incorporating the recommendations of the Minister made on 27 April 2016.

BACKGROUND

Council's consideration is requested to the Minister's offer to modify Scheme Amendment AMD21/0010 (18 December 2015) and proceed directly to public consultation.

As background, Council resolved on 25 November 2015 to seek the Minister's approval to amend its Scheme and introduce controls for transportable homes. The Amendment was to include a new definition for *prefabricated buildings* incorporating *transportable homes*. This would require that for all *prefabricated buildings* a planning approval would be required, across the whole of the District, and that it would be assessed against new *development standards* to be introduced into the Scheme (at Part 5). It also provided discretion to consult with the community as part of the decision-making process.

It was also resolved by Council to include in the Amendment a *prohibition* on transportable buildings and prefabricated building constructions within the Port Geographe Development Plan Area.

On 3 May 2016, the City received the Minister's decision (27 April 2016) to decline the City's Amendment 10 prefabricated buildings, and this included the request to make transportable buildings/prefabricated buildings in the Port Geographe area a 'prohibited' classification of development.

Whilst the Minster has declined the City's proposal (25 November 2015), the Minister has instead offered to the City the opportunity to introduce new definitions for *Re-purposed Dwellings* and *Second–hand dwellings* with associated development controls, and make it a requirement for such development to have planning approval prior to relocation. It will remove development proposals meeting the description of either a *Re-purposed Dwelling* or a *Second–hand dwelling* from the current exemption given to *Single houses* that avoids, as a class of development, their need to obtain a planning approval.

The Minister's offer is a substantive change to the City's advertised draft amendment, and it will require the modified amendment to be re-advertised.

A copy of the Minister's letter dated 27 April 2016 is attached (Attachment A).

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015.

In the time between the Council's decision to amend Scheme 21 and forwarding the Amendment to the Minister for approval, the new Regulations (Planning and Development Regulations (Local Planning Schemes) 2015, were gazetted.

The new Regulations provide procedures for Scheme amendments and importantly set timeframes around the process steps. They establish 3 classes of amendment: *Basic; Standard;* and *Complex*.

Basic – Advertising not required.

Standard - Advertising required, 28 days.

Complex - WAPC approval prior to Advertising, 42 days.

The City's Amendment 10, which commenced prior to the new Regulations, is required to proceed as a *Standard* amendment.

The minimum advertising period for a 'standard' amendment is 28 days. The City does not need to seek WAPC approval prior to advertising this amendment if it is modified in accordance with the Minister's direction.

Deemed Provisions Schedule 2

The new Regulations also introduced *Deemed Provisions* which prevail over any provision in a local government town planning scheme.

The *Planning and Development Act 2005* at s.257B provides that the *Deemed Provisions* cannot be changed on an individual basis. They can only be changed by amending the Regulations.

The *Deemed Provisions* exempt a *single house* and associated developments from requiring planning approval where they meet the *Deemed-to-Comply* provisions of the R-Codes. The only exception is if a *single house* is located in an area identified in the Scheme as a Special Control Area.

The Minister's proposal is to introduce a new land use for *Re-purposed Dwellings* and *Second–hand dwellings* so that proposals for such would not be included in the definition of a *single house* and therein not be exempt from requiring planning approval.

R- Codes

The R-Codes prescribe design controls for areas zoned 'Residential', as shown on a Scheme map. The R-Codes provisions may also apply to other zones in the Scheme, where residential development is permissible.

The R-Codes is arranged as a series of Objectives, and under each is listed Deemed to Comply criteria (the proposal meets the Objective and is permitted) or Design Principles (only where deemed to comply criteria is not met are these guidelines used for a planning judgement).

The R-Codes provide a limited opportunity for a local government to vary the Deemed to Comply criteria but this is subject to WAPC approval. The items that can be varied are restricted and presently do not address simple but important factors that contribute to a consistent character.

Factors that contribute to a consistent character not presently facilitated in the R-Codes include:

- a) building height minimum for a consistent mass and proportion;
- b) required roof form, and pitch; and
- c) required façade elements including building articulation on the lot, verandahs, eaves, parapets and building colours.

RELEVANT PLANS AND POLICIES

The City does not have a Local Planning Policy addressing transportable or prefabricated buildings.

In terms of statutory interpretation a Local Planning Policy does not override an exemption provided by the Scheme such as to exempt single houses from the need to obtain planning approval. Further, single houses in R-Coded areas, by virtue of the deemed provisions, do not require planning approval if they meet the *Deemed to Comply* requirements of the R-Codes (exemption).

An exception to this exemption is provided where the proposal is to be located in an area identified by the Scheme as a Special Control Area. The Port Geographe Development Plan Area is identified as a Special Control Area in Scheme 21, and in turn it refers to the City's Urban Centres Policy (LPP4) which includes Port Geographe. This Local Planning Policy includes the general residential area within the Port Geographe Development Plan area and lists masonry as a ground level construction material.

Notwithstanding that planning approval is required in the Port Geographe Special Character Area, and that there is a construction material identified in a local planning policy, the conventions and the weighting in the statutory hierarchy still apply to making a planning assessment.

The masonry 'requirement' must be read in context with the overall *Desired Character* in LPP4 and the Scheme's principal assessment considerations - *Matters to be Considered*.

The Planning and Development Act 2005, the Planning Regulations and the Local Planning Schemes are crafted to achieve practical outcomes. This is reflected to the term "to have due regard", which is imposed in all Schemes by the Deemed Provisions, as the Procedure for dealing with applications for development approval.

In planning law the practical and objectives-based approach generally prevails over an inflexible adherence to a development standard where discretion exists. For this reason a specific restriction on a construction material for reason of external appearance, even if it is supported in a Local Planning Policy or the Scheme, is not a binding requirement if an acceptable appearance can be achieved another way.

Other Special Control Areas include Quindalup, Yallingup, Old Dunsborough, Adelaide Street and Eagle Bay. Each of these Special Control Areas also have a Local Planning Policy describing the appearance of new development, but as with Port Geographe, a practical approach must be taken in exercising a planning judgement.

In the Special Control Areas, the City has the authority to require a planning application for single houses and apply development standards that can ensure a proposal is compatible with the 'appearance' of other buildings found in its locality. Outside of the Special Control Area however,

single houses are determined by the requirement of the R - Codes and do not need planning approval if meeting the *Deemed to Comply* provisions.

There are two aspects for planning consideration, one is the reasonable development standards that can be practically applied within the Special Control Areas; the other being whether *Deemed to Comply* provisions can also be varied to include reasonable development standards that can be practically applied to affect residential areas outside of the Special Control Areas.

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The amendment is considered to be consistent with the following community objectives of the City's Strategic Community Plan 2013 –

2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections;

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well.

The implementation of the Officer Recommendation will involve modifying Amendment 10 and readvertising it to canvass community opinion. In this regard, there are no significant risks identified.

CONSULTATION

Advice has been received from the Minister requesting modification of the amendment.

OFFICER COMMENT

The Council had initiated the Amendment following the placement of a second-hand building in Port Geographe and community concern that it detracted from the character of the locality. Whilst the development proposal was subsequently revised to achieve a broadly acceptable outcome, it nonetheless exposed a weakness in development controls across the City, and also in the R–Codes. It was found there was not sufficient control to ensure a residential development was compatible with its setting, particularly in areas outside of Special Control Areas.

The City also recognised that its efforts to encourage renewal of older and less attractive areas could create a supply of poor condition houses to then be available for relocation to other areas in the City nearby. This could give rise to the situation that had occurred in Port Geographe being repeated in other areas of the City.

Since the second-hand building was proposed at Port Geographe, the City has exercised an increased level of control to ensure the compatibility of new development. This has been achieved by two things - the Deemed provisions introduced 23 August 2015 maintained the ability for a Special Control Area to require a planning approval; and the Local Planning Policy was amended to require

planning approval for residential development in the "titled areas" at Port Geographe. This has given the City the ability to assess applications and ensure their compatibility with the setting.

The resultant Amendment sought to establish a definition for *prefabricated buildings*, including *transportable homes*, and require building proposals captured by the definition to obtain planning approval, and in turn to be assessed against a new development standard that would ensure a compatibility with the setting.

It was, however, recognised (including in the Council report of 25 November 2015) that the Amendment may not be supported by the Minister.

"It should be noted, that the planning direction set out in the amendment appears to be inconsistent with current planning direction at a State level (proposed Regulations) and so it is considered quite likely that the amendment will not be supported by the Minister."

At around the time of the new Regulations being introduced, a number of local governments were already concerned about the exemption to be provided to single houses. They made a petition to the Minister requesting controls (prohibitions) to prevent the occurrence of 'mining dongas' or similar being installed as single houses in their residential areas.

Also around this time the housing industry was promoting the adoption of prefabricated buildings or components as innovations that will improve construction speed and reduce cost. The housing industry is actively seeking to ensure there is no restriction on building construction materials.

The Minister's response, to the concerned local governments, was not to accept a prohibition on construction materials but to instead offer a new definition of *Re-purposed dwellings* and a new definition of *Secondhand dwellings*; both being separate to that of a *Single house*. This avoids the deemed exemption provided for a *Single house*, and requires development that meets the description of the new definition to have planning approval prior to development. This in turn provides that to gain planning approval, consideration against development standards to ensure compatibility with its setting can be made. This Minister's response can be seen to navigate between the concerns of the petition by local government whilst also supporting the housing industry in not restricting construction materials on 'new' buildings.

The Minister's definition for *Re-purposed dwellings* captures many forms of building attempted by the City's definition of *prefabricated building*. It will address dongas, shipping containers, railway carriages, caravan park homes and the like. The Minister's definition for *Secondhand dwellings* will also address the attempt to transfer a dwelling from one area to another. Both definitions provide an ability to control the appearance of the development.

The Minister did not reject the City's proposed development standard in his decision and the Minister's approach to *Re-purposed dwellings* and *Secondhand dwellings* will enable the City to apply the 'development standard' that it had proposed for *Prefabricated Buildings*. The Minster also requested the City consult with the Department of Planning prior to readvertising the Amendment. The City in response submitted a modified development standard to the Department of Planning; replacing the word *prefabricated building* with *Re-purposed dwelling* and *Secondhand dwelling*. The City received confirmation from the Department of Planning, on 15 June 2016, that the modified development standard is supported.

In accordance with the Minister's direction the development standard to be proposed/advertised by the City would now appear as:

"The local government shall not grant planning approval for development of a $\frac{\text{pre-}}{\text{fabricated}}$ building Re-purposed dwelling and Second-hand dwelling unless it is satisfied that the development will be consistent with the character of the locality in which

development is proposed, the maintenance of the amenity of the locality in which development is proposed and the objectives, policies and other provisions of the Scheme which apply to the land where development is proposed. The local government may, if it considers it appropriate to do so, advertise an application for development of a prefabricated building Re-purposed dwelling and Second-hand dwelling pursuant to clause 10.4 of the Scheme."

Seeking variations to the R Codes

(To be treated separate, but undertaken concurrently, in responding to the Minister's direction made on 27 April 2016)

The Minister's definitions for *Re-purposed dwelling* and *Secondhand dwelling*, do not control new modular or new transportable buildings and this still leaves open a potential for community concern.

The City has recently received an application for a modular home that is R-Codes compliant and exempt from planning approval, but arguably discordant with the character of other homes in its locality. Discordant features are often thought to be elements that are comparably too large. That is the focus of the R-Codes, whereas discordant elements can also be comparatively too small. Discordant features in this case are a building height that is comparatively low, a roof form that is flat in an area of pitched roofs (exacerbating the low comparative height), and an orientation narrow on the block where as other houses are oriented across the block (presenting an incompatible bulk).

Whilst a discordant building form is frequently associated with transportable and modular type houses, it is recognised that in situ constructed houses can also be discordant in their setting.

Better controls in the R-Codes can ensure compatibility to the setting for all development and this is really the key to alleviating community concern about discordant buildings of all types, rather than a narrow focus on construction materials or methodology.

The R-Codes are presently under review with an objective to achieve more consistency and simplicity, but complex considerations to address character are unlikely to be supported and equally the expansion of Special Control Areas as a means to circumvent exempting single houses from planning approval is unlikely to be supported.

Simple and easily found *Deemed to Comply* requirements, with accompanying *Design Principles*, could satisfy both better character outcomes and the desire to provide certainty, particularly, if WAPC approval is required as a safeguard. Furthermore, development that did not accord with the quantitative *Deemed to Comply* criteria would then be subject to planning discretion *Design Principles* and negotiation to achieve an acceptable fit in the locality. This would still provide flexibility for innovation and variety.

Simple (additional) character elements would include: a specified minimum building height; a required roof form and pitch; specified building orientation; and façade articulation including required features – such as verandahs, balconies, eaves, and parapets.

It is recommended that the City pursue the Minister's support to enable additional character elements to be added to the R-Codes for *Deemed to Comply* consideration. The suggested modification of Amendment 10 does not address all the City's initial concerns and therefore it is relevant that the City in response should pursue this. If the Minister was prepared to support this it would however require a state wide change to the R-Codes as part of the overall review and this would take considerable time. The Minister's offer to introduce *Re-purposed dwelling* and *Secondhand dwelling* is on the other hand comparatively immediate and it is a benefit over the current arrangement. For this reason it is recommended the City proceed with the Minister's offer,

but separately and not dependent upon Amendment 10, pursue the Minister's support to enable additional character elements to be added to the R-Codes for *Deemed to Comply* considerations.

Too many definitions

Notwithstanding the Minister's approach to create two new definitions (land use classifications) Repurposed dwelling and Secondhand dwelling, the City is concerned about the approach in general that has seen the number of land-use definitions expand in number. This has tended to arise as a reactionary approach rather than a coherent vision to achieve a practical and easy to use planning assessment system. It adds administrative complexity, difficult for the community to follow, and leads to inconsistency of outcomes across land use types (note that just in the City's Scheme, there are well over 1,000 zoning/land-use combinations possible).

The City would prefer an approach closer to that used successfully in many other jurisdictions, where fewer definitions are used (generic) and outcome based development standards are applied.

For instance, as identified earlier, an in situ constructed building can be as discordant with its setting as a *Re-purposed dwelling* and *Secondhand dwelling*. Simple (additional) character elements should apply to all dwelling types in a residential area, if a particular character outcome for a locality is to be achieved; instead of applying standards inconsistently i.e. to only one dwelling type.

The Department of Planning was recently seeking comments for use in refining the Planning and Development (Local Planning Schemes) Regulations 2015. Comments were due on 18 July 2016 and City has indicated a concern regarding the recent proliferation of land use classifications and the need for a coherent vision to guide the development of the State's planning framework.

CONCLUSION

The Minister has rejected the City's proposal Amendment 10, but has offered a compromise to define *Re-purposed dwellings* and *Secondhand dwellings*.

The Minister's approach on *Re-purposed dwellings* and *Secondhand dwellings* is an improvement over the City's current controls. Whereas outside of the City's Special Control Areas, where a single house is exempt from planning approval, the Minister's approach would provide the City with control over some of the most obvious examples of buildings that are a cause for community concern i.e. mining dongas, railway carriages and relocated dilapidated buildings.

The compromise, however, still leaves the potential for discordant buildings to occur in established areas and possible community concern.

The community concern could be alleviated by also introducing simple controls (addressing character elements) into the R - Codes as *Deemed to Comply* with accompanying *Design Principles*. Development that did not meet the *Deemed to Comply* requirements would be assessed for innovation and fit in its setting.

This has not been previously requested by the City and it is provided partly in response to the Minister's direction.

It is therefore recommended that separately to accepting the Minister's offer 27 April 2016, the City also opens the opportunity to pursue the inclusion of simple character controls into the R-Codes.

OPTIONS

Determine not to proceed with Amendment 10 – not accept the Minister's compromise.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve advertising of a modified Scheme Amendment, the receipt of submissions and report to Council.

OFFICER RECOMMENDATION

That Council resolves -

- 1. Pursuant to Part V of the *Planning and Development Act 2005*, to adopt Amendment 10 to the City of Busselton Local Planning Scheme 21 for community consultation, as follows:
 - 1a Inserting into Schedule 1 the following:
 - i. **Repurposed dwelling** means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;
 - ii. **Second-hand dwelling** means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
 - 1b Inserting in to Table 1 (Zoning Table).
 - i. "Repurposed dwelling", as a separate land use.
 - ii. "Second-hand dwelling", as a separate land use
 - Amending the Table 1 (Zoning Table) to make *a Re-purposed dwelling* or *Secondhand dwelling* a 'D' use in any zone in which a single house is a 'P' use or 'D' use and 'X' use in the zones where a single house is not permitted.
 - Inserting as a new clause 5.9, with subsequent clauses being renumbered accordingly, of the following:

Re-purposed dwelling and Second-hand dwelling

The local government shall not grant planning approval for development of a Re-purposed dwelling or Secondhand dwelling unless it is satisfied that the development will be consistent with the character of the locality in which development is proposed, the maintenance of the amenity of the locality in which development is proposed and the objectives, policies and other provisions of the Scheme which apply to the land where development is proposed. The local government may, if it considers it appropriate to do so, advertise an application for development of a Re-purposed dwelling or Secondhand dwelling pursuant to clause 64 Schedule 2 Development (local Planning Schemes) Regulations 2015.

- 2. That the City write to the Minister:
 - 2.1 Advising that the City will proceed to modify the amendment in accordance with his request dated 27 April 2016, but notwithstanding this, the City indicates its concern that the Minster's solution will not apply to new modular or transportable dwellings, and the potential remains for buildings to occur that are discordant with an established character of an area.

2.2 To reiterate that the City supports the adoption of innovations in house construction techniques that reduce the costs and improve function and affordability, but this need not be at the expense of the character of a locality.

In this regard the City requests the R -Codes review give consideration to simple character controls, to be made available at Part 7 of the R - Codes, for specific areas to be identified by local government and agreed by the WAPC that address a minimum building height for a consistent mass and proportion; that specify a required roof form and pitch; that specify an orientation; and that specify a façade articulation including features providing such as verandas, balconies, eaves, parapets and building colours.

Ministerial Decision 27 April 2016



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Your ref: AMD21/0010

853/6/6/22 P10 & TPS/1608

Enquiries: David Brash

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

Dear Anthony

LOCAL PLANNING SCHEME No. 21 AMENDMENT No. 10



MINISTERIAL DECISION FOR LOCAL PLANNING SCHEME AMENDMENT -MODIFICATION

Pursuant to clause 87(2) of the Planning and Development Act 2005 (the Act), the Minister for Planning has noted the submission conveyed in the Schedule of Submissions, requires the Local Government to modify the Amendment in accordance with the attached Schedule of Modifications and requires the Local Government to advertise the modified Amendment for a period of 28 days.

The Local Government is also advised that the process for advertising the modified Amendment, the making of submissions and the recommendations to the Minister shall be as per Regulations 47, 49, 50 and 53 of the 'Planning and Development (Local Planning Schemes) Regulations 2015.

In accordance with clause 62(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the amendment documents are required to be modified in accordance with the Minister's decision, and returned to the Western Australian Planning Commission within 42 days of this letter being received.

In order for the amendment documents to be finalised in a timely manner, please ensure the following:

- that any maps in the modified document accurately reflect the intentions of the amendment as detailed in the amending text;
- in carrying out modification to the amendment document, previous Council resolutions pursuant to clauses 35(1), 41(3) and/or 50(3) are not modified;

Please email the final modified text of the amendment, in word version, to schemes@planning.wa.gov.au to assist in the reduction of Government Gazette publishing costs.



Attachment A

Ministerial Decision 27 April 2016

Please forward all correspondence directly to our Bunbury Office to alleviate any delays in the processing of the amendment. Two sets of amending documents are returned herewith for the purposes set out above.

Yours sincerely

Kerrine Blenkinsop Secretary

KM Blakings

Western Australian Planning Commission

27 April 2016

Attachment A

SCHEDULE OF MODIFICATIONS CITY OF BUSSELTON LOCAL PLANNING SCHEME NO. 21

AMENDMENT NO. 10

	MODIFICATION	REASON
1.	Replace the proposed wording in the amendment as follows: a) Including the following land use definitions within the Schedule 1 of the Scheme; Repurposed dwelling — means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling; and Second-hand dwelling — means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling. b) Amending the Use Class Table to make the uses a 'D' use in any zone in which a single house is a 'D' use in any zone in which a single house is a 'D'	The Minister has provided clear direction on how schemes and amendment's to scheme's are to address this issue.
	'D' use in any zone in which a single house is a 'P' use or 'D' use and 'X' use in the zones where a single house is not permitted.	
2.	Include any appropriate development standards within the Scheme, in consultation with the Department of Planning, to control the appearance of these dwellings.	To assist in controlling the standards of development applicable to the use

11.4 ENVIRONMENT STRATEGY REVIEW

SUBJECT INDEX: Environment Plans

STRATEGIC OBJECTIVE: Growth is managed sustainably and our environment is protected and

enhanced as we develop.

BUSINESS UNIT: Environmental Services
ACTIVITY UNIT: Environmental Planning

REPORTING OFFICER: Manager, Environmental Services - Greg Simpson

Senior Natural Resource Management / Environment Officer - Will

Oldfield

AUTHORISING OFFICER: Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Revised Environment Strategy

PRÉCIS

This report presents the outcomes of a review of the 2004 Environment Strategy, one of the City's key guiding documents for managing environmental issues since 2004.

The revised Environment Strategy will provide direction on how the City will meet the environmental aspirations of the community, as set out in the Strategic Community Plan and guide the City's future activities in environmental management and sustainability. This report recommends that the revised Environment Strategy (Attachment A) be advertised inviting comment and submissions from the public, before being subject of further Council consideration.

BACKGROUND

In March 2004, Council resolved to endorse an Environment Strategy for the City. Over the past twelve years the Environment Strategy has guided the City's role in the management of local environmental issues. The 2004 Environment Strategy has assisted with incorporating sound environmental management as an organisational value and core business activity, while creating a positive organisational culture. The Strategy has also enhanced working relationships with the community in general, particularly with environmental community groups.

STATUTORY ENVIRONMENT

As part of its many functions and operations, the City must have regard to the following environmental legislation:

- Environmental Protection Act 1986
- Contaminated Sites Act 2003
- Wildlife Conservation Act 1950
- Rights in Water and Irrigation Act 1914
- Waste Avoidance and Resource Recovery Act 2007
- Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)
- National Greenhouse and Energy Reporting Act 2007 (Commonwealth)

A number of changes have been made to environmental legislation since Council's endorsement of the Environment Strategy in 2004. This review ensures that the City's Environment Strategy remains consistent with environmental legislation.

The Town Planning framework and Local Environmental Planning Strategy guides development and integrates environmental conservation, preservation and protection of key natural assets through

the planning and development process and is a significant component of the City's implementation of environmental management at a strategic level.

RELEVANT PLANS AND POLICIES

In March 2011, Council resolved (resolution C1103/070) to adopt Environment Policy 030, to guide the City's commitment to continuous improvement in environmental management towards creating a sustainable balance between environmental, social and economic values throughout the District. Environment Policy 030 is included with this report as Appendix 1 in Attachment A

The following other key environmental related plans have also been endorsed by Council:

- Local Environmental Planning Strategy
- Biodiversity Incentives Strategy
- Corporate Energy Action Plan
- Local Water Action Plan
- Waste Management Strategy (draft)

FINANCIAL IMPLICATIONS

There are no financial implications associated with the officer recommendation seeking Council endorsement to advertise the revised Environmental Strategy for public comment.

Long-term Financial Plan Implications

The revised Environment Strategy guides the approach towards ensuring the City's natural environment is cared for and enhanced for the enjoyment of the community and visitors through the development and implementation of management plans, programmes and associated on-ground works, much of which will be accomplished utilising available resources and within the City's current ten-year financial plan.

While the revised Environment Strategy is expected to have a ten year life, the strategic actions within the document will be reviewed every three years. Council may wish to implement a range of initiatives in environmental management and sustainability during the life of the revised Environment Strategy and any actions requiring additional resources will be evaluated and if considered appropriate by the Council, incorporated into the City's ten-year financial plan and annual budget development process.

STRATEGIC COMMUNITY OBJECTIVES

The review of the Environment Strategy is relevant to Key Goal Area 5 – Cared for and Enhanced Environment and Community, and Objective 5.1 – "Our natural environment is cared for and enhanced for the enjoyment of the community and visitors."

RISK ASSESSMENT

An assessment of the potential implications of not 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.

Risk		Controls	Consequence	Likelihood	Risk Level
Environmental,	/	Strategic Plan developed in	Minor	Possible	Medium
Reputational	risk	consultation with the			
arising	from	community and implementation			

inadequate	of actions to manage use,
management of	access and protection of
natural environs.	environmental and heritage
	values.

CONSULTATION

The preparation of the revised Environment Strategy has involved consultation with the community and other stakeholders. A range of consultation activities were undertaken to ensure the community and key stakeholders were given the opportunity to provide input during the preparatory consultation process.

The following consultation activities were undertaken as part of the preparation of the strategy:

- Workshops with key stakeholders including environment groups and agencies;
- Meetings with the City Environmental Reference Group;
- Workshop with City Staff;
- South West Aboriginal Land and Sea Council briefing; and
- Councillor briefing and workshop.

This report recommends that the revised Environment Strategy be advertised to the wider community for the purpose of seeking public comment and submissions. Notices about the consultation process will appear in the local paper and submissions from the community and stakeholders will be invited through the City's 'Your Say Busselton' website.

Government agencies and other stakeholders that may have an interest in the revised Environment Strategy will be notified directly about the consultation period

OFFICER COMMENT

Development of the revised Environment Strategy

The Strategic Actions listed within the Environment Strategy have been developed around the information generated from the consultation sessions and those actions still considered relevant previously listed within the 2004 Environment Strategy. The key environmental issues to be considered in the revised Environment Strategy were grouped into common themes and from that the strategic actions generated.

The process of analysis looked at whether -

- the suggested actions were supported by Policy and Best Practice;
- it was consistent with Community Strategic Plan and any known community expectations;
- they were existing high priority works;
- there was a strong community benefit;
- the action could be achieved at reasonable cost for a sustainable outcome;
- there was opportunity to leverage funding or partner with others; and
- there was a level of environmental risk.

Utilising the above criterion as part of the screening process, the Strategic Actions identified in the revised Environment Strategy are considered robust, worthwhile and appropriate towards ensuring the City's natural environment is cared for and enhanced.

Revised Environment Strategy themes

All the information that the City has received during the development phase has been analysed and sorted into the following five key themes –

BIODIVERSITY	Protected species, native vegetation, phytophthora dieback, coastal		
	management, weed control and recreation, contaminated sites, and fire		
	management,		
WATER	Wetlands and waterways, water quality, stormwater, water sensitive urban		
	design		
COMMUNITY	Community engagement, Education, Ecotourism, Community group support (for		
	groups working on City land)		
SUSTAINABILITY	Climate change, energy use, water use and waste management.		
GOVERNANCE	Manage resources and funds available to achieve best practice environmental		
	outcomes		

Revised Environment Strategy theme format

The revised Environment Strategy does not include extensive background information, as most of the environmental background information is readily available in the previous 2004 Environment Strategy and the Local Environmental Planning Strategy. The above five themes identified within the revised Environment Strategy each contains the following -

Scope and context	describes what the chapter focusses on and why it is important	
Vision and objectives	these are defined for each chapter/theme	
Previous achievements	provides a record of environmental achievements by the City, particularly since	
	2004 when the current environment Strategy was adopted	
Strategic actions These are the core of the document and describe the strategic actions		
	take during the term of the Strategy	

The Strategic Actions listed in the revised Environment Strategy are set out in a table under the following headings -

Stage of implementation	Some projects already started, others are new and some are ongoing activities.	
	This column indicates the status of the activity at the time of producing the	
	strategy.	
Implementation method	This indicates the type of activity that will/can be used to implement the action-	
	for example it could be through a new policy or plan, or though community	
	engagement projects	
Responsibility	As this is a whole of organisation document this column indicates business units	
	that may be involved in driving the action.	

Flagship projects

The revised Environment Strategy guides ongoing environmental management for the City and introduces a number of new initiatives to create a positive presence for the City in the environment and sustainability fields. Strategies with the highest priority and most beneficial activities are proposed as 'flagship projects', which are intended to be creative and generate positive community interest and can be promoted to the broader community. Example key priority flagship projects have been outlined in Appendix 2 of Attachment A.

The flagship projects are intended to focus on opportunities for the community and visitors to the District to interact with the natural environment. Some flagship projects may be included on the City's events calendar, provide places where community and visitors can experience the natural environment, such as Busselton's wetlands, and provide more support to community individuals/groups that have a desire to be involved in caring for the environment on land that the City manages.

CONCLUSION

The revised Environment Strategy has been prepared following extensive consultation with key stakeholders and community and it is recommended that this Strategy be advertised for public comment before being further considered by the Council.

OPTIONS

The Council may resolve not to advertise the revised Environment Strategy for the purpose of public advertising or may require certain aspects within the Strategy to be amended prior to advertising.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to Council supporting the officer recommendation, the revised Environment Strategy will be advertised for public comment. Public submissions received following the public advertising process will be included in a report together with a recommendation seeking Council's adoption of the revised Environment Strategy, by December 2016.

OFFICER RECOMMENDATION

That the Council endorses the revised Environment Strategy (Attachment A) for consultation purposes and advertises the Strategy inviting comments and submissions from the public.



City of Busselton

Environment Strategy 2016-2021

DRAFT

For community consultation purposes

July 2016

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Attachment A

1. INTRODUCTION

The Environment Strategy aims to provide opportunities and solutions to protect and care for the environment. Environmental considerations are an integral part of all decision making and planning processes and the City's integrated planning framework ensures this Environment Strategy integrates and aligns with other City strategies, plans and programmes and identifies with community objectives through transparent, accountable community engagement and reporting processes.

The release of this Strategy represents outcomes of a major review of the actions and achievements of the 2004 Environment Strategy. This strategy is one of the City's key guiding documents for managing natural assets.

1.1. Strategic Community Plan

The City has an important role in environmental management and protection of natural areas and this commitment is a key pillar of the City's vision:

A vibrant and cohesive community that protects its natural environment, meets the needs of its population and ensures that future development maintains the City's unique character, lifestyle and community values

A key goal towards this vision and guiding the Environment Strategy is that the 'environment is cared for and enhanced as the City's key asset', through the achievement of the following community objectives:

- > Our natural environment is cared for and enhanced for the enjoyment of the community and visitors
- Growth is managed sustainably and our environment is protected and enhanced as we develop, and
- Environment and climate change risks and impacts are understood and managed

1.2. Environmental Themes

The Environmental Strategy provides the City's response to local environmental pressures under 5 key environmental themes, being: Biodiversity, Water, Community, Sustainability and Governance. The Environment Strategy focuses on the major environmental issues under each theme, to guide the development and implementation of environmental actions and strategies.

11.4 Attachment A

1.3. Implementation

The City recognises the necessity for contemporary social, cultural and economic

perspectives in environmental management to generate local economic, social and cultural benefits to the community. The City will work closely with the community to implement the strategic actions. Strategies with the highest priority and most beneficial activities will be developed as flagship projects. Example key priority flagship projects have been outlined in Appendix 2.

The following criterion guides the identification of priority strategic actions for implementation:

- Level of risk to key environmental assets
- Legislative requirements
- Maintenance of momentum on existing projects
- Commitments to the community
- Opportunities to work with other stakeholders
- Availability of resources

1.4. Implementation Tools

Environmental management will be incorporated into the diverse activities the City is responsible for and implemented through multiple tools to achieve strategic outcomes.

Tools	Explanation/example
Policy or planning development	A strategic method to address environmental issues that may be affected by other City business, such as development. The creation and implementation of a policy may resolve complex ecological issues, such as retention of remaining habitat meeting certain criteria for protection of endangered species.
Management	The recognition that an action of some kind is required to address a threat or problem. Management methods may be varied and will depend on the issue. For example, preparation of a management plan for a foreshore area with recommendations for action.
Evidence based science, trials as evidence for decision making	City undertakes scientific research trial or project to determine a management outcome and or obtain evidence to support management decisions. The City may partner with other organisations to undertake the trial. For example monitoring of water quality; possum habitat and/or trialling weed control methods for revegetation projects.
Community engagement and leadership	Community engagement to address a human induced threat to the environment is a recognised tool for implementation because most environmental 'issues' or problems requiring management stem from a

Tools	Explanation/example
	human induced cause. Lack of education or understanding for the impacts of the activity on an environmental system can often result in the generation of an environmental problem, then requiring future management. By increasing education/engagement and training, the City can help manage environmental threats.
On-ground works	On-ground works is a practical way to address a direct threat or environmental issue. Such activities often help to engage the community and or might address a specific threat or need. Often grant money can be sourced to undertake this form of management. Staff resources are also required to administer these and to continue to manage them after implementation to ensure ongoing success.
Partnerships or consultation	Working closely with other groups/organisations can be a way to expand capacity and manage resources. Funding bodies often look for partnership projects because they garner wider scientific expertise to support management actions, engage a broader cross section of the community and establish best practice outcomes.
Resourcing	Applying for additional resources, and funds to develop new projects or to support an existing idea, project or concept. This might involve applying for grants or finding sponsorship projects.

1.5. Assumptions that sit behind the Strategy

This Environment Strategy and the strategic actions listed are underpinned by the following assumptions:

- Many strategic actions will be delivered through partnerships with others.
- Environmental risk will be considered during implementation of all projects.
- Natural Resource Management is recognised as a long-term process. The ongoing maintenance of all activities is acknowledged as being as important as new projects because 'protection and conservation' are considered best practice management techniques.
- Where possible, the precautionary principle is applied to all actions and projects.
- Methodologies for implementation of Strategic Actions may change according to adaptive management principles/best practice dictates.
- Strategic actions are pitched at a broad, strategic level to allow flexibility and to address economic and social values as well as environmental issues.
- Projects and programs derived from the strategies shall be Specific, Measurable, Achievable, Realistic and Timely.

1.6. Link to Local Environmental Planning Strategy

The town planning framework and Local Environmental Planning Strategy guides development and integrates environmental conservation, preservation and protection of key natural assets through the planning and development process and is a significant component of the City's implementation of environmental management at a strategic level.

1.7. Monitoring and Reporting

Information will be provided to the community on progress towards implementation of strategic actions on a periodic basis.

Flagship projects will be reviewed annually in order to keep implementation of the Strategy relevant and engaging.

Whilst this document is expected to have a ten year life expectancy, the strategic actions within the document will be reviewed every three years. This ensures the strategic directions of the document, City business, local, national and international trends and the influence of evolving issues such as sustainability and climate change, are on target, relevant and align with priorities within the City's Community Strategic Plan. At the three year review, a report will be provided to Council on opportunities for the Strategy's future strategic direction to continue to deliver the strategic actions and Flagship projects.

11.4 Attachment A

2. BIODIVERSITY

2.1. Scope and context

For the purposes of this plan, Biodiversity is defined as the 'richness of life', the number and variety of organisms within the Busselton district and recognises the variability across and within ecosystems and species, as well as the threatening processes which affect the conservation of them. The City sits within a globally recognised "Biological Hotspot", an area of such high diversity and unique species not found anywhere else in the world.

Threatening processes that affect long-term biodiversity in the City include weeds, pests, disease, vegetation clearing associated with land use and development, lack of understanding and resources, unmanaged access and human activities.. The impact of climate change on biodiversity of coastal reserves is recognised and is addressed through ongoing monitoring and appropriate management to continue to protect and enhance biodiversity values in coastal areas.

This chapter is focussed on strategic actions the City can implement to protected species, native vegetation, coastal management and threatening processes such as phytophthora dieback, weed control and recreation.

Management actions identified in this plan aim to recognise, conserve, protect and celebrate our rich biodiversity through implementation of a range of management tools. Coordination of appropriate strategies and actions will continue to ensure biodiversity in Busselton is maintained and, improved as greater understanding and best practice techniques are applied to determine sustainable solutions.

Biodiversity of local national, international significance are:

Flora:

- The City has 28 declared rare flora species.
- 9 Priority 1, 20 Priority 2, 38 Priority 3 and 26 Priority 4.
- 1 Species presumed extinct.

Threatened Ecological Communities and Priority Ecological Communities:

- Threatened Ecological Communities 10
- P1 Priority Ecological Communities 12
- P2 Priority Ecological Communities 1
- P3 Priority Ecological Communities 1

Attachment A

Revised Environment Strategy

Fauna:

Threatened Fauna

- Terrestrial = 19 species
- Marine (Turtles, Whales, Seabirds) = 18 species

Priority Species

All categories = 19 species

Internationally protected (various treaties)

- 30 species (note that some of these species are also protected under the above categories)
- Bush reserves- Ambergate reserve, Meelup Regional Park, Ruabon reserve.
- Meelup Regional Park, Leeuwin-Naturaliste National Park, Ngari Capes Marine Park,
 Yelverton, Whicher and Tuart National Parks
- Internationally recognised Wetlands: Vasse Wonnerup Wetlands (Ramsar).

2.2. Vision

The City's exceptionally high biodiversity values are recognised and protected in the long term.

2.3. Objectives

- To strategically manage natural areas under the City's care in order to maximise the long term conservation of high priority biodiversity assets.
- To identify and actively pursue effective methods to protect biodiversity as part of the strategic planning and land tenure framework.
- To proactively address threats to biodiversity assets as per best practice natural resource management practices.
- To work with the community and stakeholders to combine resources and provide opportunities to maximise successful biodiversity conservation outcomes.

2.4. Previous achievements

The following is a summary of the major achievements during the term of the 2004 Environment Strategy.

- Developed and implemented Reserves Vegetation Protection Policy (240) to provide direction for investigation of incidents of unauthorised damage vegetation on City managed land.
- Busselton Biodiversity Strategy reviewed and adopted by Council and endorsed by WAPC in February 2011. There has been renewed interest in the program with subdivisions and rate rebate concessions steadily being processed. 689ha of bushland has been protected through 29 properties being re-zoned to Bushland Protection. 281ha of bushland has been protected through the rates concession incentive on 18 properties.
- Strategic Ecological assessment of 52 bushland reserves funded through the South West Biodiversity Project, which led to the development of a Natural Area Management Action Plan that prioritises management actions for 2000 ha of natural areas managed by the City.
- Western Ringtail Possum Habitat Protection Strategy completed in 2009, detailing how WRP habitat can be protected and enhanced.
- Offset planting program initiated to manage requirements of native vegetation clearing permits.
- Surveyed vegetation condition, and selected weed species, on all rural roadsides with support from volunteers using Roadside Conservation Committee (DPaW) methodology.
- Assisted the South West Biodiversity Project in identifying Regional Ecological Linkages (SWREL). The SWREL mapping/information was also incorporated into the Local Environmental Planning Strategy (LEPS) and is used in the assessment of development applications.
- Initiated a Street Tree Planting program to improve streetscape amenity and habitat values for Western Ringtail Possum in urban areas.

11.4 **Revised Environment Strategy** Attachment A

Initiated the Nature Verge program to encourage urban residents to plant local native vegetation on their verges to reduce water use, provide shade, and improve amenity and habitat values.

- Developed and implemented management plans for the following reserves:
 - Bushland Management Plans: Ambergate Reserve, Blythe Reserve, Carbanup Reserve, Creekview Reserve, Marri and Armstrong Reserves, Meelup Regional Park Management Plan, Minion Reserve, Peron Reserve, Ruabon Tutunup Rail Reserves, Vintners Ridge Reserve.
 - o Foreshore Reserves: Broadwater Reserve, East Busselton Reserve, Quindalup Reserve 34111, Toby Inlet, West Street Reserve, Quindalup Reserve 46, Dugalup Brook, Dunsborough Foreshore, Busselton Central East and Yallingup foreshore.
- Locke Estate Environmental Fire Management Plan adopted by Council.
- Fire Management Plans developed for 30 bushland reserves.
- Planning for Bushfire protection guidelines updated in 2010 and now greater adherence is being given in planning considerations for development. possible development is only being allowed in cleared areas.
- Dieback survey completed in Meelup Regional Park, Big Rock Reserve, Ambergate Reserve and Carbanup reserves.
- Implementation of maintenance protocols for the strategic firebreak network in order to prevent the spread of Phytophthora dieback.

2.5. Strategic actions

Action	Strategic Action
No.	
1.1	Continue to develop and review management plans for natural areas under the
	City's care, including application of fire management.
1.2	Continue improvement of planning mechanisms for the protection of biodiversity and habitat. Review and finalise the draft Western Ringtail Possum Habitat Protection and Enhancement Strategy in partnership with the Department of Parks and Wildlife's implementation of the Western Ringtail Possum Recovery Plan.
1.3	Identify opportunities and develop a habitat strategy for enhancement and other benefits on Street verges and in City reserves.
1.4	Assess and provide recommendations for strategic approaches to control dieback through prevention, education and management.
1.5	Identify sites of high environmental value which may require conservation outcomes to be secured via changes to land tenure.
1.6	Develop opportunities to improve planning for the protection of vegetation in City reserves to balance potential conflicting values such as fire, biodiversity, public open space and amenity.
1.7	Develop initiatives to raise awareness and protect endangered fauna.
1.8	Continue to promote the opportunities for conservation through the Biodiversity Incentives Strategy, the Leeuwin Naturaliste Statement of Planning policy and the Busselton Wetlands Conservation Strategy.
1.9	Develop guidelines to encourage voluntary retention and protection of significant vegetation including habitat trees.
1.10	Develop a program to strategically address the loss of vegetation in foreshore areas.
1.11	Continue to manage weeds and feral animals on City land.

3. WATER RESOURCES

3.1. Scope and context

Human activities and land use within water catchment areas across Western Australia and in the South West have had a major impact on wetlands and waterways through vegetation clearing, pollution, water use and encroaching development. Agricultural land uses have historically had the largest effect on water catchments, wetlands and water quality, however, recent urban expansion and development is increasingly impacting on water quality in wetland environments.

The City contains a number of complex water catchments, with modified drainage networks some of which drain to coastal wetlands including the Ramsar listed Vasse-Wonnerup wetlands. Most wetlands in Busselton have been greatly affected by land clearing and land use activities. The major water courses, except for the Carbanup River, have been heavily modified as part of the rural drainage network that was constructed to reduce inundation of farm land. Poor land use practices and drainage of excess water have increased erosion and sedimentation in the drainage system, increased the loss of nutrients from the land and resulted in loss of biodiversity from the natural creeks and rivers. Sediment and nutrient lost from the catchment is contributing to eutrophication of the City's waterways and wetlands.

Management of water resources is very much a shared responsibility. This chapter contains strategic actions that the City will aim to achieve, however the table below illustrates the broader responsibilities of the many agencies and organisations involved in management of water.

Responsible Agency/	Water asset	Responsibilities
Organisation		
Department of Water	Fresh water streams and riparian areas, Wetlands, Groundwater.	 Water licencing (surface and groundwater extraction). Management of waterways Coordination of the Vasse-Wonnerup taskforce.
Geocatch	Geographe Catchment.	Catchment management Promoting best practices to improve water quality.
Water Corporation	Rural drains including natural waterways used for conveyance of flood water.	Maintenance of the drainage network to ensure rural land inundation is managed and facilitate community behaviour change for reducing water use

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Responsible Agency/	Water asset	Responsibilities
Organisation		
	Mains water supply (Duns.). Sewerage.	Supply potable water.
Busselton Water	Mains water supply (Busselton).	Ensure safe drinking water for residents and facilitate community behaviour change for reducing water use.
Department of Parks and Wildlife	Water bodies in National Parks and wetlands, Marine Parks.	Encouraging the conservation of natural resources and maintaining natural ecosystem function.
Department of Fisheries	Protection and regulation of aquatic fauna in waterways and ocean.	 To manage fish stocks and ensure they are available for future generations. Biosecurity - prevent the introduction of exotic and potentially harmful plants and animals to natural waterways.
Department of Agriculture and Food	Irrigation Water.	 Extension of techniques to improve water use efficiencies in agriculture.
City of Busselton	Vasse River and Toby Inlet. Urban stormwater drainage. Groundwater license for watering of Sports grounds, parks and gardens.	 Preparation and implementation of management plans for the Vasse River and Toby Inlet. Construction, and maintenance of drainage in residential areas Wise use of water in all public amenities.

The focus of this chapter is on strategic action the City can undertake or influence with respect to wetlands and waterways, water quality, stormwater and water sensitive urban design.

3.2. Vision

Water assets are actively managed, protected and valued by the community.

11.4 Attachment A

3.3. Objectives

- To ensure proactive management of water assets within the Geographe catchment.
- To provide opportunities for the community to engage with and learn about water assets, and practical ways to minimise impacts at the individual level.
- To embed sustainable water management practises throughout the City's operations. To cultivate new ways to improve urban water management
- To implement the urban water management planning framework

3.4. Previous achievements

- Busselton Wetlands Conservation Strategy 2005, developed in collaboration with government agencies and WAPC, to identify local wetlands considered to be most at risk from development and set incentives and protections in place to manage development around the Busselton Wetlands.
- Busselton Wetlands Project team implementation of wetland conservation, education and tourism initiatives.
- Development of Wetland Trails Development Plan (2007) and New River Demonstration Site concept plan (2010). Both plans are being progressively implemented.
- Preparation and implementation of Foreshore Management plans for Toby Inlet and Dugalup Brook.
- In partnership with Geocatch, installed stormwater retrofit systems in the Light Industrial Area and CBD of Busselton. Installations occurred at Barlee Street, Queen Street roundabout, Coles' car park, Albert Street bio-retention basins, College avenue living stream, Frederick Street wetland, Bunbury Street basin/wetland, Queen Street Cultural Precinct and the Busselton Community Resource Centre and the Busselton Foreshore.
- Adoption of Stormwater Management and Drainage Infill Contributions Local Planning Policy Provisions (October 2014). The policy provisions provide a requirement for all developments to use/infiltrate water on site, or to provide a developer contribution to the City for retrofit stormwater treatment systems within the stormwater drainage network. WSUD Guidelines have been drafted to guide implementation.
- Participation in the Vasse Estuary Technical Working Group, responsible for determining directions for management of the Vasse-Wonnerup Estuary and provided on-ground support for a variety of actions such as fish kill clean –ups.

- Formation of the Waterways Improvement Reference Group to investigate and provide leadership on water quality issues in the Lower Vasse River on behalf of the Busselton community. This Group lobbied the State government to investigate water quality issues associated with the waterways and wetlands of the Geographe catchment. This led to significant investment by the State to support development of Vasse Geographe Strategy.
- The City also implemented a Water Campaign in 2010 to managing corporate water use (ICLEI Water Campaign), reporting on water savings and operational initiatives to reduce water use for City buildings, parks and gardens.

3.5. Strategic actions

Action No.	Strategic action
2.1	Prepare management plans for the Lower Vasse River and Toby Inlet, in close consultation with the local community and stakeholders.
2.2	Continue to work with all partners of the Vasse Taskforce to develop strategic and integrated approaches to management of Water Quality in the wetlands and waterways of Geographe Catchment.
2.3	Apply Water Sensitive Urban Design principles in City stormwater management programs and upgrades, addressing both water quality and volume.
2.4	Prepare and manage district water management strategies for Busselton and Dunsborough.
2.5	In partnership with other water agencies continue to raise awareness about water quality and wetland values and strategies to reduce nutrients entering waterways and wetlands through the Busselton Wetlands Initiative.
2.6	Investigate opportunities for waste treated water re-use on City land.
2.7	Develop action plans and programmes to increase water use efficiency and water quality.
2.8	Support the consolidation of reserves around the Busselton Wetlands, including through appropriate zoning of land and management of environmental values through the Busselton Wetlands Conservation Strategy.
2.9	Continue to work with other agencies on strategies to manage groundwater and salt intrusion in the region.

4. COMMUNITY

4.1. Scope and context

This section of the Environment Strategy addresses the establishment and continued fostering of many different community relationships to protect, enhance and celebrate our natural environment.

The City recognises the close relationship between the natural environment and the community. It is the natural environment that provides a backdrop to Busselton, Vasse, Yallingup and Dunsborough's international recognition as beautiful and valued places to visit and live. The natural environment and surrounds of the Busselton region have been integral to the economic and industrial development of the towns and localities, and for the development and expansion of tourism in the region. This Environment Strategy recognises that with increased community use, these highly valued environmental assets are further compromised, and a balance must be established to manage community use and protect environmental values in the future.

Opportunities exist to engage, educate and encourage the community to appreciate and protect the environment, and to utilise these tools to ensure the beautiful and unique City environment is not compromised in the future by increased use, tourism, access, development and associated human induced impacts. Community engagement provides an opportunity to encourage greater appreciation and education of our natural resource values. It also provides new ways to help the local community participate in protection, enhancement and conservation of key environmental assets through on-ground projects, volunteering and natural resource management. Continuing to foster these relationships will help to promote collective ideas, implement projects and provide new ways to share and manage limited resources.

The City has a long history of engagement with other environmental agencies, departments and communities. Partnering with others can also encourage new innovations around community engagement, tourism and education across jurisdictions and responsibilities.

The City acknowledges the existing hard work and dedication of community groups already working on natural resource management on City owned reserves, wetlands, rivers and foreshores. Existing community groups working in natural resource management help to achieve annual successes in revegetation, weed control, education, dieback management and fire planning. The City recognises engagement and partnership with the community will help to ensure our natural assets are protected and improved for the long-term.

4.2. Vision

An engaged and empowered community that positively contributes to the conservation, protection and enhancement of our natural environment for the long-term benefit of all.

4.3. Objectives

- To develop and maintain effective relationships with the natural resource management community.
- To provide support and resources to assist community groups and individuals to protect and enhance the natural environment.
- To provide opportunities for the community to celebrate and appreciate the natural environment through positive experiences that encourage environmental stewardship.

4.4. Previous achievements

- Initiation of Community Environment Grant scheme, to support NRM community group activities on City reserves from 2006-2011. This funding was replaced by the Community Bids scheme which has an NRM component.
- Establishment of the Environmental Reference Group which reviews implementation of the Environment Strategy and acts as a sounding board for environmental issues within the City district.
- Friends of Reserve Strategy, endorsed by Council in 1999, to support NRM group activities.
- Building community Environmental Awareness through Geocatch newsletter, Council for Community local newspaper and Bay to Bay Newsletter. Supported many awareness raising projects through the Community Environment Grants (i.e. brochures, displays, signage, events) and community forums.
- Assist landowners with dieback management and feral animal control.
- In partnership with the South West Biodiversity Project the City;
 - o Identified biodiversity values of City's reserves and prioritise management recommendations which culminated in the Natural Areas Management Action Plan.
 - Updated vegetation mapping for the revision of the Biodiversity Incentives Strategy.

4.5. Strategic actions

Action No.	Strategic action
3.1	Support and build capacity of volunteers to undertake bush care and other biodiversity conservation initiatives. Develop and implement an NRM and Community Engagement Strategy to support community involvement in managing City lands.
3.2	Develop and implement the NRM Community Group Manual to manage new and existing NRM volunteers.
3.3	Continue to support community environmental groups to access funding and resources for strategic and on-ground environmental projects.
3.4	Create a Strategic communication plan for undertaking environmental awareness with community in partnership with other agencies.
3.5	Provide support for event organisers with regards to environmental management.
3.6	Develop community programs to raise awareness and facilitate behaviour change in all areas of environmental sustainability.
3.7	Support, coordinate and promote environmental initiatives and projects to the community.
3.8	Work within the City Aboriginal Reconciliation Plan process to discuss proposed projects and management of natural areas.
3.9	Work with others to enhance ecotourism opportunities around Western Ringtail Possum and other endangered flora and fauna.
3.10	Provide and support community programs for habitat enhancement and protection of threatened species.
3.11	Support partnerships with universities and community interest groups (citizen science) to study environmental initiatives of relevance to the City.

11.4 Attachment A

5. ENVIRONMENTAL SUSTAINABILITY

5.1. Scope and context

Environmental sustainability is a state in which the demands placed on the environment can be met without reducing its capacity to allow all people to meet their needs, now and in the future. For the City, this means committing to managing resources appropriately for the benefit of current and future generations.

The City continues to monitor and report energy, water and waste use in line with local, national and international aspirations and targets, and work with the community and stakeholders to develop new and innovative ways to reduce the environmental impact of our operations and services. Environmental sustainability is finding effective ways to engage with and empower the community to reduce their own resource consumption and to make the city a more sustainable place to live and appreciate.

Being environmentally sustainable also requires adapting to a changing climate and responding to the challenges of a coastal environment. Looking forward, the City will need to build its capacity for resilience and work with stakeholders and residents in future proofing our communities and environment.

It needs to be noted that broader community sustainability matters are generally not within the scope of this strategy.

5.2. Vision

An empowered local community and organisation that strives for an environmentally sustainable future, for all, and in perpetuity.

5.3. Objectives

- To embed sustainability practices in City's core business.
- To reduce the organisation's use of non-renewable resources.
- To empower a resilient local community in making sustainable decisions for the future.
- To proactively plan for a changing climate.

5.4. Previous achievements

 Energy Action Plan reviewed and endorsed by Council in August 2014. The City joined the Cities for Climate Change Program (CCP) in June 2008. Achieved Milestone 1 (energy audit), Milestone 2 (setting of emissions reduction goals) and Milestone 3

(drafting of a corporate Energy Action Plan) of the CCP program. The CCP Australia Program and its milestone framework support ended on 30 June 2009 when the Federal Government discontinued its funding. However, the City resolved to continue basing its climate change mitigation work on the CCP framework due to its past success with other local governments across Australia.

- Implementation of a Water Action Plan. The City commenced a Water Campaign Program in June 2008. Achieved Milestone 1 (water audit), Milestone 2 (setting of water consumption and quality goals) and Milestone 3 (drafting of corporate Water Action Plan) of the Water Campaign. Implementation of the Water Action Plan is ongoing.
- Designed and incorporated sustainably sourced geothermal energy to heat the Geographe Leisure Centre and the pool to reduce building energy use.
- Installation of solar powered and wind powered street lighting.
- LED lighting upgrades for all City facilities to improve lighting and reduce energy use across City infrastructure.
- Annual Greenhouse gas emissions reporting in City Annual Report to continue to monitor emissions savings and new projects.
- Green waste stockpiled and mulched 2 times a year. A local composting company takes most of the material and a proportion is retained for use by residents at no charge.
- Installation of weighbridge at Dunsborough Waste Facility to monitor waste streams and assess new methods for reduction, recycling and reuse of waste. Design of new lined cell for Dunsborough Waste Facility. Conversion of Busselton landfill site to transfer station.
- School education programmes on waste issues and action they can take on recycling, saving energy, reducing land fill and reducing waste.
- A Coastal Scoping study completed in 2007 provided guidance and direction for high priority studies and works required in Geographe Bay. This and subsequent studies has led to development of coastal infrastructure such as Abbey and Quindalup Boat ramp upgrades and parking. Coastal protection works have been completed at Busselton and Dunsborough Foreshore, the Locke Estate and some experimental low key work has occurred at Norman Road in Broadwater.
- The City is involved in the Peron Naturaliste Partnership (PNP) looking at coastal adaptation strategies for coastal towns between Cape Peron and Cape Naturaliste. The PNP has delivered the Coastal Adaptation Decision Pathway Project and a Coastal Community Adaptation Awareness plan.

5.5. Strategic actions

Action No.	Strategic action
4.1	Continue to implement and review City's Energy Action Plan.
4.2	Continue to implement and review City's Water action plan to agreed targets.
4.3	Continue to implement and review City's waste reduction strategy.
4.4	Develop a Corporate Sustainability Policy for the City.
4.6	Implement the findings of the Coastal Adaptation Decision Pathway Project and a Coastal Community Adaptation Awareness Plan developed by the Peron Naturaliste Partnership.
4.7	Develop and promote a strategic position on coastal risk areas through the PNP. Support the development of tools for community living in coastal risk areas.
4.8	Continue to support the Green Taskforce to reduce corporate emissions for energy water and waste.

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6. GOVERNANCE AND RESOURCING

6.1. Scope and context

As a large local government in the South West region, the City recognises the significance of the attractive, unique environment of Geographe Bay and surrounds as a destination of choice for many local, national and international visitors to visit and as a place to live. The City recognises good environmental management requires appropriate resourcing across the organisation, to achieve best practice outcomes in the environment across all disciplines. Training and resourcing are regularly reviewed and appropriately managed to ensure the organisation maximises its opportunities and capabilities to service the community and protect the natural values of the region.

The organisation supports innovation, proactivity, critical review and adaptive management techniques within core business. The City recognises that environmental initiatives need to be adequately and appropriately delivered to protect and enhance the significant environmental values within the district.

The focus of this chapter is how the City as an organisation can continue to provide effective and appropriate resources and opportunities to manage these expectations successfully into the future.

6.2. Vision

A resilient, resourceful and accountable organisation that seeks partnerships with its stakeholders to achieve mutual environment benefits.

6.3. Objectives

- To seek creative and innovative funding solutions and resourcing opportunities
- To consider partnerships as adding value to our core business
- To strategically and proactively plan according to environmental priorities
- To communicate and consult with our stakeholders
- To be a leader in sustainable environmental management

6.4. Previous achievements

- Preparation and implementation of the Reserve Vegetation Protection Policy
- Provided training for relevant staff on Dieback management, tree decline and treatment, acid sulphate soils, vegetation management and sustainability practices.

6.5. Strategic actions

Action No.	Strategic action			
5.1	Investigate opportunities for increasing and improving sustainable future development.			
5.2	Generate productive partnerships with private sector and community groups to resource environmental projects for community benefit.			
5.3	Develop and implement environmental training for the organisation.			
5.4	Develop an environmental offset strategy.			

7. ACTIONS AND STRATEGY TABLES FOR ALL THEMES

7.1. Actions and Strategies Table - BIODIVERSITY

Action No.	Strategic Actions	Current stage of implementation	Implementation tool/s for management	Who is responsible
1.1	Continue to develop and review management plans for natural areas under the City's care, including application of fire management.	Ongoing	Management, Community engagement and leadership.	Internal
1.2	Continue improvement of planning mechanisms for the protection of biodiversity and habitat. Review and finalise the draft Western Ringtail Possum Habitat Protection and Enhancement Strategy in partnership with the Department of Parks and Wildlife's implementation of the Western Ringtail Possum Recovery Plan.	To be reviewed	Planning or Policy development.	Internal
1.3	Identify opportunities and develop a habitat strategy for enhancement and other benefits on Street verges and in City reserves.	Ongoing	Planning development, Onground works, Management.	Internal
1.4	Assess and provide recommendations for strategic approaches to control dieback through prevention, education and management.	Review and develop	Policy and Planning development, On-ground works, Community engagement and leadership, Evidence based science.	Internal
1.5	Identify sites of high environmental value which may require conservation outcomes to be secured via changes to land tenure.	New	Planning and Policy development, Management.	Internal
1.6	Develop opportunities to improve planning for the protection of vegetation in City reserves to balance potential conflicting values such as fire, biodiversity, public open space and amenity.	New	Partnerships Policy and Planning development, Community engagement and leadership.	Internal

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Action No.	Strategic Actions	Current stage of implementation	Implementation tool/s for management	Who is responsible
1.7	Develop initiatives to raise awareness and protect endangered fauna.	Ongoing	Management, On-ground works, Planning and Policy Development.	Internal
1.8	Continue to promote the opportunities for conservation through the Biodiversity Incentives Strategy, the Leeuwin Naturaliste Statement of Planning policy and the Busselton Wetlands Conservation Strategy.	Ongoing	Community engagement and leadership, Policy and planning Development.	Internal
1.9	Develop guidelines to encourage voluntary retention and protection of significant vegetation including habitat trees.	Ongoing	Policy and planning Development.	Internal
1.10	Develop a program to strategically address the loss of vegetation in foreshore areas.	Ongoing	Management, On-ground works, Planning and Policy Development.	Internal
1.11	Continue to manage weeds and feral animals on City land.	Ongoing	Natural area management, On- ground works.	Internal

7.2. Actions and Strategies table - WATER

Action	Strategic action	Current stage of implementation	Implementation method	Responsibility
2.1	Prepare management plans for the Lower Vasse River and Toby Inlet, in close consultation with the local community and stakeholders.	Under development	Partnerships, Policy and Planning Development, Management and On-ground works.	Internal and External stakeholders
2.2	Continue to work with all partners of the Vasse Taskforce to develop strategic and integrated approaches to management of Water Quality in the wetlands and waterways of Geographe Catchment.	Partnerships, Policy and Planning Ongoing Development, Management and On-ground works.		Internal and external stakeholders
2.3	Apply Water Sensitive Urban Design principles in City stormwater management programs and upgrades, addressing both water quality and volume.	Ongoing	Policy and Planning development, On-ground works.	Internal
2.4	Prepare and manage district water management strategies for Busselton and Dunsborough.	New	Policy and Planning development, Partnerships, Management.	Internal and external stakeholders
2.5	In partnership with other water agencies continue to raise awareness about water quality and wetland values and strategies to reduce nutrients entering waterways and wetlands through the Busselton Wetlands Initiative.	Ongoing	Management, Partnerships with others, Community engagement and leadership.	Internal and External stakeholders
2.6	Investigate opportunities for waste treated water re-use on City land.	Ongoing	Policy and Planning development, Management.	Internal
2.7	Develop action plans and programmes to increase water use efficiency and water quality.	Ongoing	Policy and Planning development, Management and On-ground works.	Internal
2.8	Support the consolidation of reserves around the Busselton Wetlands, including through appropriate zoning of land and management of environmental values through the Busselton	Ongoing	Policy and Planning development.	Internal

Action	Strategic action	Current stage of implementation	Implementation method	Responsibility
	Wetlands Conservation Strategy.			
2.9	Continue to work with other agencies on strategies to manage groundwater and salt intrusion in the region.	Ongoing	Policy and Planning development, Management and On-ground	Internal

7.3. Actions and Strategies Table - COMMUNITY

Actions reference	Action strategy	Current stage of implementation	Implementation method	Responsibility
3.1	Support and build capacity of volunteers to undertake bush care and other biodiversity conservation initiatives. Develop and implement an NRM and Community Engagement Strategy to support community involvement in managing City lands.	In development	Policy and Planning development, Management, Community engagement and leadership.	Internal
3.2	Develop and implement the NRM Community Group Manual to manage new and existing NRM volunteers.	In development	Policy and Planning development, Management, Community engagement and leadership, Resourcing.	Internal
3.3	Continue to support community environmental groups to access funding and resources for strategic and on-ground environmental projects.	Ongoing	Community Engagement, Management.	Internal
3.4	Create a Strategic communication plan for undertaking environmental awareness with community in partnership with other agencies.	New	Policy and Planning and Development, Partnerships, Resourcing.	Internal and external stakeholders
3.5	Provide support for event organisers with regards to environmental management.	New	Management, Community engagement and leadership.	Internal
3.6	Develop community programs to raise awareness and facilitate behaviour change in all areas of environmental sustainability.	New	Community engagement and leaderships.	
3.7	Support, coordinate and promote environmental initiatives and projects to the community.	New	Community engagement and leadership, On-ground works.	Internal
3.8	Work within the City Aboriginal Reconciliation Plan process to discuss proposed projects and management of natural areas.	New	Community engagement and leadership, Partnerships.	Internal

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Actions reference	Action strategy	Current stage of implementation	Implementation method	Responsibility
3.9	Work with others to enhance ecotourism opportunities around Western Ringtail Possum and other endangered flora and fauna.	Ongoing	Community engagement and leadership, Partnerships.	Internal and External stakeholders
3.10	Provide and support community programs for habitat enhancement and protection of threatened species.	Ongoing	Community engagement and leadership, Management, Resourcing, On-ground works.	Internal, partnerships with external stakeholders
3.11	Support partnerships with universities and community interest groups (citizen science) to study environmental initiatives of relevance to the City.	Ongoing	Policy and Planning development, partnerships and consultation, Resourcing, Evidence based science.	Internal and external stakeholders

7.4. Actions and Strategies table - ENVIRONMENTAL SUSTAINABILITY

Actions reference	Action strategy	Current stage of implementation	Implementation method (refer p9-10)	Responsibility
4.1	Continue to implement and review City's Energy Action Plan.	Ongoing	Management, Partnerships, Policy or Planning development.	Internal
4.2	Continue to implement and review City's Water action plan to agreed targets.	Ongoing	Management, Partnerships, Policy or Planning development.	Internal
4.3	Continue to implement and review City's waste reduction strategy.	Ongoing	Management, Partnerships, Policy or Planning development.	Internal
4.4	Develop a Corporate Sustainability Policy for the City.	New	Policy or Planning development, Management.	Internal
4.5	Implement the findings of the Coastal Adaptation Decision Pathway Project and a Coastal Community Adaptation Awareness Plan developed by the Peron Naturaliste Partnership.	New	On-ground works, Management, Partnerships.	Internal
4.6	Develop and promote a strategic position on coastal risk areas through the PNP. Support the development of tools for community living in coastal risk areas.	New	Policy and planning development, Community engagement and leadership.	Internal
4.7	Continue to support the Green Taskforce to reduce corporate emissions for energy water and waste.	Ongoing	Community engagement and leadership, Management.	Internal

7.5. Actions and Strategies table - GOVERNANCE AND RESOURCING

Actions reference	Action strategy	Current stage of implementation	Implementation method	Responsibility
5.1	Investigate opportunities for increasing and improving sustainable future development.	New	Policy and Planning development.	Strategic Planning/ Environmental planning
5.2	Generate productive partnerships with private sector and community groups to resource environmental projects for community benefit.	Ongoing	Resourcing, Partnerships.	
5.3	Develop and implement environmental training for the organisation.	New	Management, Evidence based Science.	Environmental Planning
5.4	Develop an environmental offset strategy.	New	Policy.	Environmental and Strategic planning

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APPENDIX 1 - ENVIRONMENT POLICY

030 Environment Policy V2 Current	
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1. PURPOSE

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

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

2. SCOPE

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

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

3. POLICY CONTENT

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

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

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

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

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

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

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

- good governance and sound decision making;
- providing opportunities for staff training;
- placing the onus on the proponent of any proposals, activities and work programs to identify and assess environmental impacts and propose measures to manage these or modify the proposal; and
- ensuring stakeholders are aware of the City's activities and how potential environmental impacts are being managed.

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

Policy Background

Policy Reference No. – 30

Owner Unit - Environmental Planning

Originator – Environment Strategy Consultant

Policy approved by - Council

Date Approved – 9 March 2011

Review Frequency - As required

Related Documents - Environment Strategy

Background/History – Policy updated 2011 after adoption in 2004 as part of the Environment Strategy

Council Resolution	Date	Information
C1103/070	9 March 2011	Policy updated after adoption in 2004 as
		part of the Environment Strategy
		Version 2

APPENDIX 2 - FLAGSHIP PROJECTS

The following Flagship Projects have been provided as examples to illustrate potential for future plans.

Project Plan 1

Operational Action/strategy Relates to: Community Theme: 3.4 Create a Strategic communication plan for enhancing local community environmental awareness in partnership with other agencies . 3.5 Provide support for event organisers with regards to environmental management. 3.6 Develop community programs to raise awareness and facilitate behaviour change in all areas of environmental sustainability.		Intent of project: Community Environmental Events. Promote events calendar to inform community of events/activities. E.g. (Meelup moon walk, Possum night stalks, Wildflower show, Birdlife Australia.) Develop a framework for assessment and promotion of environmental activities. Assist groups to ensure the events run according to environmental best practice. Link with organisations that can promote and deliver environmental activities and agreed outcomes.	
Project Name	COMMUNITY MEETS ENVIRONMENT		
What do we want to achieve with this project? What are the key outcomes?	What are the main challenges/Obstacles with this kind of project	Who are the key stakeholders that would have a vested interest in a successful outcome for this project? Which of these stakeholders can most influence our key decision makers?	What benefits can these stakeholders derive from the achievement of this priority project? How could we involve these stakeholders in this project?
Achieve? Greater community appreciation for our natural assets More engaged community (visitors and local) Reduced environmental footprint for events	 Coordination – central repository for all information /events environmental Pop-up events such as art at the wetlands, ballet by the bay etc. Resources Attracting new audiences Volunteer fatigue 	 Wildlife care groups Conservation awareness groups GBTA Art Geo Tour operators 	 Additional attractions for tourists Winter program to extend visitor stays during off peak times
Outcomes Increased attendance for environmental activities Coordinated effort Seasonal variety and continuity of environmental events.		 GBTA - Tourists City webpage Existing community groups Naturalists Club State agencies 	 Develop a network and promote regularly. Half day seminars on managing environmental tourist attractions of Busselton for tour operators

Project Plan 2

 Operational Action/strategy Relates to Sustainability theme: 3.6 Develop community programs to raise awareness and facilitate behaviour change in all areas of environmental sustainability. 4.1 Continue to implement and review City's Energy Action Plan. 		Sustainable Initiative workshop Engagement with community on reduction of energy water and waste use in residences as part of the Energy Action plan community actions and engagement with external partners such as Geocatch.		
Project Name	COMMUNITY SUSTAINABILITY INITIATIVES			
What do we want to achieve with this project? What are the key outcomes?	What are the main challenges/Obstacles with this kind of project	Who are the key stakeholders that would have a vested interest in a successful outcome for this project? Which of these stakeholders can most influence our key decision makers?	What benefits can these stakeholders derive from the achievement of this priority project? How could we involve these stakeholders in this project?	
 Achieve Engage new home buyers Engage existing home owners/renters Linking the environment and sustainability More resources allocated to this Culture of best practice and a benchmark Efficiency 	 Resourcing limitation Buy-in from stakeholders and level of importance 	 Energy Reference Group General public 	 Target audience – BUILDERS Community partnerships Community gardens Geographic locations Geocatch 	
Outcomes	Provision of incentives for less waste to landfill *	Energy Reference GroupSustainability champions	 Worm farms Bins Verges/native plants 	

^{*} measured by number of participants less waste to landfill

Project Plan 3

Filoject Fian 5			
Operational Action/strategy		IN PARTNERSHIP WITH WATER AGENCIES	S
Relates to Water themes:		Undertake initiatives to encourage living	drain projects for increased habitat and
2.3 Apply Water Sensitive Design principles in to City Stormwater management programs		changing perceptions.	
and upgrades, addressing both water qua	ality and volume.		
2.5 In partnership with other water agencies	continue to raise awareness about water		
quality and wetland values and strategies	s to reduce nutrients entering waterways and		
wetlands through the Busselton Wetland	s Initiative.		
Project Name	LIVING DRAINS		
What do we want to achieve with this	What are the main challenges/Obstacles	Who are the key stakeholders that	What benefits can these stakeholders
project?	with this kind of project	would have a vested interest in a	derive from the achievement of this
What are the key outcomes?		successful outcome for this project?	priority project?
		Which of these stakeholders can most	How could we involve these stakeholders
		influence our key decision makers?	in this project?
Achieve?	Current management practices	Water Corporation	Cut maintenance costs
Ecological linkages	Land tenure	Busselton water	Good PR
Better water quality	• Resources	 Geocatch/DOW 	Nutrient reductions
Better looking water ways		• GLCN	 Leverage funding from other sources
Better/more recreational spaces		Green Army	
• Education		• SWCC	
Maintain drainage function			
Community ownership of environmental			
assets			
Outcomes	Current management practices/minds	Cut maintenance costs	
• Ecological linkages, (Possums/Birds)	Vesting/owners	Public relations	
Water quality	Cost of implementation	 Nutrient reductions (offsets) 	
• Aesthetics	On-going management conflict	Lever future funding management	
• Recreation		approach	
Education, resource (demonstration)		Direct engagement in project	
• Inspiration			
Maintain drainage function			
• "Living Drains"			

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APPENDIX 3 - Best practice tools for environmental management

Four best practice environmental tools are:

- Conservation. Conservation is 'doing no harm' to intact natural functioning systems and environments. It is the cheapest and most effective way to manage the environment. Conservation recognises that some environmental systems are not being adversely affected by threatening processes, and should be maintained without interference. Conservation methods may involve exclusion and installation of barriers. Areas that require protection are often the most pristine and valued environmental assets within a district. Ironically these areas are often the places people want to visit or utilise. Management considerations must balance environmental conservation and human use to conserve and maintain ecosystem function.
- **Protection.** This management method considers techniques to safeguard areas that are less impacted by environmental threats. Methods such as treating a susceptible area of vegetation against dieback on a regular basis to prevent an infestation from occurring would be a form of protection for the environment. Protection methods are often long-term and ongoing and may be perceived as being costly, as the outcome might not be a radical change in the condition of the environment. Protection methods are however critical to ensure more intensive methods are not required in the future. Resource allocations for protection projects are critical 'insurance policies' for the environment.
- Management. Management methods are applied once environmental threats have been identified and conservation or protection methods will not prevent further degradation. Management techniques are ongoing and assist with protection or conservation of key values, but usually involve a more long-term program to help to control or keep in check an existing threat. Management options are expensive and are seen as 'Band-Aids' to environmental management, as they rarely address the core problem or threat and rarely result in the restoration of the original environment. However, the City recognises that management techniques are necessary and acknowledges that resources need to be committed to management to keep threatening processes at an acceptable level. Weed control and planting are ongoing tools used for environmental management. While management methods seldom result in a 'restored' environment they are proactive and effective tools to engage the community and to maintain natural values in a given area.
- **Enhancement.** Areas that have been identified as not adversely affected by threatening processes (I.e. areas set aside for conservation), can be modified in small ways to make these areas accessible without impacting them. This might involve providing formalised access to an attractive view in a nature reserve. The other way that enhancement may occur is through selective and strategic management, such as

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> returning a native animal back to an area where it used to reside in order for that animal to help restore the natural processes. E.g. So that the flora will germinate naturally. Enhancement projects need to be carefully considered to prevent them causing further problems.

These environmental tools will be applied where appropriate to assist implementation of the strategic actions of the strategy.

11.4 Attachment A

APPENDIX 4 - Informing documents and References

These documents are tools to provide relevant background information on each theme.

Federal/State/Local Objectives Concerning Biodiversity

Level of Government	Environment strategies/ Plans	Relevant Objectives	Further reference	How this relates to the environment strategy/action?
Federal	Australia's Biodiversity Conservation Strategy 2010-2030	 Mainstreaming biodiversity in community. Increasing Indigenous peoples engagement. Enhancing strategic investments and partnerships. Building ecosystem resilience in a changing climate by: protecting diversity, maintaining and re-establishing ecosystem functions, reducing threats to biodiversity. Getting measurable results through: improving and sharing knowledge, delivering conservation initiatives efficiently. 	http://www.environment.gov.au/biodiversity/publications/australias-biodiversity-conservation-strategy	The City's Environment Strategy acknowledges the intention of these objectives to achieve best practice outcomes. Principles of adaptive management are paramount and should be applied by those undertaking biodiversity management in the future.
State	State of the Environment report 2007	At a national level, Western Australia has eight of 12 Australian biodiversity hotspots. At a global level, the South West is recognised as one of the world's 34	http://www.epa.wa.gov.au/Abou ttheEPA/SOE/2007/Pages/default .aspx	Region has a number of threatened species and ecological communities-Western Ringtail Possum, Carnaby's and other cockatoo species, plus threatened flora

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Level of	Environment	Relevant Objectives	Further reference	How this relates to the
Government	strategies/ Plans			environment strategy/action?
		biodiversity hotspots. WA currently has 362 threatened plants, 199 threatened animals and 69 threatened ecological communities. Recovery plans have been developed for less than one-third of threatened species and ecological communities.		and several threatened communities. The City's plan aims to implement recovery plans in partnership with other organisations and increase opportunities for protection of endangered species.
		There is ongoing loss and		
		degradation of biodiversity in WA. Knowledge about many species and		
		ecosystems and some threats to		
		biodiversity remains inadequate.		
Regional	WA Bush Forever 2000	General information about determining viable and sustainable reserve areas based on threat analysis and influence of size.	http://www.bushlandperth.org.a u/bush-forever-overview	Provides a background and framework for long-term vegetation management and impact of most likely threats.
Regional	Local Government Guidelines for Bushland Management in the Perth and Coastal South-West NRM Regions of Western Australia 2009	Provide local government officers direction in prioritising management actions for natural areas and to ensure that management of these areas is in line with biodiversity principles. Guidelines developed to assist local government environmental officers	http://pbp.walga.asn.au/Publications/LocalGovernmentGuidelinesforBushlandManagement.aspx	Guidelines for community engagement, prioritising reserves for future management, relate to City strategy actions.

Level of	Environment	Relevant Objectives	Further reference	How this relates to the
Government	strategies/ Plans			environment strategy/action?
		to holistically plan management actions by ensuring that reserves are prioritised for management according to their biodiversity values, the threats that may impact upon them and that the finite resources are used to achieve best long-term outcomes.		
	Local Government Biodiversity Planning Guidelines 2004	Strategy guides the development of a local planning policy for biodiversity conservation; an action plan for managing biodiversity on Local Government land; a strategy to provide incentives for conservation on private land; and amendment of the local planning strategy and town planning scheme.	http://pbp.walga.asn.au/Publications/LocalGovernmentBiodiversityPlanningGuidelines.aspx	Plan assists with environmental planning.
	State Local Planning Policy 2.6, and Guidelines	Recommendations for generic coastal planning and management, including specific objectives and proforma for coastal management plans.	http://www.planning.wa.gov.au/ publications/1168.asp	Coastal management and planning documents are informed by this document. Management plans include this information.
Local	Environment Strategy 2004	All objectives are relevant.	http://www.busselton.wa.gov.au /Environment- Waste/Environmental- Planning/Environment-Strategy	Previous plan helps to inform the new Environment Strategy, some original recommendations still outstanding, intent of plan is the same as new plan.
City	Local Environmental	Helps guide development and	See City website	Links planning policy with

Level of Government	Environment strategies/ Plans	Relevant Objectives	Further reference	How this relates to the environment strategy/action?
	Planning Strategy 2011 (City)	environmental protection for the City for over 30 years. Vision to accommodate its current and future populations in environmentally sustainable communities characterised by settlements that recognise and embrace the physical and environmental features. Areas of environmental and cultural significance will be identified and protected by the City's planning framework, which will result in land use and development being environmentally sensitive.		environmental values. Relates directly to policy decisions the City undertakes and therefore informs the Environment Strategy and implementation.
	Peron Naturaliste Partnership (Alliance)	Network of other organisations and local governments committed to monitoring, identifying and managing coastal assets in relation to the impacts of climate change.	http://peronnaturaliste.org.au/	Provides valuable baseline data on coastal reserves, assets and provides recommendations and action planning and policy on future coastal asset management that affects biodiversity.
	South West Catchments Council Coastal Action Plan 2015	Identifies coastal nodes in the City that are of high environmental and community value and lists potential management actions for protecting, conserving or enhancing these areas.	http://www.swnrmstrategy.org.a u/get-involved/coastal-action- plan/	Identifies many of the coastal areas in Busselton of high value requiring coastal management. This information can be used to assist with the Environment Strategy implementation.

Federal/State/Local Objectives Concerning Water

Level of Government	Environment strategies/Plans	Relevant Objectives	Further reference	How this relates to the environment strategy/action?
Federal	Department of Environment Annual Report 2013-2014	Reports such as this provide a snapshot/baseline of water, a finite resource, in Australia.	http://www.environment.g ov.au/about- us/publications/annual- report-2013-14- environment	General knowledge and understanding about water cycles and statements about how water is managed federally can assist with planning water management at the City.
Federal	Ramsar Convention- wetlands of international importance	The City works closely with Federal and state agencies with managing Ramsar wetlands in and around Busselton.	http://www.ramsar.org/ab out/wetlands-of- international-importance	The Vasse-Wonnerup Estuary in Busselton is recognised as a Ramsar wetland. The City works closely with a number of agencies to manage, study and protect this internationally significant water body.
State	Rights in Irrigation and Water Act WA and subsidiary legislation	The Act relates to rights in water resources, to make provision for the regulation, management, use and protection of water resources, and for related purposes.	http://www.slp.wa.gov.au/ legislation/statutes.nsf/mai n_mrtitle_844_homepage. html	The Department of Water has powers to regulate surface and groundwater use and to permit the interference with bed and banks of a waterway to construct a dam or a crossing.
State	Environmental Protection Act WA and subsidiary legislation	The Act provides for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.	https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_304_homepage.html	The Department of Environmental Regulation is responsible for implementing the powers of the Act. The Act covers such matters as- • Licencing of polluting processes, batching plants • Clearing of native vegetation • Controlled waste sites • Rural landfill

Level of Government	Environment strategies/Plans	Relevant Objectives	Further reference	How this relates to the environment strategy/action?
				NoiseUnauthorised discharges
Local	ICLEI Water Campaign	Launched in 2000, the overarching ICLEI Water Campaign promotes the development of local water action plans to achieve tangible improvements in local water quality, conservation and access. A wide range of local initiatives have been taken in different regions across the world.	http://www.iclei.org/detail s/article/water- campaign.html	The City is part of the ICELI water reporting and reducing program for corporate water responsibility. http://www.busselton.wa.gov.au/Environment-Waste/Environmental-Planning/Environmental-sustainability/Water-Campaign.
Local	Independent Review of the Current and Future Management of Water Assets in the Geographe Catchment 2014 (Prof Barry Hart for City)	Review was to strategically investigate issues, roles and responsibilities for managing water bodies such as lake, rivers and streams in the Busselton area. It has been long recognised that water in Busselton is polluted and requires a coordinated management approach. This document identified key roles and responsibilities.	Document available in- house	Document was delivered in November 2014. The report has been instrumental in the State government forming a Taskforce to investigate waterways and wetland management across the catchment.
Local	Water Quality Improvement Treatment Trials In The Lower Vasse River 2014	Documents relating to the City's efforts to improve water quality in the Lower Vasse River. 2014. Such work is ongoing.	http://www.busselton.wa. gov.au/files/sharedassets/ public/ecm/envplan/water qualvasse/discussion_docu ment - final_jan_2014.pdf	City works with government agencies and Geocatch to improve water quality.
	Busselton Wetlands Conservation Strategy	Guiding sustainable use and wise management of biodiversity and environmental values of the Busselton wetlands.	http://www.planning.wa.g ov.au/publications/756.asp	Supports planning strategies at the City and provides guidance for management of public lands where wetlands are present.

Federal/State/Local Objectives Concerning Community

Level of	Environment	Relevant Objectives	Further reference	How this relates to the environment
Government	strategies/Plans			strategy/action?
	Major actions			
Local				
	A Guide to Managing Volunteers in WA Local Government (LGIS, 2012) City Friends of Reserves Strategy 1999	Legal responsibilities, volunteer insurance and OSH requirements. Outdated manual to provide information to individuals and groups that work on City managed land on NRM issues Provides framework for working with community groups.	http://www.busselton.wa. gov.au/Environment- Waste/Environmental- Planning/Community- participation-and- awareness	Broadly relevant to managing community groups and for the development of a specific NRM community group manual. Managing community groups working on NRM is core business.
	NRM community Group Manual 2015	Manual to provide information to individuals and groups that work on City managed land on NRM issues Manage community involvement, insurances, training and obligations etc.	Plan not published yet, under development	Guide for management of community volunteer groups.
	City Environment Strategy 2004	All of this document.	http://www.busselton.wa. gov.au/Environment- Waste/Environmental- Planning/Environment- Strategy	This document was reviewed and a gap analysis undertaken to ensure actions from previous strategy were updated and considered.

Federal/State/Local Objectives Concerning Land

Level of	Environment	Relevant Objectives	Further reference	How this relates to the environment
Government	legislation/strategie s/Plans			strategy/action?
Federal	Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	The EPBC Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. The EPBC Act focuses Australian Government interests on the protection of matters of national environmental significance, with the states and territories having responsibility for matters of state and local significance.		EPBC Act influences the management of land in WA and links to many state regulations and documents.
State	Biosecurity and Agriculture Management Act 2007, which contains the Western Australian Organism List (WAOL).	Considers agricultural weeds and pests and ongoing management.	http://www.slp.wa.gov.a u/legislation/statutes.nsf/ main mrtitle 2736 hom epage.html	Agricultural weeds and pests can and do affect management of the land and industry, increased costs for control and management or eradication. Such problematic flora and fauna can also be environmental weeds and pests and may greatly impact on environmental management activities especially in prone areas such as catchments, drains and bushland reserves.
	Environmental Protection Act 1986, Contaminated Sites Act 2003, Environmental	Various legislation and regulations relating to clearing and land management.	http://www.der.wa.gov.a u/about-us/legislation Link to a number of documents provided here and listed adjacent.	Environmental governance for land use and management.

Level of	Environment	Relevant Objectives	Further reference	How this relates to the environment
Government	legislation/strategie			strategy/action?
	s/Plans			
	Protection			
	Regulations 1987			
	and Environmental			
	Protection, Clearing			
	of Native Vegetation			
	2004			
	Waste Avoidance	Issues relating to waste management	http://www.slp.wa.gov.a	Waste legislation required for
	and Resource	and contamination which the City must	u/legislation/statutes.nsf/	management of local governmer
	Recovery Act	address.	main_mrtitle_2758_hom	business such as waste disposa
			epage.htm	These may impact on soils and natur
			I	reserves and are also concerned wit
				illegal dumping, a commo
				occurrence in environmenta
				management.
	Bush Fires Act 1954,	Fire management is complex and various	http://www.slp.wa.gov.a	Fire management is important i
	and associated:	Acts in place to assist with long-term	u/legislation/agency.nsf/	regional areas such as the City an
	Fire and	protection and hazard reduction.	<u>dfes_menu.htmlx</u>	guidelines and recommendations ca
	Emergency			affect long-term management o
	Services Act of			bushland reserves and vegetate
	1998			remnants.
	 Fire Brigades Act 			
	1942			
	 Bush Fires Act 			
	1954			
	 Emergency 			
	Services Levy Act			
	2002			

11.4 Attachment A

Federal/State/Local Objectives Concerning Sustainability

Level of	Environment	Relevant Objectives	Further reference	How this relates to the environment
Government	strategies/Plans			strategy/action?
Federal				
	Sustainable Australia Report 2013 (Australian Government)	Broad overarching document that addresses the state of Australia in terms of sustainability and provides some recommendations on future sustainable priorities.	http://www.environment .gov.au/sustainability/pu blications/sustainable- australia-report-2013- conversations-future	Many of the recommendations are broad but address local government programs and these can broadly be applied to the Environment Strategy.
State				
	Western Australian State Sustainability Strategy 2003	Broadly identifies initiatives for considering sustainability across corporate objectives.	http://www.nrm.wa.gov. au/nrm-in-wa/key- publications/wa-state- sustainability- strategy.aspx	Some initiatives may be useful to consider during Strategy implementation.

11.5 DA16/0273 - HOLIDAY HOME (6 PEOPLE) - 67 LINDSAY DRIVE, YALYALUP

SUBJECT INDEX: Planning/Development Applications

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Development Services and Policy

ACTIVITY UNIT: Statutory Planning

REPORTING OFFICER: Planning Officer - Justin Biggar

AUTHORISING OFFICER: Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Nil

PRÉCIS

The Council is asked to consider an application seeking approval for a Holiday Home (6 People) at Lot 222 (67) Lindsay Drive, Yalyalup ("the site").

The proposal has been placed before Council due to location of the holiday home in a non-preferred area as identified in Planning Policy 7C – Holiday Home Provisions.

In assessing the merits of the application the requirements of the above mentioned policy have been given due regard together with other relevant statutory planning considerations contained within the Scheme.

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

BACKGROUND

The application for a Holiday Home was received 11 April 2016. The site is located in a non-preferred area for holiday homes as per Planning Policy 7C – Holiday Home Provisions

The applicant was aware of this restriction and provided a number of rationales in support of the application.

The application was referred to adjoining landowners for comment with two submissions received, both indicating support.

STATUTORY ENVIRONMENT

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

In accordance with Table 1-Zoning Table and Clause 5.17-Bed and Breakfast and Holiday Homes of the Scheme a "Holiday Home (Single House)" which proposes to accommodate 9 or less people is a discretionary ("D") land use within the "Residential" zone. This means that the use is not permitted unless the local government has exercised its discretion by granting approval.

When determining an application for a discretionary ("D") land use the local government is required to take into consideration the matters set out in Clause 67 of the Deemed Provisions – *Matters to be considered by Local Government*.

Those matters which are considered to be particularly relevant to this application are as follows:

(b) the requirements of orderly and proper planning including any

proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;

- (g) any local planning policy for the Scheme area;
- (n) the amenity of the locality including the following
 - (ii) the character of the locality;
 - (iii) social impacts of the development;

A Holiday Home is also required to be registered, and maintain its registration, under the *City of Busselton Holiday Homes Local Law 2012*.

RELEVANT PLANS AND POLICIES

Local Planning Policy 7C – Holiday Home s

The City's Holiday Home framework (Planning control, local law-registration) was adopted on 12 December 2012 and became effective on 26 December 2012, with a phased introduction through the first half of 2013.

The Local Planning Policy 7C – Holiday Home s identifies areas where holiday homes will be generally supported and identifies servicing requirements for holiday homes. The Policy divides all Residential and Rural Residential zoned lots into two areas, being Area 1 and Area 2. Within Area 1, holiday homes are broadly supported within the "Residential" and "Rural Residential" zones, but within Area 2 holiday homes are broadly supported only in the "Rural Residential" zone.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the officer recommendation in this report.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report reflects Community Objective 2.2 of the City's *Strategic Community Plan 2013* – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

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, and risks are only identified where the residual risk, once controls are identified, is 'medium' or greater. There were no such risks identified.

CONSULTATION

A consultation period of 14 days was undertaken with adjoining landowners notified of the proposal.

Two submissions were received from 48 Lindsay Drive and 71 Lindsay Drive, both indicating support.

OFFICER COMMENT

Broader Context:

The City of Busselton has traditionally been a holiday home destination with holiday homes making an important contribution to the local economy. Holiday homes may be a second home and rented to offset some costs or rented as a property investment. Holiday homes often go through transitions from a second home that is then rented occasionally, before facilitating the owner's transition to permanent residency in the City of Busselton.

The site is the former family home of the applicant who has relocated to Perth for work purposes. They wish to retain the home to maintain the ability to visit Busselton.

Policy Context:

Planning Policy 7C outlines the criteria when considering an application for a holiday home in the City of Busselton.

As assessed against the requirements of policy, the proposal is considered to meet all relevant criteria with the *exception of the preferred area requirement*.

There are two major considerations informing the preferred area component of the holiday home policy - housing affordability and tourism amenity.

Tourism Amenity:

Holiday homes are considered appropriate in areas of high tourism amenity and close proximity to key attractions such as the beach, town centre and/or rural areas and not preferred in inaccessible, residential areas.

Although located outside the preferred area, Willow Grove are considered to satisfy these requirements. With a low R5 residential density and large lot sizes (2000sqm – 10,000sqm), the site is more rural than residential in character with close proximity to native bushland in the Rob Breeden Reserve.

With ready access to both Vasse and Bussell Highway via Blum Boulevard, the site is considered to enjoy proximity and easy access to key tourism attractions, including the Busselton City Centre and foreshore.

Housing Affordability:

The building of dwellings for the sole purpose of letting as holiday homes could be considered to have a detrimental impact on housing affordability within the City, with younger and less wealthy homebuilders squeezed out of the market by more established buyers.

The rationale for excluding residential suburban areas from the holiday home preferred area was to decrease this potential pressure on house prices.

As highlighted above, Willow Grove is an established residential area with a relatively high barrier to entry in terms of cost. The housing affordability rationale for preferred areas is not considered relevant in relation to this particular location.

Scheme Context:

The proposal is considered to satisfy the requirements of *Clause 67 of the Deemed Provisions - Matters to Be Considered by Local Government*, specifically those highlighted above, being (b) (g) and (n).

Clause G of the Matters to Be Considered, which refers to "any local planning policy for the Scheme area," has been addressed above.

Due to the nature of the holiday home, the small number of people proposed (6), the size of the lot and supportive neighbour comments received during the referral process, it is not considered the proposal will have a detrimental impact on amenity and that approval is consistent with the requirements of orderly and proper planning.

CONCLUSION

It is recommended that the Council approve the application with appropriate conditions.

If Council is supportive of the recommendation, the Council may wish to reconsider the non-preferred area component of Planning Policy 7C particularly in relation to suburbs such as Willow Grove.

OPTIONS

The Council could:

- 1. Refuse the proposal, setting out reasons for doing so; or
- 2. Apply additional or different conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent and those who made a submission will be advised of the Council decision within two weeks of the Council meeting.

OFFICER RECOMMENDATION

That the Council resolve:

- 1. That application DA16/0273 submitted for development at Lot 222 (67) Lindsay Drive, Yalyalup is generally 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 subject to the following conditions:

General Conditions:

- 1. The use hereby approved shall be in accordance with the Approved Plan dated (attached), including any conditions placed thereon by the City of Busselton.
- 2. The use hereby approved shall at all times comply with the definition of Holiday Home (Single House) as provided in Schedule 1 of the City of Busselton Local Planning Scheme No. 21, as follows:

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

- Notwithstanding the above interpretation, the approved use is restricted to a maximum of 6 people.
- 3. Advertising signage associated with the approved use shall be no greater than $0.2 m^2$, located

within the subject site.

4. A minimum number of 2 car parking bays shall be provided on site.

11.6 CONSOLIDATED PARKING SCHEME AMENDMENTS

SUBJECT INDEX: Minor Parking Scheme Amendments

STRATEGIC OBJECTIVE: A City of shared, vibrant and well planned places that provide for

diverse activity and strengthen our social connections.

BUSINESS UNIT: Environmental Services

ACTIVITY UNIT: Ranger and Emergency Services

REPORTING OFFICER: Manager, Environmental Services - Greg Simpson

AUTHORISING OFFICER: Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Designated Parking Stalls Port Geographe Boatramp

Carpark

Attachment B Designated Parking Stalls and Two Hour Time Limit

Cammilleri Street

Attachment C Designated No Parking Road and Verge Fairbairn Road

PRÉCIS

The purpose of this report is to seek Council's endorsement of proposed amendments to the City's Consolidated Parking Scheme, to –

- 1) establish a parking area in the Port Geographe boat ramp carpark for the Busselton Volunteer Marine Rescue Group tow vehicle and boat trailer;
- 2) car parking stalls and two hour parking times for a section of Cammilleri Street (eastern side) between Kent Street and Fairbairn Road; and
- 3) no stopping/parking areas along the south side and a small section along the north side of Fairbairn Road between Brown and Cammilleri Street.

BACKGROUND

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current. The most recent changes to the Scheme were endorsed by Council in October 2014.

The following are proposed as amendments to the Scheme:

1. Designated vehicle parking stalls - Port Geographe Marina car park

The Busselton Volunteer Marine Rescue Group provide essential marine rescue and associated services to the community and regularly launch their vessels from the boat ramp at the Port Geographe Marina. The Busselton Volunteer Marine Rescue Group has requested parking stalls be designated within the Port Geographe boat ramp car park, in close proximity to the boat ramp, for sole use by the tow vehicle and boat trailer used by the Busselton Volunteer Marine Rescue Group when launching their rescue boat at the marina. This proposed amendment is included as Attachment A.

2. Car parking stalls with 2 hour parking times - Cammilleri Street, between Kent Street and Fairbairn Road

The City has received a number of requests for parking controls on the eastern side of Cammilleri Street, between Kent Street and Fairbairn Road. This report recommends the establishment of car parking stalls and two hour parking times for a section of Cammilleri

Street (eastern side) between Kent Street and Fairbairn Road. This proposed amendment is included as Attachment B.

3. No parking/no stopping area - Fairbairn Road, between Cammilleri and Brown Streets

The City has received a number of requests to introduce parking controls on the southern side of Fairbairn Road between Cammilleri and Brown Streets to improve public safety. This report recommends the introduction of no parking and no stopping areas on the southern side of Fairbairn Road between Cammilleri and Brown Streets, with a small no stopping area introduced on the northern side of Fairbairn Road near its intersection with Cammilleri Street. This proposed amendment is included as Attachment C.

It should be noted that other changes to parking controls are being considered in other locations, most notably in Dunsborough Town Centre, Yallingup Townsite and Albert Street, Busselton; but they will be subject of further consultation before being presented for further Council consideration.

STATUTORY ENVIRONMENT

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

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under *Parking Local Law 2011*, the CEO must give local public notice of, and erect signs to give effect to, the determination.

RELEVANT PLANS AND POLICIES

Local Planning Policy 8A: Car Parking Provisions outlines the requirements for the provision of vehicle parking facilities associated with development, which includes consideration of special purpose parking dependent on the nature of the development and includes minimum provision of taxi pick-up bays, motorcycle bays and bicycle parking facilities.

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

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

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.2 of the 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

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks

only, rather than 'upside' risks as well. The table below describes identified risks where the residual risk, once controls have been identified, is identified as 'medium' or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Public Health and Reputational	Implementation of	Minor	Possible	Medium
Risk – inadequate vehicle	parking management.			
parking control affecting				
pedestrian safety.				

CONSULTATION

In preparing this report City staff have consulted with the Busselton Volunteer Marine Rescue Group and the Port Geographe Marina management, Salvation Army Op Shop staff, and businesses and residents in Fairbairn Road, between Cammilleri and Brown Streets.

OFFICER COMMENT

Comments regarding each proposal are set out below.

1. Designated vehicle parking stalls - Port Geographe Marina car park

The allocation of dedicated parking stalls for the Busselton Volunteer Marine Rescue Group at the Port Geographe boat ramp car park will ensure that vehicle parking is available in close proximity to the launching facility, to enable launching of the rescue boat in a timely manner, particularly on those days when there is a high demand for vehicle parking. Note that there will be as advisory only, as the Local Law does not recognize Marine Rescue vehicles as a separate 'class' of vehicles.

Designated car parking stalls with 2 hour parking times - Cammilleri Street between Kent Street and Fairbairn Road

Cammilleri Street experiences significant vehicle traffic flow and vehicle parking particularly on the eastern side (immediately south of Kent Street) has been observed to encroach on the foot path and brick paved areas. The footpath is sufficiently wide to enable the establishment of vehicle parking stalls and separate pedestrian access.

New stalls have been marked to trial car parking along a section of footpath and to delineate the pedestrian footpath. The existing concrete footpath has been marked to create parking stalls and the brick paved area between the building and the existing concrete footpath is being used for pedestrian traffic. This report recommends that Council formalise these arrangements. It should be noted that when this work was done 'one-hour' parking limit signs were erected, but never reflected in the adopted parking scheme. As it is not practicable or necessary to enforce one hour parking limits in this area, a two hour limit is proposed.

No parking/no stopping area - Fairbairn Road, between Cammilleri and Brown Streets

Currently vehicle parking occurs along both sides of Fairbairn Road between Cammilleri and Brown Streets and this practice is currently reducing trafficable road width, particularly near the Fairbairn/Cammilleri Street intersection.

The following proposed parking controls for Fairbairn Road are recommended:

I. Install "No Stopping on Roadway" signage on the south side of Fairbairn Road from Brown Street to the commencement of the paved brick footpath surface opposite the premises number 2 Fairbairn Road;

II. Install "No Stopping Road or Verge" signage adjacent to the paved brick footpath surface opposite the premises number 2 Fairbairn Road, extending to Camilleri Street and immediately adjacent on the opposite side (northern side) of Fairbairn Road.

CONCLUSION

It is recommended that the Council adopt the officer recommendation and amend the Consolidated Parking Scheme.

OPTIONS

Council may resolve not to support the Officer recommendation to designate additional parking bays and no parking/no parking areas as proposed or may amend the proposal.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Where the Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the *Parking Local Law 2011*, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendation local public notice will be advertised and appropriate signage erected prior to 30 September 2016

OFFICER RECOMMENDATION

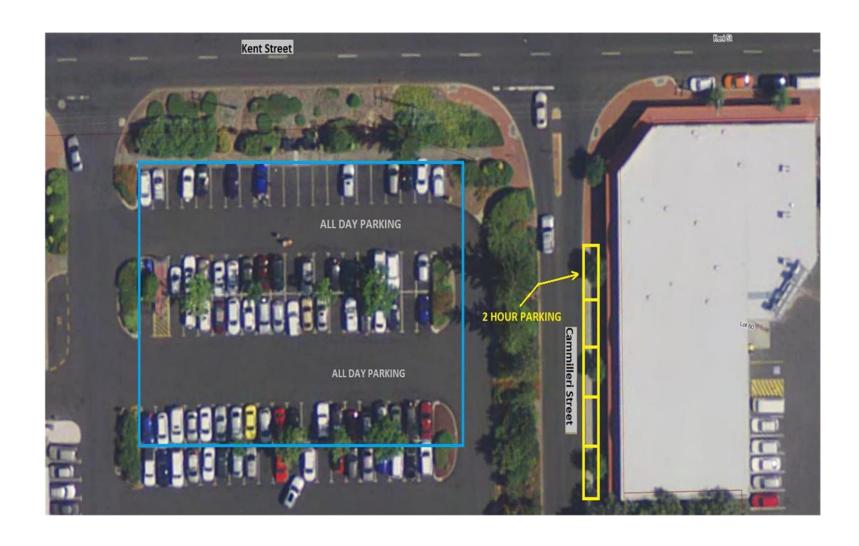
That the Council determines pursuant to the *City of Busselton Parking Local Law 2011*, changes to the Consolidated Parking Scheme to include -

- 1. Two parking stalls within the Port Geographe boat ramp car park for sole use by the Busselton Volunteer Marine Rescue Group (Attachment A);
- 2. Car parking stalls with 2 hour parking time limits on the eastern side of Cammilleri Street, between Kent Street and Fairbairn Road (Attachment B);
- 3. No stopping on roadway and no stopping road or verge areas along Fairbairn Road between Brown and Cammilleri Streets (Attachment C); and
- 4. Gives notice of that determination as required by the *City of Busselton Parking Local Law* 2011.

Designated Parking Stalls Port Geographe Boatramp Carpark

128

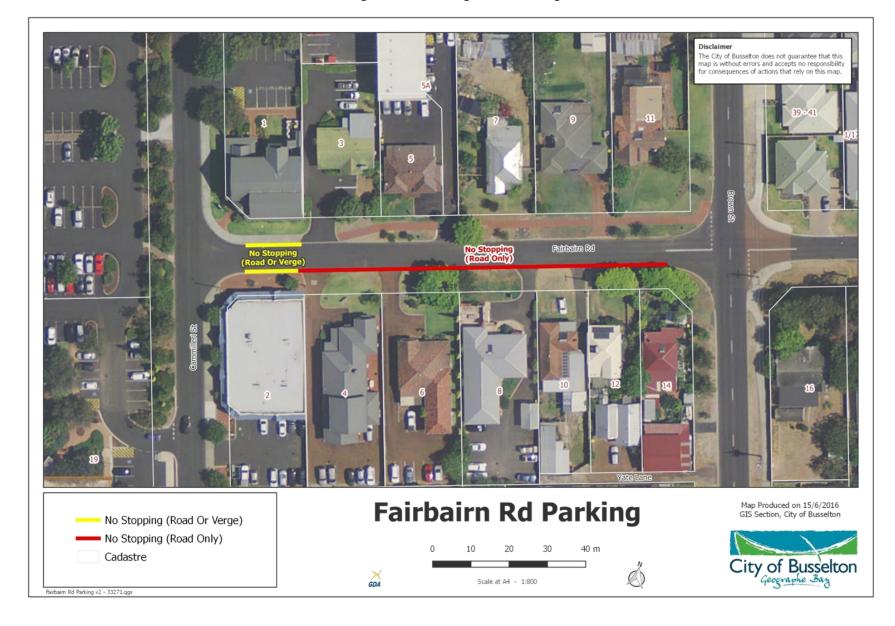




129

Designated No Parking Road and Verge Fairbairn Road

130



11.7 <u>DA14/0561 - PROPOSED EXTRACTIVE INDUSTRY - LOT 61 (NO.1958) CAVES ROAD,</u> NATURALISTE

SUBJECT INDEX: Planning/Development Applications

STRATEGIC OBJECTIVE: Growth is managed sustainably and our environment is protected and

enhanced as we develop.

BUSINESS UNIT: Development Services and Policy **ACTIVITY UNIT:** Development Services and Policy

REPORTING OFFICER: Senior Development Planner - Andrew Watts

AUTHORISING OFFICER: Director, Planning and Development Services - Paul Needham

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Revised Proposal

Attachment C Original vs Revised Extraction Area Proposals

Attachment D Schedule of Submissions

	DISCLOSURE OF INTEREST		
Name/Position	Name/Position Mike Archer, Chief Executive Officer		
Item No./Subject	Item No./Subject 11.7 - DA14/0561 - Proposed Extractive Industry - Lot 61 (No.1958) Caves		
	Road, Naturaliste		
Type of Interest	Impartiality Interest		
Nature of Interest	The proponent of the application being a distant relative.		

PRÉCIS

The Council is asked to consider application DA14/0561 seeking approval for an extractive industry (sand mining) on Lot 61, Caves Road, Naturaliste ("the site"). This follows the City's earlier deferral of consideration at its 22 June 2016 meeting – with consideration deferred to this month.

The proposal has been placed before Council due to the history of extractive industry proposals for this property and also given the number and nature of submissions received as a result of the consultation process.

It is considered that the extractive industry proposed in this location is consistent with the relevant planning framework and is recommended for approval subject to conditions.

BACKGROUND

The City received an application (DA14/0561) for an extractive industry (sand) at Lot 61, Caves Road, Naturaliste.

The site is located on the corner of Caves and Vidler Roads. It is zoned 'Agriculture', is located within a Landscape Value area and has a total size of 54.3 Ha (see Attachment A). The site currently accommodates the 'Empire Retreat' tourist development – and the owner of that development is also the applicant for this application. Access for the purposes of the extraction operation is to be via Vidler Road.

The application was advertised for public comment and was also referred to relevant agencies. Both public and agency referral submissions raised various issues and concerns with the proposal and these concerns were subsequently presented to the applicant for consideration and response prior to a recommendation being presented to Council.

The original proposal was for a total of 1,000,000m³ of sand to be removed from the site, which the application stated would be removed at an average rate of 50,000 tonnes per year over a 20 year

period, however it was also advised that if a major contract is won then 100,000 tonnes may be removed within a 3 month period.

The applicant subsequently revised the proposal by reducing the total volume of material to be extracted to 350,000m³, increasing the distance between the extraction site and sensitive premises. Further to this the applicant has advised that they are removing from the proposal providing for any significant increase in extraction volumes over short periods for major contracts.

The application for planning consent as revised is Attachment B. A plan showing a comparison of the original and proposed extraction areas is Attachment C.

The subject site has had a history of applications for extractive industry being considered by Council with an application being refused by Council on 13 July 2005 due to the following reasons:

- (a) The proposed sand pit conflicts with Council Policy in that it is within 500 metres of residences and the residents who are opposing the sand pit are likely to be adversely affected by dust/noise.
- (b) The proposed sandpit is practically surrounded by established or about to be established highgrade tourist resorts.
- (c) The cartage requirements of the pit would drastically increase the danger to motorists in their use of Vidler Road.
- (d) Council at its Meeting of 14 February 2001, determined that no sand pits would be permitted in this area in the future.

It should be noted that the current Council is not bound by this earlier resolution, and that a Council cannot bind a future Council in this matter. Furthermore, the relevant policy framework was modified a number of years ago to allow extractive industry in this area, and more broadly in the western part of the District.

The application was previously presented to Council for the meeting of 22 June 2016. At that meeting the Council resolved:

That this item be deferred for further consideration until the next Council meeting on 27 July 2016.

The reason given by Council for deferring consideration of this item was:

Some property owners in the vicinity of the proposal have complained that they were not given enough notice that this was coming to council this week. The extra month will provide them with the opportunity to consider the matter and alleviate any claims it is being rushed through council.

The officer comments and recommendation in this report are the same as that presented to Council for consideration on 22 June 2016, with the exception that an alternative officer recommendation presented to Council following a site inspection by Councillors and staff on the day prior to the 22 June meeting has been incorporated into the officer recommendation in this report. Whilst at present there is no sensitive land use on the land adjoining the southern boundary within 300 metres of land where extraction is now proposed, there is a current approval for sensitive land uses in that area. The alternative recommendation would encourage extraction activity in the southern-most part of the site to occur within the next 12 months, when, despite the approval that is in place, there is unlikely to be any sensitive land-use actually in occupation (given the timeframes likely to be associated with further approvals and construction, should that development proceed).

STATUTORY ENVIRONMENT

The key statutory environment is set out in the City of Busselton *Local Planning Scheme No. 21* ('the Scheme'), which classifies 'Extractive Industry' as development requiring planning consent and an 'A' use within the Agricultural zone. The 'A' permissibility means that the proposed land use can be approved at the reasonable discretion of the City, following a compulsory consultation process as outlined in clause 10.4 of the Scheme.

RELEVANT PLANS AND POLICIES

The assessment of the proposed extractive industry is guided by a number of policies which relate to the zoning and proposed use of the land. The key policy implications are outlined below.

Local Rural Planning Strategy

The site is contained within the 'Naturaliste' Precinct in the Local Rural Planning Strategy. The Strategy recognizes that from an economic perspective that there are commercial sand extraction resources in the area.

The precinct vision is to 'Retain and conserve the natural environment, landscape values and character of the area in balance with limited tourist development.'

The objectives of the precinct are 'To ensure that the planning in this precinct is consistent with the LNRSPP and Scheme provisions.'

Agricultural Zone - Objectives and Policies

The objectives and policies of the Agriculture zone seek to preserve the agricultural potential of rural land and to only permit development for other purposes where other suitable land is not available and where the rural amenity will not be adversely impacted.

Leeuwin-Naturaliste Ridge Statement of Planning Policy

The LNRSPP places a very high priority on the protection of Prime Agricultural Land with the overriding criterion being to ensure the predominant use of land will be agriculture. Other uses, including uses of interspersed lands with lesser agricultural potential, will be compatible with and not jeopardise, agricultural use of adjoining Prime Agricultural Land. The LNRSPP requires that development of mineral and basic raw material resources will be subject to programmed rehabilitation which will be recommended as a condition of any Planning Consent granted. The proposal is consistent with this policy.

Local Planning Policy 5A: Extractive Industries

The Extractive Industry Policy recognises that extractive industries have the potential for incompatibility with other land uses. It also recognises that this is particularly the case west of Bussell Highway where sensitive land uses such as tourist accommodation and tourist-oriented land uses are most often located. The Policy only supports extractive industries where land use conflicts can be avoided or minimised.

The Local Planning Policy requires the advertising of all Extractive industry Proposals to involve advising all landowners within 1.0km of the site.

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; "Growth is managed sustainably and our environment is protected and enhanced as we develop."

RISK ASSESSMENT

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

CONSULTATION

The proposal was referred to landowners within one kilometre of the proposed extractive industry and to relevant Government agencies. It was also advertised in the local newspaper. 36 submissions were received — seven from Government agencies or service providers, 29 from surrounding landowners. All public submissions received broadly objected to the proposal.

Subsequent to being provided with details of the issues raised in submissions the applicant revised the proposal. As revisions to the proposal were made in response to addressing issues raised in submissions the revised proposal has not been re-advertised. The exception to this being that the revised proposal was referred to Main Roads WA due to a reduction in proposed peak traffic volumes and significant works having been undertaken to Caves Road and its intersection with Vidler Road subsequent to comment being made on the original proposal.

A schedule of submissions is at Attachment D.

Agency comment

The Department of Mines and Petroleum (DMP) had no specific comments regarding this proposal. It did, however, advise that sand is a scarce and important resource in the South West region and that supplies of it are needed for affordable development and infrastructure projects. It has also been requested that the City notify the Geological Survey of Western Australia of all extractive industry applications to assist/contribute towards their database.

The Department of Water (DoW) recommends that any approval for the proposed extractive industry should include the following conditions:

- the extractive industry will not intercept the water table;
- there will be no dewatering of the extraction area permitted; and
- no standing water will occur at the end of mining / post rehabilitation.

To protect water resources against potential contamination, the following specific conditions are also recommended to be applied:

there will be no additional storage of hydrocarbons on-site,

- on-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment; a
- no major repairs or maintenance will take place on site.

The Department of Parks and Wildlife (DPaW) advised the Lot 61 subject of the proposal borders two lots which are subject to the DPaW "Land for Wildlife" program, which aims to encourage landholders to conserve nature and wildlife on properties. DPaW note that the proposed extractive industry site is generally cleared of native vegetation but is within close proximity to potential Western Ringtail Possum and Black Cockatoo habitat trees. The proponent should ensure that these trees are not impacted by the proposed extraction works.

DPaW has also mentioned the requirements of the Leeuwin Naturaliste Ridge Statement of Planning Policy and the need to comply with landscape protection requirements. DPaW recommends that all final contour and batter slopes should be no steeper than 1 vertical to 6 horizontal.

Main Roads referral response to the original proposal requested that a condition of approval should be applied for upgrades to be made to the intersection of Vidler and Caves Roads, including right turn widening. As a result of a revised proposal that reduces peak truck movement numbers and with recent improvements made to the Vidler Road intersection with Caves Road, Main Roads has revised their comments to advise that they have no objection to the proposal and that the intersection upgrades recently undertaken by Main Roads are sufficient to cater for the proposal without any further works being necessary.

The Department of Environment and Regulation (DER) had no specific comments other than to advise that if clearing of native vegetation or screening and washing of sand is proposed, approval from DER may be required for these activities.

Public Comment

29 public submissions objected to the proposal. The main issues raised in public submissions related to proximity to houses and tourist accommodation, noise, dust, traffic and landscape amenity issues. These issues are discussed in more detail within the officer comment section of this report.

OFFICER COMMENT

There are seen to be a number of key issues affecting the consideration of this proposal. These issues are outlined below:

- 1. Environmental Impact;
- 2. Traffic Impact and Management;
- 3. Noise and Dust Emissions;
- 4. Landscape Impact; and
- 5. Basic Raw Material Supply

Environmental Impact

The extraction site is predominantly clear of vegetation however if native vegetation clearing is required, that clearing may require approval of the Department of Environment Regulation.

In accordance with the Extractive Industry Policy, however, it is necessary for a rehabilitation and environmental management plan to be provided and approved.

The extractive industry policy requires that only 2ha can be worked at any one time. Further to this, it is required that worked areas commence rehabilitation prior to commencing extraction on the next cell.

Given the role of the DER in the clearing permit process, the environmental responsibility of the City involves approving a suitable Environmental Management Plan and associated Rehabilitation Plan.

Traffic Impact and Management

Access and the additional trucks movements the proposal would place on Vidler & Caves Roads and safety concerns was raised as an issue by most submitters during the consultation process. Both roads are currently sealed, with Caves Road being under the management of Main Roads WA. Main Roads' referral response to the original proposal requested that a condition of approval if granted was for upgrades to be made to the intersection of Vidler and Caves Roads including right turn widening. As a result of a revised proposal that reduces peak truck movement numbers and with recent improvements made to the Vidler Road intersection with Caves Road, Main Roads has revised their comments to advise that they have no objection to the proposal, and that the intersection upgrades recently undertaken by Main Roads are sufficient to cater for the proposal without any further works being necessary.

Noise and Dust

There are a number of controls within the Extractive Industry Policy which aim to control the impact of extractive industries on amenity. Noise and dust generated from extractive industry are the primary concerns which require addressing in this regard. As mentioned in the Background section of this report, there are a number of sensitive land uses located within the general proximity of the site. The primary controls in this case are setback requirements and noise/dust management plans.

Clause 6.2.1 of the Extractive Industry Policy states that "No extractive industry operations to be located within 500m of any tourist accommodation/attraction, where the owners of such object to the proposal". The owners of the nearby Yallingup Lodge tourist development which is within 500m of the site of the original proposal objected. There was also objection submitted on behalf of the owners of Lot 4 Hemsley Road, which adjoins the subject site and upon which Tourist Accommodation was approved as part of developments for DA13/0739, at the Council meeting of 23 April 2014. The nearest part of the approved development (Chalets) would be approximately 100m to the original proposed extraction area. No physical construction of development for DA13/0739 has commenced and with the Development Approval due to expire in May 2017, to date no building permit application has been submitted, so it is unclear if development for DA13/0739 will proceed.

With the revised proposal modifying the proposed extraction area layout a 500m buffer from all existing tourist developments will be achieved and the distance to the nearest existing sensitive premises will be approximately 370m to a house on adjoining Lot 6. The distance to the development site for DA13/0739 is approximately 200m.

The policy provides for setbacks between extractive industry and dwellings in 6.2.1, stating "No extractive industry is to be located within 500m of a residence where the owner or resident of such objects to the proposal". In this instance the owners of Lot 24 Drummond Glen have objected to the original proposal, however the revised proposal achieves a setback of greater than 500m to the house on Lot 24.

Notwithstanding Clauses 6.2.1 and 6.2.2 of the policy discussed above, the policy guides that the extraction of sand could be located less than 500m but no closer than 300m from a sensitive landuse dependent on the nature and scale of the development and suitable dust and noise management. The revised proposal is located approximately 370m from the nearest sensitive premises, being a house on Lot 6 Caves Rd.

Furthermore, in terms of setbacks, clause 6.2.5 of the Extractive Industry Policy is also applicable, requiring the following to be addressed; "Policy Areas 2 and 3: Where an extractive industry is approved within 1km of a residence or tourist accommodation or attraction, additional conditions to reduce amenity impact from noise and dust may be imposed, including operating times."

There are a significant number of residences and tourist based operations within 1km of the proposal, which includes almost all of the objections received. The noise and dust management plan which has been submitted to the City, as per requirements of the Extractive Industry Policy, proposes a number of management measures. This includes installation of noise and particulate monitoring equipment. The noise targets identified for compliance within the management plans are as set out in the State noise regulations (i.e. the *Environmental Protection (Noise) Regulations 1997*). Also, operating and haulage hours are in accordance with the provisions outlined by the Policy, which does not allow work on the weekends or public holidays.

Having assessed the noise and dust management plan, officers are of the view that the plan is technically sound. It is also important that distance alone is not a protection of amenity. Other measures will be applied in combination to maintain the amenity for neighbouring residents. Note that does not mean there will be *no* impact on the amenity of the locality, but rather that the impacts will not be unreasonable, provided they are managed in accordance with the noise and dust management plan that has been provided by the applicant.

In summary on the issue of amenity, it is considered that the noise and dust management plan which the applicant has submitted are of an appropriate standard and meet the requirements of the Extractive Industry Policy. The management plan, in conjunction with a rehabilitation plan, will manage the amenity concerns raised.

Landscape Impact

The issue of amenity at a localised level has been addressed above. In regards to the potential impact on the greater area, it is necessary to consult the landscape provisions of the *Leeuwin-Naturaliste Ridge Statement of Planning Policy*. Lot 61 is largely classified as 'General Character' with the rear section of the site mapped as 'Natural Landscape Significance' and the front part of the site being 'Travel Route Corridor'. The Extraction area appears to be confined to 'General Character.' General character is classified as the lowest level of significance within the policy and is the designation given to areas which do not fall into higher levels of importance. The western section of the site is classified as 'Natural Landscape Significance'; this is the highest level of landscape value in the policy. It is to be noted that this section of the site is not proposed to be subject to extractive industry. It is important to note that the proposal does not fall within an area that may be viewed from an identified 'travel route corridor'. The policy requires that extractive industries are to be subject to programmed rehabilitation, which will be recommended as a condition of any consent granted. On this basis, given that the area mapped 'Natural Landscape Significance' is not affected and with the implementation of a suitable rehabilitation plan, the proposal will not result in a significant impact on landscape values.

Basic Raw Material Supply

The supply of basic raw materials, including sand, is a significant issue across the region and is a relevant planning consideration – although primarily at the policy and strategy development level, rather than as a significant factor in the determination of individual applications. In assessing individual applications the City should be primarily concerned with ensuring that the impacts of proposals, in terms of environmental, traffic, amenity and/or landscape values, will be effectively managed.

CONCLUSION

It is accepted that sand is an important resource and finding such accessible resources is becoming increasingly difficult.

A number of submissions regarding the proposal have been received, concerning a range of issues, and the applicant has responded to these issues satisfactorily.

Officers are satisfied that the road network is satisfactory to accommodate this proposal, and haulage time will be restricted to avoid a potential to conflict with school bus travel times.

OPTIONS

The Council could:

- 1. Refuse the proposal, setting out reasons for doing so.
- 2. Apply additional or different conditions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The proponent and those who made submissions will be advised of the Council decision within two weeks of the Council making a determination.

OFFICER RECOMMENDATION

That the Council resolve:

- 1) That application DA14/0561 submitted for an Extractive Industry at Lot 61 Caves Road, Naturaliste is considered by Council to be consistent with the City of Busselton Local Planning Scheme No. 21 and the orderly and proper planning of that locality.
- 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 is permitted to operate for five years from the date of this Decision Notice or until 350,000 cubic metres volume of material has been extracted, whichever is sooner, except that extraction activity and bulk earthworks associated with land within 250 metres of the southern lot boundary shall be completed within 12 months of the date of this Decision Notice.
- 2. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this planning consent and shall be operated in a manner consistent with all associated detailed plans, including but not limited to the Noise Management Plan and Dust Management Plan.
- 3. The development hereby approved shall be limited to: the extraction of sand from the site; screening of material; associated drainage works; and rehabilitation works. At no time shall any processing, crushing or blasting works be carried out.
- 4. Working hours within the pit area and transportation of materials shall be restricted to the hours between: 7.00am and 6.00pm Mondays to Fridays; 7.00am and 12.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
- 5. No more than 2 hectares shall be worked at any one time; this area shall then be

- rehabilitated in accordance with the approved details pursuant to Condition 7.3 concurrently with the extraction of the following 2 hectare area.
- 6. The lowest level of excavation shall always be a minimum of at least 1 metre above the maximum water table level.
- 7. The minimum setback from all boundaries shall be 20 metres.

Prior to Commencement of Any Works Conditions:

- 8. 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:
 - 8.1. A Noise Management Plan. The plan is to be prepared using the prescribed standards for noise emissions as set down in the Environmental Protection (noise) Regulations 1997.
 - 8.2. A Dust Management Plan. This plan is to be prepared using the DEC guidelines "A Guideline for Managing The Impacts of Dust and Associated Contaminants From Land Development Sites, Contaminated Sites Remediation and Other Related Activities (DEC 2011).
 - 8.3. A Rehabilitation Plan, incorporating, at a minimum, the following:
 - Embankments not to be steeper than 1 in 6;
 - Contour ripping the bottom and sides of the pit area;
 - Spreading of stockpiled topsoil;
 - Spreading of stockpiled branches and undergrowth;
 - Seeding with an appropriate agriculture seed mix, and / or planting native species of trees,
 - Shrubs and ground covers;
 - Topsoil is to be stockpiled and re-established;
 - Reuse of timber;
 - Staging of rehabilitation process.
 - 8.4. A Drainage Management Plan, incorporating the installation of detention and silt / nutrient stripping ponds. The measures incorporated into the Plan shall be implemented prior to the commencement of excavation and maintained at all times.
 - 8.5. A Dieback Hygiene Management Plan addressing the issue of dieback spread from, or to, the property by transfer of the disease by plant and vehicles, and the material being transported. All operations related to the extractive industry shall be carried out in accordance with the approved Plan.
 - 8.6. A Traffic Management plan, incorporating, at a minimum, the following:
 - Road signage to be erected along the transport route. The installation of the signs shall be completed by the City of Busselton for which fees are payable;
 - Truck operating hours that avoid conflict with school bus services;
 - A maximum of 30 laden truck movements departing the property on any given day.

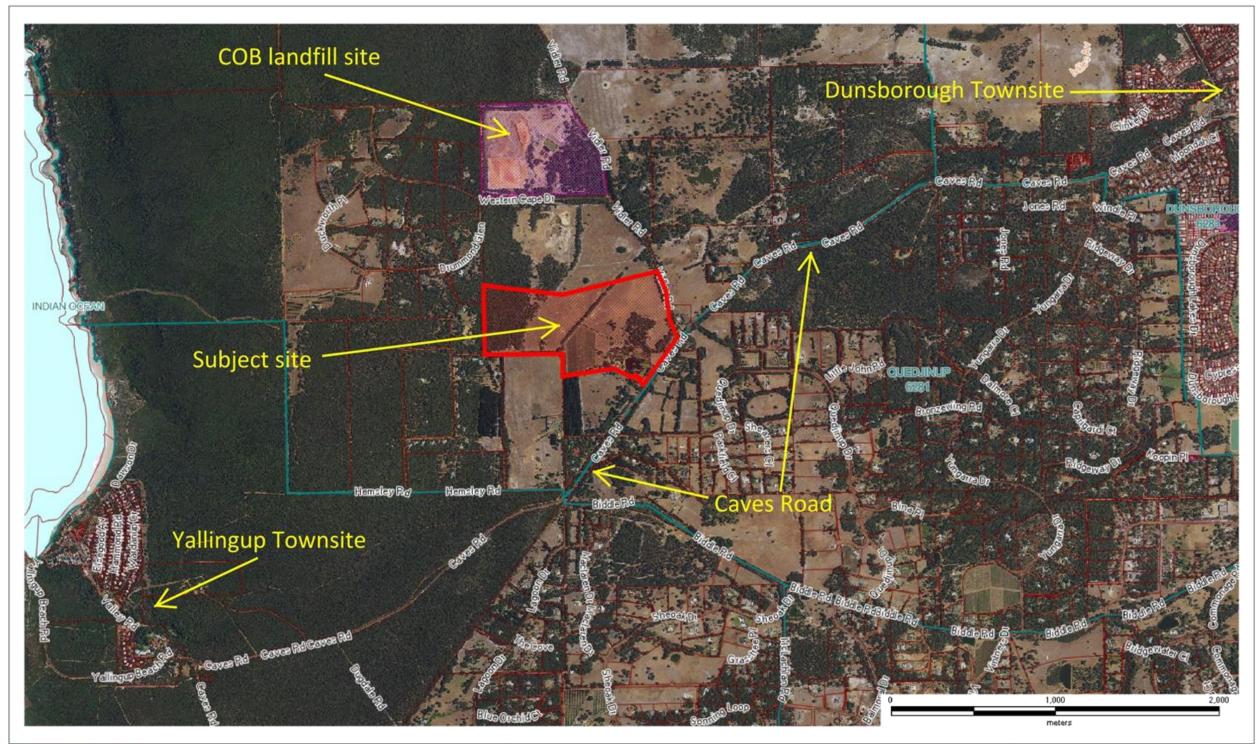
Prior to Occupation/Use of the Development Conditions:

9. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City within 2 months of the date of this planning consent:

- a. A road maintenance bond of \$20,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at the applicant's cost; such bond may be utilised for road maintenance purposes where necessary as a result of the operation;
- A performance bond to the value of \$5,000.00 in the form of an unconditional bank guarantee to ensure that the impacts on surrounding properties as a affected by the activities related to the subject Extractive industry are managed to a standard acceptable to the City;
- 10. The crossover to be constructed to a sealed and drained standard to the specifications and satisfaction of the City. Existing access off Vidler Rd to be sealed and drained for a minimum of 20m from the edge of seal on Vidler Road into Lot 61.

On-Going Conditions:

- 11. The works undertaken to satisfy Condition(s) 7.1-7.6 shall be subsequently maintained for the life of the development including:
 - 11.1 The approved Rehabilitation Plan shall be carried out in accordance with the approved details.
 - 11.2 All operations related to the extractive industry shall be carried out in accordance with the approved Dieback Management Plan.
 - 11.3 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
 - 11.4 The approved Noise Management Plan shall be implemented and carried out in accordance with the approval details.
 - 11.5 The approved Traffic Management Plan shall be implemented and carried out in accordance with the approval details.
 - 11.6 The approved Drainage Management Plan shall be implemented and maintained at all times.





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 can not 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

Produced on: Tuesday, 7 June 2016

Map Scale: 1:20000



142 Revised Proposal



City of Busselton Locked Bag 1 2 Southern Drive Busselton WA

5 February 2016

Re:

Application for Planning Consent Proposed Sand Quarry Lot 61, 1958 Caves Road, Naturaliste

Attention

Andrew Walts Senior Development Planner

Please find attached the updated copies of the application that have been brought into line with the City Policies as per the email of 15 May 2015 to J and P Coleman of Empire

The Application Forms should remain valid.

As there has been a contraction of the proposed footprint, it is believed that all previous public consultation covers the new proposal with some of the issued raised by the respondents now being mitigated by the revisions made.

Attached are four paper copies of the documentation, including digital files on CD.

other parts of the documentation and figures.

Lindsay Stephens On behalf of the proponents

Lindsay Stephens BSc (Geology), MSc (Plant Ecology)

25 Heather Road Roleystone WA 6111

Mem Aus Geomechanics Soc - MEIANZ - FIQA

EXCAVATION – REHABILITATION MANAGEMENT PLAN

SAND QUARRY

LOT 61 1958 CAVES ROAD NATURALISTE

City of Busselton

J and P Coleman

January 2016

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EXCAVATION - REHABILITATION MANAGEMENT PLAN

LOT 61 1958 CAVES ROAD NATURALISTE

> J and P Coleman PO Box 42 Dunsborough 6281

Phone Mr P Coleman 0411 848 989



Summary

The City of Busselton and nearby areas are undergoing significant development, much of which is located on low lying land that requires fill and consequently requires sand for construction and fill.

This documentation provides the background for an application for Planning Approval and Extractive Industries Licence.

The sand is a valuable resource for the community as it is highly suitable for fill and other construction materials. The local area is a known sand resource in which active sand pits occur.

The sand extends to depth but is anticipated that the pit will be 5 - 10 metres deep, deepening slightly at the western edge where the resource is thicker.

City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010 compliments the Town Planning Scheme and has policies with respect to the extraction of sand.

Policy 5A Extractive Industry Provisions seeks the protection and staged use of basic raw materials whilst minimizing environmental and social impacts.

Although Lot 61 is zoned "Agriculture" it lies within Policy Area 2 – "Extractive Industry Constrained" in City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010

The excavation areas are set back from Vidler and Caves Roads. Lot 61 is listed in the Caves Road Visual Management Provisions.

Those provisions show Lot 61 as Policy Area 2, Moderate Visual Absorption, and recommend that the most sensitive area lies within 500 metres from Caves Road.

The proposed excavation lies outside the 500 metre nominated area, in a swale. The design of the pit and the intervening tree belts and vegetation along Caves Road will as far as is known prevent the proposed pit from being seen from Caves Road.

All stages are well protected visually.

The site lies within a natural swale and is set well back from nearby sensitive premises with almost all the pit located 500 metres from Yallingup Lodge, Yallingup Forest Resort and dwellings to the west.

There might be some glimpse of part of an excavation from Vidler Road, but that can be negated by the use of perimeter bunding.

Excavation will be conducted from behind existing tree buffers and the pit will be orientated to minimise or prevent visual impact from outside Lot 61.

A perimeter buffer of 20 metres with earth bunding is proposed for adjoining lots in compliance with Section 6.4 City of Busselton Policy 5A - Rural Areas land Use and Development Policy.

Access will be from Vidler Road, which has a 70 kph speed limit and is used to access the City of Busselton Landfill site.

The depth of excavation will be up to 8 metres deep with the water table over 10 metres below the pit floor which complies with all policies. The area of sand pit is approximately 9.0 hectares. The volume of resource delineated in the proposal is about 350 000 m3.

It is anticipated that up to 50 000 tonnes of sand will be produced annually. This amounts to an average of approximately 7 laden truck movements per day using trucks laden with 25 tonnes average if all loads are spread out. What is likely is that on some days there will be more trucks and on other days less or no truck movements.

There also may be the potential for a large contract to be won. This for example may require 100 000 tonnes of sand to be moved in three months. This will require 5 laden truck movements per hour for the three months with the remainder of the year at the lower rate of extraction and transport.

It is suggested that for a large contract the Shire of Busselton be notified at least 1 week prior to the commencement of a large contract and informed of the tonnages, likely truck movement and anticipated volumes to be transported during that contract. This process is used at other sand pits and provides the City with an opportunity to discuss any specific issues with the operator.

The loading and access of each truck will normally take approximately 3 minutes.

Hours of operation are proposed to be 6.00 am to 5.00 pm Monday to Saturday inclusive, excluding public holidays.

A 5 year length of approval is requested.

The loading and access of each truck will normally take approximately 3 minutes and would be achieved using one loader. For a large contract a second loader may be required.

This documentation provides the support for a renewal of Planning Approval and Extractive Industries Licence.

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Attachment B

Excavation - Rehabilitation Management Plan Proposed Sand Quarry, Lot 61 Caves Road, Naturaliste

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Figure 3	Excavation Methods
Figure 4	Existing Contours
Figure 5	Concept Final Contours
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11.7 Attach

Excavation - Rehabilitation Management Plan Proposed Sand Quarry, Lot 61 Caves Road, Naturaliste

1.0 Introduction

1.1 Background and Proposal

Background

The City of Busselton and nearby areas are undergoing significant development, much of which is located on low lying land that requires fill and consequently requires sand for construction and fill.

This documentation provides the background for an application for Planning Approval and Extractive Industries Licence.

Lot 61 lies in an area of known sand resource from which active sand pits occur.

Importance and Rationale

Sand in the local area, that is free from excessive clay, is restricted to small to this locality with a substantial proportion of the sand being covered by remnant vegetation.

This site is important as a resource because it is cleared pasture and will be returned to pasture.

The Department of Mines and Petroleum has recognised the risks from sterilisation of resources of sand in the southern Swan Coastal Plain and is currently undertaking an assessment of future community needs.

See:

- Western Australia, Western Australian Planning Commission, State of Planning Policy 2.4, Basic Raw Materials.
- Western Australia, Western Australian Planning Commission, State of Planning Policy 2.5, Agriculture and Rural Land Use.
- Department of Planning and the WAPC released the draft Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region

Sand is only extracted for the community. If the community did not need these materials there would be no extraction.

Requested Planning Approval

An Extractive Industries Licence and Development Approval for the site, for a period of 5 years, is requested to ensure all the sand is removed.

150 27 July 2016

> Excavation - Rehabilitation Management Plan Proposed Sand Quarry, Lot 61 Caves Road, Naturaliste

1.2 Proponent

The proponent is J and P Coleman

Contact can be made through

J and P Coleman PO Box 42 Dunsborough 6281

Phone Mr P Coleman 0411 848 989

1.3 **Location and Description**

Lot 61 1958 Caves Road

P23969 Plan Volume 2627 Folio 283

1.4 Description of the Resource

Nature of the resource

The sand is a sub rounded to rounded quartz sand generally medium grained; with a significant portion of the grains being larger than 1.5 mm. It is dark grey brown in the surface with a small amount of humus, then grading to brown sand at depth with some associated gravel.

The sand occurs as a fill of sand on the leeward side of Cape Naturaliste and extending up the ridge to the west. The sand appears to be of aeolian origin, blown in from the west. The sand extends to depth but is anticipated that the pit will be 5-10metres deep, deepening slightly at the western edge where the resource is thicker.

On Lot 61 the sand occupies a swale along the western portion of the land.

There are a number of sand types. Some is mixed with weak gravel development which is suitable for fill sand.

All other sand is suitable for fill sand.

It is also possible that some sand is suitable as concrete sand for concrete batching. Any such sand will normally require screening to remove roots and other deleterious organic matter.

Concrete sand is not common and such sand should be recovered and used for that purpose.

Uses

The sand is proposed to be used for a variety of purposes such as fill sand, construction sand, and as a potential specialty sand for some applications such as filter sand.

At this stage there is no plan to wash and screen the sand for specialty uses, but should this become viable it will be used.

1.5 Aims of the Proposal

The aims of the proposal are to;

- Provide an additional source of fill and other sand locally.
- Utilise the sand prior to its sterilisation.
- Comply with State Planning Policies No 2.4 and 2.5 which state that basic raw materials should be taken prior to sterilisation of the area by development.

Attachment B

Excavation - Rehabilitation Management Plan Proposed Sand Quarry, Lot 61 Caves Road, Naturaliste

2.0 **Existing Environment**

2.1 Geology and Geomorphology

The eastern flank of Cape Naturaliste consists of deep Aeolian sands overlying deep regolith of developed on the regolith of the Archaean Gneiss Basement.

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Revised Proposal

Western Australian Geological Survey, 1; 50 000 Environmental Geology Series, Yallingup, 1991.

Superimposed on the regolith of the gneiss basement is a flank of sand described in the Yallingup 1:50 000 Environmental Geology Series as S5, Sand - Very pale brown, medium to coarse grained sand, well sorted, sub-angular to rounded quartz and feldspar.

The sand on site is consistent with this description although the feldspar has been weathered to form minor amounts of clay and there has been minor leaching of the brown iron oxide coatings to for white upper horizons and weak gravel and pisolite deposition.

Soils 2.2

Soils on the site consist predominantly of brown sands that are dark grey brown in the upper topsoil horizon and brown earthy sand extending to depth.

There has been minor leaching to produce weak pisolite gravel and lighter brown horizons.

The sand extends to over 5 metres deep and increases in thickness to the west to around 8 metres thickness.

2.3 Hydrogeology

In summer the local soils dry out, but in winter the rate of precipitation wets the sand. There are no winter wet conditions. The site is not subject to any watercourses or flood paths.

The infiltration rates ensure that the sand does not become saturated and no water exists in the resource sand areas.

The water table is not exposed on the sand areas on site.

The dam on site to the east of Empire Retreat is located on regolith developed on granite basement and is perched above the regional water table.

The sand resource is elevated and lies in a swale with floor elevations of 90 plus metres. The sand is deep and appears to be a valley fill deposit filling an ancient valley in the pre-existing basement regolith.

In Department of Water, 2009, Busselton – Capel Groundwater Area it is not clear whether there is groundwater under the site. In some locations superficial groundwater occurs sitting on the basement regolith, but where that basement is sloping and draining the water table is thin or not present through drainage.

The water table is not exposed on site, and was not intersected in a Bore Hole (NW10) on Lot 8 to the north where the water table was deeper than 27 metres from a land surface of 890 metres AHD. The bore is used for the City of Busselton Landfill Operations on Lot 8.

The centre of Lot 61 has the same elevation which will make the water table deeper than 63 metres AHD. (See Geological Survey of Western Australia, 1:50 000 Environmental Geology Series Yallingup).

This means that the separation to the water table is well over 10 metres which complies with all Department of Water Policies.

In winter precipitation enters the soil and drains to the water table, which appears to drain to the north although the basement geology and form make this interpretation a little uncertain. Under the sand resource it is possible groundwater flow is south west.

There is generally no surface runoff of water from the sand due to the porosity and permeability of the sand, with precipitation draining to the water table. It has been estimated that perhaps 20% of the rainfall will reach the water table, based on the generally cleared nature of the sand and depth of the water table.

There are no acid sulphate or salinity issues with the soils and water being fresh and elevated in the landscape.

Further information is provided at 5.5 Water Management.

2.4 Vegetation

The vegetation of the sand is cleared pasture land with scattered *Eucalyptus globulus* (Bluegum) ad exotic tree planting. Local native vegetation remains on the western portion of Lot 61 as it rises up the ridge outside the proposed excavation. See site photographs.

2.5 Fauna

The fauna on site will already be significantly depleted in the cleared areas, but the vegetation of the lower elevations between the sand ridges forms a significant fauna habitat. It is not proposed to impact on this fauna habitat.

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Excavation – Rehabilitation Management Plan Proposed Sand Quarry, Lot 61 Caves Road, Naturaliste

3.0 Planning Issues

3.1 Current Land use

Lot 61 are cleared grazing land with Empire Retreat located on the eastern portion of the site. Associated with Empire Retreat are a small vineyard, olive grove and planted gardens.

3.2 Land Zonings and Policies

The State Planning Policy Framework provides for the implementation of a planning framework through the recognition and implementation of Regional Planning Policies above Local Planning Schemes and Policies.

Within each layer of planning, there are a number of key policies and strategies to provide guidance to planning and development to enable sustainable communities to develop, expand and prosper without compromising the environment and future generations.

Planning is governed under the *Planning and Development Act 2005*. This Act enables Government to introduce State and Regional Planning Schemes, Policies and Strategies to provide direction for future planning. The State and Regional Schemes sit above Town Planning Schemes and Strategies introduced by Local Government.

Strategies and Policies provide guidance on how planning is to be undertaken and how proposed developments are to be considered. These Strategies and Policies are at the State, Regional and Local levels.

Schemes are gazetted documents that provide for consideration and approval of proposed developments. These are normally at the Regional and Local Level.

In addition to the documents produced under the *Planning and Development Act 2005*, the *Local Government Act 1995* provides Local Governments with a mechanism to prepare Local Laws to manage issues of local significance.

With respect to the supply of sand the, the overarching document is the;

State Planning Policy 1.0 State Planning Framework.

Complementing this are a number of Relevant State Policies;

- o State Planning Policy 2.0, Environment and Natural Resources Policy.
- State Planning Policy 2.4, Basic Raw Materials.
- State Planning Policy No 2.5, Agricultural and Rural Land Use Planning.
- State Planning Policy No 4.1, State Industrial Buffer Policy.

The City of Busselton has one Town Planning Scheme; TPS 21.

The City of Busselton also has a land use strategy to provide a context for local planning within the regional planning strategies;

 City of Busselton Planning Policy 5, Rural Land Use and Development Policy 2010.

In addition the City of Busselton has an extractive industry bylaw;

- City of Busselton Extractive Industries Local Law.
- Lot 61 lies within Policy Area 2 for Extractive Industries.

All the listed planning instruments provide guidance on local planning, but, in addition, approval is required under the;

- City of Busselton Town Planning Scheme 21.
- City of Busselton Extractive Industry Local Law.

The relevant policies have all been considered with respect to this application. The Quarry complies with, or is compatible with, all policies, strategies and schemes.

A summary of each of the relevant policies, strategies and schemes is provided below, with a comment on how the excavation of sand relates to each.

3.2.1 State Government Policies and Planning Schemes

STATE PLANNING POLICY 1.0, STATE PLANNING FRAMEWORK POLICY

The State Planning Policy Framework provides for the implementation of a planning framework through the recognition and implementation of Regional Planning Policies above Local Planning Schemes and Policies.

A number of State Policies have been released under the State Planning Framework Policy.

- o State Planning Policy 2.0, Environment and Natural Resources Policy
- State Planning Policy 2.4, Basic Raw Materials
- State Planning Policy No 2.5, Agricultural and Rural Land Use Planning,
- State Planning Policy No 4.1, State Industrial Buffer Policy,

These are considered in turn.

A number of other key State Government Policies are also relevant to the local regional planning.

- State Planning Strategy, 1997
- Bunbury Wellington Region Plan (WAPC 1995)
- o Greater Bunbury Region Scheme, 2007
- o Greater Bunbury Strategy (draft) 2011
- Basic Raw Materials Demand and Supply Study for the Bunbury Busselton Region draft 2012

* State Planning Policy 2.0, Environment and Natural Resources Policy

This policy provides for the protection of all natural resources under a number of sections;

- 5.1 General Measures
- 5.2 Water Quality including stormwater and wetlands
- 5.3 Air Quality
- 5.4 Soil and Land Quality
- 5.5 Biodiversity
- 5.6 Agricultural Land and Rangelands
- 5.7 Minerals Petroleum and Basic Raw Materials
- 5.8 Marine Resources and Aquaculture
- 5.9 Landscape
- 5.10 Greenhouse Gas Emissions and Energy Efficiency.

In addition to recognising the importance of protecting air quality, soil and land quality, water and wetlands and landscapes, the importance of Basic Raw Materials to the community is identified with reference to SPP 2.4 Basic Raw Materials, State Gravel Strategy 1998 and State Lime Strategy 2001. See Section 2.1 of this management plan.

Section 5.7 of SPP 2.0, deals with Minerals, Petroleum and Basic Raw Materials.

Part of Section 5.7 states;

Basic raw materials include sand, clay, hard rock, limestone and gravel together with other construction and road building requirements. A ready supply of basic raw materials close to development areas is required in order to keep down the cost of land development and the price of housing.

Planning strategies, schemes and decision making should:

- Identify and protect important basic raw materials and provide for their extraction and use in accordance with State Planning Policy No 10 (2.4); Basic Raw Materials.
- Support sequencing of uses where appropriate to maximise options and resultant benefits to community and the environment.

The other factors of the natural environment are provided with the best protection possible, by this management plan, by selection of the site, operational staging and footprint and rehabilitation, bearing in mind the constraints of excavating and processing the resource.

State Planning Policy 2.4, Basic Raw Materials

This policy makes many statements on the intent and actions which local authorities should use to protect and manage basic raw materials.

Section 3.4 is very specific in explaining that basic raw materials need identification and protection because of increased urban expansion and conservation measures, (3.4.1), (3.4.2) and (3.4.4). Sections 3.4.5 and 3.4.6 recognise that environmental and amenity matters need to be considered.

There are specific provisions in Section 6.2 Local Planning Scheme Provisions, such as:

No support for the prohibition of extractive industries in zones that permit broad rural land uses.

Providing an appropriate P, D or A use.

Not precluding the extraction of basic raw materials on land which is not identified as a Priority Resource Location, Key Extraction Area or Extraction Area (6.4.2).

Currently the Department of Planning and Department of Mines and Petroleum are reviewing and updating the basic raw materials policy over the whole Swan Coastal Plain and near areas, including Bunbury to Augusta.

The Department of Mines and Petroleum has produced new mapping identifying Strategically Important Basic Raw Materials. These sand resources are not large enough to be independently shown within that mapping.

The excavation of sand from Lots 12 and 13 is compatible with SPP 2.4 and is supported by the policy.

In August 2012, the Department of Planning and the WAPC released the draft Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region.

State Planning Policy No 2.5, Agricultural and Rural Land Use Planning,

SPP 2.5 Agricultural and Rural land Use Planning predominantly deals with the continued rural use of suitable land and its protection for the future. The policy deals with recognising significant agricultural land, land fragmentation and land use through zonings, and Special Control Areas.

Lots 12 and 13 are zoned Rural under both the Greater Bunbury Region Scheme and the Shire of Capel Town Planning Scheme No 7. The area is compromised as an agricultural area because of small land holdings, proximity of urban spread, existing extractive industries protected by planning policies and lower land capability for agriculture.

SPP 2.5 is relevant because the subject land is zoned Rural, and Rural land is the only land use Zone from which basic raw materials can be extracted. Section 5 Policy Measures, (5.1)(i)(d) states "identify and protect key natural resources, including water and its dependant ecosystem, vegetation, minerals and basic raw materials".

The Policy Objectives provide for the "prevention of land and environmental degradation during the extraction of basic raw materials" (Section 4(4)(d).

The position is clearly put in Section 5.4.3 Mineral and Basic Raw Material Resource Areas.

- Town Planning schemes should make provisions for the protection of basic raw materials, mineral and energy resources identified in the local planning strategy.
- ii. Town planning schemes should include provisions for the extraction of basic raw materials, mineral and energy resources. These provisions should include the development of appropriate local policies and requirements, particularly buffer requirements, that the extraction industries will be subject to: sequential land use proposals; and environmental management activities.
- These activities should be regarded as generally acceptable, subject to assessment on their individual merits in rural areas.

Basic raw materials are recognised in the Greater Bunbury Region Scheme, 2007, and by the Department of Mines and Petroleum as being a strategic resource for the growth and sustainability of the Bunbury and Capel Region.

. State Planning Policy No 4.1, State Industrial Buffer Policy

SPP 4.1 discusses the need to consider adjoining land uses when locating buffers but does not prescribe set buffers for operations such as this. The development and processing of the resource has been designed to maintain maximum buffer distances. In situations where the buffers are less, actions such as the provision of perimeter bunding to provide visual and noise management, tree planting and operational procedures are used to mitigate and reduce impacts.

This is discussed further in Section 2.11 Surrounding Landuses and Buffers of this document.

State Planning Strategy, 1997

The Western Australian Planning Commission (WAPC) released the *State Planning Strategy in 1997*. It comprises a range of strategies, actions, policies and plans to guide the planning and development of regional and local areas in Western Australia and assists in achieving a coordinated response to the planning challenges and issues of the future by State and Local Governments.

The State Planning Strategy contains the following five key principles. These are:

- Environment & resources: to protect and enhance the key natural and cultural assets of the State and to deliver to all Western Australians a high quality of life which is based on sound environmentally sustainable principles.
- Community: to respond to social changes and facilitate the creation of vibrant, accessible, safe and self-reliant communities.
- Economy: to actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.
- Infrastructure: to facilitate strategic development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.
- Regional Development: to assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

The extraction of sand will provide fill and construction materials to achieve sustainable development of the Capel and nearby areas.

The resource is strategically located close to Capel and therefore provides for significantly reduced transport costs, impacts and greenhouse gas emissions.

This is recognised by the State in the key regional planning document, *Greater Bunbury Region Scheme 2007*, in which the resource is identified and studies have been conducted on the required buffers which have been implemented to protect and permit the staged use of the resource.

The environmental management of the quarry has been developed to minimise short and long term impacts on the local community and environment.

The operations have been designed to continue to provide good environmental management that minimises environmental change and enables continued rural land uses.

Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region draft 2012

In August 2012, the Department of Planning and the WAPC released the draft Basic Raw Materials Demand and Supply Study for the Bunbury – Busselton Region.

The document is used to determine the future requirements for the various basic raw materials in the local urban developments and the Bunbury – Busselton Region. It predicts that by 2021 an additional 8706 dwellings will be required in the region.

A total of 43 753 000 cubic metres sand is predicted to be required until 2030 alone so fill sand such as this is a much needed commodity.

3.2.2 Local Government Policies and Planning Schemes

City of Busselton Town Planning Scheme Number 21

The City of Busselton Scheme 21 lists the site as occurring in the Agriculture Zone.

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The Agriculture Zone aims to preserve agricultural land uses and not compromise the landscape and natural environment.

Extractive Industries are an "A" use within that zone. Approval under Town Planning Scheme 21 is normally granted with a number of conditions.

Although Lot 61 is listed as lying within the "Agriculture Zone" it also has an approved "Additional Use" of for the Empire Resort.

City of Busselton, Planning Policy 5 "Rural Land Use and Development" Policy, 2010

The City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010 compliments the Town Planning Scheme and has policies with respect to the extraction of sand.

Policy 5A Extractive Industry Provisions seeks the protection and staged use of basic raw materials whilst minimizing environmental and social impacts.

Extractive Industries Licence

An Extractive Industries Licence is issued under City of Busselton Local Law

2.4 Current Land Zonings

Lot 61 is zoned "Agriculture".

Lot 61 lies in Policy Area 2 - "Extractive Industry Constrained" in City of Busselton, Planning Policy 5, "Rural Land Use and Development" Policy, 2010

End Use 3.3

The proposed excavation is to be returned to pasture, at a lower elevation which will provide slightly greater soil moisture and therefore potentially better feed into summer and higher land and stocking capability.

3.4 **Final Contours**

The final excavated land surface is proposed to be a swale with a minimum elevation of around 85 - 90 metres AHD grading gently to the existing land surface.

Any steeper slopes at 1: 4 around the perimeter will be planted to local native trees and shrubs.

The excavated floor surface will be gently undulating and sloping.

3.5 Responsible Authorities

A number of state and local government authorities are responsible for overseeing the safety and management of sand quarries in the area. Other authorities have an interest in the proposal but may not hold any responsibility.

City of Busselton

- Provides Planning Consent and issues the Extractive Industries Licences for the quarry.
- Regulates land zonings in conjunction with the Western Australian Planning Commission.
- Issues licences for the construction of buildings.

Department of Mines and Petroleum

- · Controls the safety and methods of extraction.
- · Requires a Project Management Plan and registered Manager.
- · Requires registration on the Safety regulation System database.

Department of Environment Regulation

- Issues Clearing Permits not required for this proposal.
- · Issues licences for screening plants if used.

Department of Parks and Wildlife

 Oversees all flora and fauna including Rare and Declared species and communities.

Department of Planning and Western Australian Planning Commission

- In conjunction with the local authority assists with the preparation of structure plans.
- State of Planning Policy 2.4 Basic Raw Materials, State of Planning Policy (SPP) 2
 Environment and Natural Resources Policy, and Statement of Planning Policy No 2.5, Agricultural and Rural Land Use Planning.

Department of Water

- Has control over the management of ground water in the area.
- · Has control over the protection of wetlands.
- · Licences water bores if required.

3.6 Complaints Policy

The proponent may contract the excavation to an experienced sand excavation operator.

The following complaints mechanism is proposed.

- 1. A contact telephone number will be displayed at the gate when the site is operating.
- 2. A complaints book will be provided and maintained by the operator.
- Upon receipt of a complaint Empire/operator will investigate and action the complaint.
- 4. When a complaint is found to be legitimate, Empire/operator will, where possible, undertake any reasonable actions to mitigate the cause of the complaint and where possible, take reasonable steps to prevent a recurrence of the situation in the future.
- Details of any complaints, the date and time, means by which the complaint was made, the nature of the complaint, the complainant, investigations and any resulting actions and the reasons will be recorded in the Complaints Book.
- A sign will be placed at the entrance showing the company name, Sandpit, and contact phone number.
- 7. The City of Busselton will be informed of any complaint or any other report provided to a Government Department within 3 working days.
- The complaints book will be made available for viewing or requested details made available to the City of Busselton upon request.

4.0 Project Description

4.1 Extraction and Processing

The excavation procedures are not anticipated to be any different to those operating in other local quarries.

Excavation Methods

Excavation methods are to be carried out as a sequence.

- Topsoil will be removed and recovered for spreading directly onto areas to be revegetated.
- If topsoil cannot be directly transferred it will be stored in low dumps at the perimeter of the excavation footprint.
- Overburden will then be pushed from the excavation area to provide perimeter bunding to assist in visual noise and dust management.
- 4. Sand will be excavated from the floor of the pit to an elevation of around 85 to 90 metres AHD. The sand extends to depth but is anticipated that the pit will be 5 8 metres deep, deepening slightly at the western edge where the resource is thicker.
- The sand resource delineated comprises approximately 350 000 m³ or around 700 000 tonnes.
- 6. The sand to be used for fill will be loaded directly to road truck by loader. The loader will stay at the face and the road trucks will be restricted to access roads spreading out from the centre of the operational area. Drivers will be instructed to stay in their trucks within the loading area.
- The loader will work at the face, approaching the face in a perpendicular manner to enable the natural slump of sand to make the working face safe.
- Trucks will be confined to a dedicated ring road that will be moved as required as the face progresses. The trucks will approach in an anticlockwise direction so the driver is facing the loader. Drivers will be required to stay in their trucks while in the loading area.
- 9. All vehicles will have radio contact.
- 10. Operations will occur on the floor of the pit with the face providing visual and noise screening to the closest residences. That is the pit will be orientated so that the face is located between the excavation area and nearby sensitive premises such as dwellings or chalets.
- 11. It is also possible that some sand will be suitable as concrete sand for concrete batching. Any such sand will normally require screening to remove roots and other deleterious organic matter.

- 12. At the end of excavation the floor of the quarry will be covered by a layer of overburden and top soil and rehabilitated with pasture.
- 13. Details of the Rehabilitation are listed under 5.9 Rehabilitation.

Processing

- 1. No processing of sand is proposed for fill sand.
- There may be need to screen some sand to remove vegetation fragments for use as concrete sand.
- Any screening plant will be mobile and will move across the site as excavation moves. If the volumes of sand are above the trigger volumes a Licence from the DER will be obtained.
- 4. Stockpiles will not be required unless the sand is screened
- 5. Washing of sand is not proposed.

Final Contours

The land surface will be left as a flat to gently sloping floor with minimal need for batter slopes. Batter slopes of lower than 1:6 vertical to horizontal will be provided for the floor with batter slopes to the surrounding soils at 1:4 vertical to horizontal.

Sand will be excavated from the floor of the pit to an elevation of around 85 to 90 metres AHD. The sand extends to depth but is anticipated that the pit will be 5-8 metres deep, deepening slightly at the western edge where the resource is thicker.

A concept final Contour plan is attached.

4.2 Staging and Timing

The pit will be staged to enable sequencing of clearing topsoil and restoring the land surface. See Figure 4. At times there may need to be two stages open for example to operate the eastern portion of the pit during summer months and to enable rehabilitation.

As new ground is opened ground will be closed by reforming the landform and covering with overburden and topsoil to reform soils on the closed ground.

As pasture cannot be seeded until autumn/winter in a particular year there may be several hectares of land closed and prepared for seeding. All land available will then be seeded to pasture in the first available autumn/winter.

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The excavation will be commenced in both the north and eastern corner. The eastern corner will be operated during winter months when the soils are moist and there is no potential for dust.

At other times such as summer excavation will be conducted further away from sensitive premises.

It is difficult to anticipate the market for sand at this stage. It is anticipated that the pit will be operated in a small way with a single loader loading directly to road trucks.

There may also be a requirement for sand for a large contract.

In each scenario the total number of truck movements remains the same, it is just the rate of excavation that will change and that will change the scale of the operation in terms of potential impacts.

It is anticipated that up to 50 000 tonnes of sand will be produced annually. This amounts to an average of approximately 7 laden truck movements per day using trucks laden with 25 tonnes average if all loads are spread out. What is likely is that on some days there will be more trucks and on other days less or no truck movements.

There also may be the potential for a large contract to be won. This for example may require 100 000 tonnes of sand to be moved in three months. This will require 5 laden truck movements per hour for the three months with the remainder of the year at the lower rate of extraction and transport.

It is suggested that for a large contract the Shire of Busselton be notified at least 1 week prior to the commencement of a large contract and informed of the tonnages, likely truck movement and anticipated volumes to be transported during that contract. This process is used at other sand pits and provides the City with an opportunity to discuss any specific issues with the operator.

The loading and access of each truck will normally take approximately 3 minutes.

It is likely that the sand excavation will provide resource for 5 years and a 5 year approval is sought.

4.3 Hours of Operation

Hours of operation are proposed to be 6.00 am to 5.00 pm Monday to Saturday inclusive, excluding public holidays.

4.4 Access, Transport and Security

The quarry will be accessed via Vidler Road, which is sealed and used as the main transport route for the City of Busselton Waste facility. Waste disposal trucks therefore use Vidler Road in addition to some trucks that are observed bringing sand from the landfill site.

A old sand pit is located to the north of the proposed sand pit and that was accessed by Vidler Road. The proposed traffic is therefore little different that that which has uses or has used Vidler Road in the past

Trucks will then turn to Caves Road with most traffic anticipated to travel towards Busselton where most of the development is occurring. The intersection has been upgraded over the past 12 months to accommodate the truck traffic accessing the landfill and dwellings to the west.

Vidler Road is speed constrained to 70 kph, which reduces the sight lines required for the access and increases safety for all road users. Sight lines are approximately 200 metres south and 250 metres north.

The City of Busselton has a policy to cover maintenance of roads that are used by heavy vehicles and which correspondingly have a shorter life.

Any contributions can be addressed through the City of Busselton Policy 5A Extractive Industry Provisions Extractive Industry Local Policy.

4.5 Equipment

All static and operational equipment will work on the quarry floor to provide maximum sound and visual screening. See Figure 6.

Site office and/or containers	May be required for the management and security of small items. If used it is anticipated that there would be a small transportable site office and a container for the storage of minor service items and lubricants. These will be located adjacent to the resource at the edge of the excavation area. Away from visually or other sensitive areas.		
Weighbridge	Not proposed.		
Toilet system	A serviced portable will be required for large contracts but at other times the facilities at Empire Retreat.		
Washing plant	Not proposed.		
Screening plant	Not proposed at this stage but may be required to separate vegetation fragments for concrete sand.		
Water tanker	Used for dust suppression on the access roads and working floors when required.		
Loader Loading and excavating sand.			
Fuel Storage	Fuel will be sourced from a mobile tanker. Fuel will not be stored on site.		

4.6 Workforce

The workforce will vary, depending on the level of operation and market demands, but usually 1 to 2 persons can be expected to be working on site. For large contracts up to 4 four persons excluding truck drivers may be required.

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4.7 Water Usage

Water is only required in the event of dust suppression for the access road.

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Water will be sourced from a local dam existing on Lot 61.

If required, based on the volume of water used, the water source will be licensed from Department of Water for water usage in sand operations. Licencing requirements change from time to time and licences may be required in the future.

It is anticipated that around 1 500 kL water will be required for dust suppression annually considering the local rainfall patterns and volume of sand removed.

For a large contract extracted over summer, a water tanker may be required to minimise dust risk and if sufficient water is not available from on site, it will be brought to site as required.

Drinking water will be brought to the site as needed.

4.8 Safety

The site will operate under the Mines Safety and Inspection Act 1994

The site will have registered the site under the Safety Regulations System conducted by the Department of Mines and Petroleum.

It is anticipated that a local contractor will be used to remove the sand.

The contractor will provide the necessary requirements for a mine manager to cover the commitments under the Act. The contractor will have operational procedures, guidance, induction and documentation to cover their responsibilities and these will be made site specific for this operation.

Faces will be left in compliance with the Act, at times when the site is unattended.

Signs are to be erected, speed limits will be applied to the access road and works area, the site will be within mobile phone contact and all vehicles are to be equipped with two way radio.

There will be policies implemented regarding entrance to the site, movement of vehicles and operational procedures

The deepest excavation is approximately 5 - 10 metres below natural ground level. No slope will be left at an angle greater than 1:2 vertical to horizontal at times when the site is unattended. Faces will be left in compliance with the *Mines Safety and Inspection Act* 1994, at times when the site is unattended.

In addition, the remaining parts of Lot 61 not subject to excavation will continue to be used as a normal agricultural and tourist activities.

Final contours of any batter slopes gently undulating.

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Excavation – Rehabilitation Management Plan Proposed Sand Quarry, Lot 61 Caves Road, Naturaliste

Excavation Safety - Applicable Legislation / Policies

Mines Safety and Inspection Act 1994 and Regulations 1995.

Commitments to Safety Management

- A safe working environment will be maintained.
- Safety Management procedures will be implemented prior to commencement.
- All workers will be provided with site induction and necessary training prior to entering the site.

5.0 Environmental Impacts and Management

5.1 Surrounding Landuses and Buffers

The local area has been used for Agriculture, tourism, chalet and tourist accommodation, tourism and a nearby landfill.

A number of Government Policies relate to buffer distances and the protection of basic raw materials. Statement of Planning Policy No 4.1, State Industrial Buffer Policy, (draft July 2004) discusses the need to consider adjoining land uses when locating buffers but does not prescribe set buffers for operations such as this.

EPA guidance "Separation Distances between Industrial and Sensitive Land Uses", June 2005 lists the generic buffers for sand and limestone pits as 300 - 500 metres depending on the extent of processing. As there is no processing on site the minimum generic buffer would apply; that is 300 metres.

Even so the proposed methods of excavation and site management will reduce potential impacts further.

A generic buffer relates to the distance at which there are unlikely to be any problems without some further investigations and does not mean that smaller buffers are not acceptable. Most sand and limestone quarries in Perth operate at distances from 100 metres to 300 metres from dwellings.

The majority of sand and limestone quarries across the State and within the Perth Metropolitan Area have all approvals and operate at much closer distances than 300 metres. Bearing in mind that the potential impacts of limestone extraction are much greater than for sand extraction, because crushers and a bulldozer are used. In sand excavation the only mobile plant is a loader and road trucks. The examples provided below show that the distances between the active pit and a dwelling on the proposed operation are consistent with operations in other locations.

Operator	Location	Resource and buffer
WA Limestone	Wattleup Road Hope Valley	Limestone and sand
Italia Stone Group	Wattleup, Hope Valley	Limestone
NLG Sand Supplies	Jandakot Road Jandakot	Sand 40 – 80 metres
Boral Bricks	Wandena Road, Muchea	Clay 250 metres
NLG Sand Supplies	Coyle Road Oakford	40 metres

Cockburn Cement	Fancote Road, Munster	Sand and Limestone
		70 metres
WA Limestone	Kerosene Lane, Medina	Limestone, 150 metres

City of Busselton Policy 5A – Rural Areas land Use and Development Policy provides guidelines for the buffers to sensitive premises.

Lot 61 lies within Policy Area 2 Extractive Industry Constrained. Section 6.2.3 of the Policy provides for sand to generally not be extracted within 300 metres of a sensitive premises, dependant on the "nature and scale of the operation and the content of a Dust and Noise Management Plan".

The policy also relates to a setback of 500 metres to a tourist facility if the owners object.

The edge of the sand pit is set back 500 metres from Yallingup Forest Resort, Yallingup Lodge and dwellings to the west. These distances are significantly greater than those between the sand excavations associated with the landfill and the landfill and the dwellings to the west of that facility. Those setbacks are approximately 120 metres.

In addition to the setbacks the buffer zones to the west are covered by dense low forest.

Existing pits in the Perth metropolitan area demonstrate that excavation of materials can be conducted at distances closer than 300 metres.

The additional management to minimise dust and noise impacts are;

- · Proposed extraction only in winter in the east.
- Orientation and staging of the pit to provide maximum visual, noise and dust screening.
- Use of a single loader.

Excavation will be conducted from behind bunding and the face generated by pushing the topsoil and overburden into a perimeter bund.

This will assist in visual and noise screening. Also the parts of the pit closer to the dwellings will be taken in a relatively short time, minimising any potential impacts.

The staging has been designed to ensure that the excavation is conducted from behind the active face and a perimeter bund of overburden, some 4 metres high to provide dust, noise and visual protection.

It is noted in Section 5.4 Dust and the attached Dust Management Plan that the excavation of sand does not normally generate dust. Dust is most likely to be generated during land clearing and reinstatement when topsoil is being moved. This will occur only on opening and closing each section of ground.

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Noise management is discussed in Section 5.3 and Visual Management in Section 5.2

The buffer distances are shown on Figure 2.

The issue of appropriate buffers is a matter of the distance and protection measures to prevent impact on adjoining land users. This applies mainly to noise, dust and visual impact, all of which are treated separately.

The buffers are no different to the sand quarries currently operating in the local area or sand excavation operating in other locations.

Buffer Management - Applicable Legislation / Policies

None applicable

Commitments to Buffer Management

- The management of the buffers and operations have been designed to minimise any potential offsite impacts.
- The proposed pit complies with City of Busselton Policy 5A Rural Areas land Use and Development Policy for all but a small area of the south western corner.
- Additional management practices for noise, visual and dust are provided for excavation in the south western corner of the proposed pit.

5.2 Aesthetics

The excavation areas are set back from Vidler and Caves Roads. Lot 61 is listed in the Caves Road Visual Management Provisions.

Those provisions show Lot 61 as Policy Area 2, Moderate Visual Absorption, and recommend that the most sensitive area lies within 500 metres from Caves Road.

The proposed excavation lies outside the 500 metre nominated area, in a swale. The design of the pit and the intervening tree belts and vegetation along Caves Road will as far as is known prevent the proposed pit from being seen from Caves Road.

There might be some glimpse of part of an excavation from Vidler Road, but that can be negated by the use of perimeter bunding.

Excavation will be conducted from behind existing tree buffers and the pit will be orientated to minimise or prevent visual impact from outside Lot 61.

A perimeter setback of around 100 metres with earth bunding is proposed for adjoining lots in compliance with Section 6.4 City of Busselton Policy 5A - Rural Areas land Use and Development Policy.

It is possible that portion of the pit may be visible from a dwelling/s high on the hill to the west, but this will be at a significant distance, possibly through trees and should only be of part of the pit if visible at all.

IDEAL OPERATIONAL PROCEDURES		COMMITMENTS ON ACTIVITIES CONDUCTED ON SITE		
3,0	Comply with Caves Road Visual Management Provisions	The operations are designed to comply with the Policy. The main pit is set back 500 metres from Caves Road. The edge of the sand pit is set back 500 metres from Yallingup Forest Resort, Yallingup Lodge and dwellings to the west. The orientation of the pit, tree belts and screening vegetation and excavation methods will screen the proposed pit.		
	Locate exposed features behind natural barriers and landform.	 The pit is to be worked from below natural ground level, using the land surface to provide screening. Staging will be used that will include perimeter bunds of overburden. The pit is located in a natural swale. Existing native vegetation lines Caves Road. Tree belts are in place around the perimeter of Lot 61 and adjoining lots. 		
•	Operate from the floor of the pit below natural ground level.	This is proposed.		
•	Avoid breaks in the skyline due to workings and haul roads.	The excavation areas are below the high natural ground features. They are located low in the landscape behind existing trees. The existing ridgeline has not been altered.		
•	Push overburden and interburden into positions where they will not be seen or can form screening barriers.	 Perimeter bunds are to be provided by pushing the overburden to the edge of the pit where they will provide visual and noise management. 		
	Stage workings and progressive rehabilitation to provide visual protection of later activities.	 The excavation areas are being staged to minimise visual impacts from adjoining properties and roads, such as Vidler Road. 		
	Adopt good house keeping practices such as orderly storage and removal of disused equipment or waste.	 This is committed to. Empire Retreat is located on Lot 61 and it is not in the interests of the facility to have visual impacts. 		
•	Provide progressive rehabilitation of all completed or disturbed areas.	The site will be prepared as a void and be progressively rehabilitated to pasture.		
•	Minimise the amount of ground used at any one time.	 This is to be used wherever possible although excavation will occur in two pits concurrently to enable different sand to be taken and to minimise potential offsite impact risk. 		
•	Install fences and gates which are compatible with the style of the area.	Fences and locked gates are in place for the farming operations.		
•	Minimise offsite impacts of night lighting.	Night operations are not proposed.		

Paint and maintain buildings exposed, plant and equipment with low impact colours.		•	No permanent plant is proposed. No temporary buildings are proposed at this stage. If used they are to be located behind vegetation and landform where they will not be visible from Caves Road.	
•	Locate roads and access to prevent direct views into the site	•	The access road has been located off Vidler Road at the safest location away from sensitive premises	

Visual Management - Applicable Legislation / Policies

None applicable

Commitments to Visual Management

- · Taking all precautions to minimise visual impact is committed to.
- The proposed visual management measures outlined will be complied with.

5.3 Noise

Offsite noise is governed by the Environmental Protection (Noise) Regulations 1997.

The Environmental Protection (Noise) Regulations 1997, require that sensitive premises including dwellings in non industrial areas are not subjected to noise levels exceeding 45 dBA for more than 10% of the time, 55 dBA for more than 1% of the time and never exceeding 65 dBA during normal working hours. There are penalties for tonality of 5 dB, modulation 5 dB and 10 dB for impulsiveness, although impulsiveness is not likely to be relevant.

Occupational noise associated with the quarrying processes falls under the *Mines Safety and Inspection Act 1994 and Regulations 1995.* The management of occupational noise is normally handled by providing all necessary hearing protection, as well as conducting worker inductions and educational programs for all staff. Regular site audits of quarry and mining operations are normally conducted by the Department of Mines and Petroleum.

Noise can originate from a number of operations and may impact on onsite workers, or travel offsite and impact on external sensitive premises. Both potential noise impacts are addressed by reducing the noise generated from the quarrying and processing operations.

There are a number of management actions that can be taken in quarries to minimise noise generation or travel and these will be used wherever possible. The general management actions are summarised below together with the potential noise impact issues that relate to this site. The actions will be used where applicable and as the opportunity presents to minimise noise on this site.

The type of sand excavation is no different to that of other local pits. At this stage screening or washing is not proposed.

All static and processing equipment continues to be located on the quarry floor below natural ground level, to provide maximum shielding.

Normal sand extraction is a relatively quiet operation screened by the walls of the pit. Land clearing and restoration is to be completed by the loader. The loader will only operate when a truck is being loaded or during land clearing/restoration. That means that if ten loads of sand are taken from the pit in one day the loader will only operate about once per hour for about 5 minutes.

Effectively, from a noise perspective, the loader is equivalent to a large farm tractor, although it will operate on more days per year.

DEAL NORMAL OPERATIONAL PROCEDURES		COMMITMENTS ON ACTIVITIES CONDUCTED ON SITE		
•	Comply with the Environmental Protection (Noise) Regulations 1997.	The operator will comply with the Regulations.		
•	Maintain adequate buffers to sensitive premises.	 The use of an overburden bund along the edges of the excavations will help mitigate any noise impact transmission. Sand excavation by loader is the lowest potential impact of any quarry type. The edge of the sand pit is set back 500 metres from Yallingup Forest Resort, Yallingup Lodge and dwellings to the west. The buffers comply with the 300 metres generic buffer in almost all situations apart from the south western corner where the pit has been designed to minimise noise risk and ensure compliance with the Noise Regulations. The proposed excavation complies with the EPA Generic Guidelines and the City of Busselton City of Busselton Policy 5A – Rural Areas land Use and Development Policy. See main text. The buffers are much greater than many operating sand pits. 		
	Locate exposed features behind natural barriers and landform.	The faces of the sand pit will be used to assist noise screening.		
•	Operate from the floor of the pit below natural ground level.	This is proposed.		
<u>*</u> -	Push overburden and interburden dumps into positions where they can form screening barriers.	This is proposed. See above.		
•	Maintain all plant in good condition with efficient mufflers and noise shielding.	The operator will maintain equipment in an efficient manner.		
•,-	Maintain haul road and hardstand surfaces in good condition (free of potholes, rills and product spillages) and with suitable grades.	 The access will be maintained to minimise noise from the banging of empty trays on trucks. 		

•	Implement a site code outlining requirements for operators and drivers.	•	The operator will be required to provide site induction and training for all personnel for all their operations under the <i>Mines Safety and Inspection Act</i> .
•	Use equipment that will minimise noise generation.	•	Efficient and environmentally suitable equipment will be used.
•	Shut down equipment when not in use.	•	The operator will use this policy to save fuel and maintenance costs in addition to noise minimisation.
•	Scheduling activities to minimise the likelihood of noise nuisance.		Operations will be intermittent, in bursts of 5 minutes, when a truck is loaded.
•	Fit warning lights, rather than audible sirens or beepers, on mobile equipment wherever possible.	•	If required lights or low frequency frog beepers are to be used. High pitched reversing beepers will not be used, to restrict noise intrusion.
		,•	On this site it is not anticipated that reversing beepers will be required because of the way the pit will be operated, with the loader at the face and road trucks restricted to the access road.
•	Avoid the use of engine braking on product delivery trucks in built up areas.	•	Truck drivers will be instructed to minimise the use of engine braking when delivering their loads.
•	Provide a complaints recording, investigation, action and reporting procedure.	. •	A complaints recording and investigation procedure is proposed.
•	Conduct training programs on noise minimisation practices.	•	The operator will implement site induction and training for all personnel.
•	Provide all workers with efficient noise protection equipment.		All personal noise protection equipment will be provided to staff.

Noise Management - Applicable Legislation / Policies

- Environmental Protection (Noise) Regulations 1997.
- Mines Safety and Inspection Act 1994 and Regulations 1995.

Commitments to Noise Management

- The proponent is committed to minimising noise emissions and will implement the measures outlined above.
- The proponent will comply with the Environmental Protection (Noise) Regulations 1997.

5.4 Dust

Excessive dust has the potential to impact on both the workers and the adjoining land.

Dust can originate from a number of operations and may impact on onsite workers, or travel offsite. Potential dust impacts are addressed by reducing the dust generated from the quarrying, processing and transport operations.

Dust emissions fall under the *Guidance for the Assessment of Environmental Factors, EPA, March 2000*. Assessments of the potential dust risk are normally made using the Land development sites and impacts on air quality, *Department of Environmental Protection and Conservation Guidelines, November 1996*. A draft Dust Management Guideline on the development and implementation of a dust management program has been released for comment by the Department of Environment and Conservation (May 2008). This mainly relates to monitoring.

The category of dust risk is included in DEC 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities. This document is not really applicable to mining because the document relates to sites that do not use any mitigation.

Occupational dust associated with the quarrying processes falls under the *Mines Safety and Inspection Act 1994 and Regulations 1995* overseen by the Department of Mines and Petroleum.

Potential for dust generation

The main risk from dust is not sand, but rather the fine particles that are generated during transport along access roads and traffic areas and moving and reinstating topsoil during dry conditions.

The sand grains are too large and will be trapped by vegetation and the perimeter bunding. Sand grains blow by saltation and bounce along at elevations of up to about 500 mm. It is only fine grained dust or topsoil organic matter that is not a component of the sand that will lift off and blow further.

Also sand remains moist even during summer when being excavated. With the clearing of land there are no deep rooted plants apart from the perimeter of the pit, and no way that the soil moisture is extracted. Normal capillary action and moisture extraction by pasture only affects the top 500 mm; hence the soil below that depth remains moist.

The floor and exposed sand does dry out in the sun, and therefore soil disturbance will only generate dust from traffic movement in summer from the fine organic matter or tracers of clay in the sand.

Through the winter months of May to September inclusive, there is little dust risk because rainfall exceeds evaporation. The rainfall is sufficient to wet the whole soil profile to depth, with excess water reaching the water table.

The type of sand is discussed in the attached table showing pictures of sand typically occurring on site.

In summer, when evaporation exceeds rainfall, soils dry out and the road base on the access roads can be crushed by repeated vehicle movements.

Without the traffic areas of earthy sand stay in lumps that do not degrade or produce fine dust particles.

The potential impacts are assessed for the sensitive premises to the west and south, under the worst possible scenario.

The risk in winter will be substantially lower.

Nearby Dwellings

These are shown in Figure 2 and comply with the EPA generic buffer guidelines.

Calculated Dust Risk

Dust emissions fall under the *Guidance for the Assessment of Environmental Factors*, *EPA*, *March 2000*. Assessments of the potential dust risk are normally made using the Land development sites and impacts on air quality, *Department of Environmental Protection and Conservation Guidelines*, *November 1996*. These are still in place but are incorporated into the *DEC 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites*, *Contaminated Sites Remediation and other Related Activities*.

The DEC in 2008 released a draft Guideline for the Development and Implementation of a Dust Management Plan.

The key Environmental Objectives for the operations are;

- · Manage the potential for the generation of dust.
- Visually monitor dust levels and take steps to reduce the potential impact of dust on occupational and environmental aspects of the operation and local area.

The category of dust risk is included in *DEC/DER 2011 Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and other Related Activities.*

This document is not really applicable to mining because it is to be used to assess the management required prior to any dust suppression measures being implemented. Effective dust management measures are already used on this site.

When making the assessments using the DEC/DER Guideline there are four key points;

- The closest sensitive premises are not affected by the prevailing winds, but could be subject to strong pre-frontal northerly winds in autumn.
- Dust risk is generally only in the dry summer months.
- Sand that is being excavated, stays moist at depth, even through summer unless the sand is exposed to sunlight. Capillary action only leads results in soil moisture evaporating from the top 500 – 1000 mm of sand.

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- In pasture areas the deep rooted plants have been removed which reduces the loss of water through summer and keeps the sand at depth moist.
- The earthy sand readily crusts and is stabilised. It is only trafficked areas of attached dry clay and the gravel roads that develop fine dust from the grinding of wheels.
- The perimeter bunds and vegetation to the west and south of Transit Road provide effective wind breaks and wind screening.
- Effective water treatment of the sand is to be used to wet down and manage dust risk.

Dust Risk Assessment based on DEC/DER 2011

PART A Number	Item	Score	
		With no dust management in place	With effective management in place
1	Nuisance potential of the material	Medium to Low when trafficked and untreated (Score 4)	Very Low with effective wetting down of active areas and in wetter conditions (Score 1)
2	Topography and vegetation screening	Medium to well screened by distance and vegetation (Score 6 – 1)	Well screened by distance and vegetation (Score 1)
3	Area of site activities	Trafficked areas are 1 to 5 ha (Score 3)	Trafficked areas are 1 to 5 ha (Score 3)
4	Type of work being undertaken	Bulk earthworks (Score 6)	Bulk earthworks (Score 6)
	Summer total without dust measures	21 - 14	11

PART B Number	Item	Score (With no dust management in place)			
		Excavation	Loading and stockpiling		
1	Distance to sensitive premises	100 - 500 metres (Score 12)	100 – 500 metres (Score 12)		
2	Effect of prevailing wind	Dwellings Isolated and partially affected by one wind direction (Score 6)	Dwellings Isolated and partially affected by one wind direction (Score 6)		
	Summer total without dust measures	Closest dwelling 18 Tourist facilities score (6) + (6) = 12	Closest dwelling18 Tourist facilities score (6) + (6) = 12		

Activity	Calculated Score	Allocated Risk of Dust
Land Clearing and excavation without dust suppression.	378 – 252 Tourist facilities 252 - 168	Classification 2 Low Risk, Negligible for tourist facilities and all but one dwelling.
	3	Dust management will be required for pit best practice and worker environment.
With dust suppression and in wetter months or with wetter soils	198 Tourist facilities 132	Classification 1 Negligible Risk, for all sensitive premises. No recommended actions or contingencies required. Dust management will be required for pit best practice and worker environment.

Dust mitigation measures are to be maintained on a regular basis and updated as necessary.

The management of environmental and occupational dust requires the same techniques and actions. If occupational dust is managed, then there will be minimal risk of dust impacting on the external or onsite environment.

Occupational Dust

Occupational dust associated with the quarrying processes falls under the *Mines Safety and Inspection Act 1994 and Regulations 1995* overseen by the Department of Mines and Petroleum.

The proponent will provide induction and protective equipment for all persons on site.

The DMP require personal dust monitoring to ensure dust levels comply with health risk guidelines.

The dust management procedures used on site comply with these guidelines.

There are a number of management actions that can be taken in quarries to minimise dust generation or travel and these will be used wherever possible. The general management actions are summarised below together with the potential dust issues that relate to this site. The actions will be used where applicable and as the opportunity presents to minimise dust on this site.

A water tanker or other means of water treatment will be available on site for watering the access road and internal work areas as necessary to minimise dust generation.

Dust could be a potential problem during summer months particularly on gravel access roads. The access roads and activity areas will be watered or treated as necessary to reduce the generation of dust in the drier months.

Existing Tree Belt - Buffers

Dust particles readily stopped by tree belts and distance, with which the site complies. Tree belts slow the wind and allow the dust to settle. See *Planning Guidelines Separating Agricultural and Residential Land Uses, Department of Natural Resources Queensland 1997 (Pages 65 – 111) and Department of Health WA, 2012, Guidelines for Separation of Agricultural and Residential Land Uses which uses the same criteria (Pages 112 – 118).*

The Queensland Guidelines predominantly relate to agricultural spray drift, but based on particle size also relate to dust.

The Guidelines provide for a buffer of 300 metres for open agricultural land, dropping down to 40 metres where an effective tree belt is in place. The Western Australian Department of Health also uses the same guidelines.

The nearby sensitive premises have over 300 metres buffer and comply with the Department of Health and Queensland guidelines.

All other areas comply with the Queensland Guidelines and the pit has been designed to provide dust protection by working behind the face.

If that area should become a problem it will only be worked during the wetter months.

Standard operational Dust Management Measures

The following dust mitigation measures will be used as applicable and wherever possible. The methods result in the excavation of the south western corner and the resource closest to Empire facilities only during wetter months.

No processing of the sand is proposed for this site.

DESIGN AND SITE

- 1. Minimising the amount of ground open.
- 2. Minimising the amount of ground being subject to traffic.
- 3. Locating access roads away from sensitive premises.
- Working areas of the pit close to residences in winter if dust lift off becomes significant in summer depending on the weather and wind.
- 5. Design of the pit to reduce wind speed and potential dust lift off.
- 6. Maintaining effective setbacks.
- 7. Constructing perimeter bunds to reduce wind speed.
- 8. Planting and/or maintaining tree buffers.
- 9. Providing wind break fencing generally and on top of bunds as required.
- Maintaining a secure, fenced site, to prevent illegal access.
- 11. Rehabilitate and stabilise all completed areas as soon as practicable.
- Clearing and replacing topsoil and overburden during wetter times; April to October.

OPERATIONS

- 13. Locate active areas away from windy locations.
- 14. Locate active areas away from sensitive premises.

- 15. Working on the floor of the pit.
- 16. Operate some parts of the pit only when conditions are suitable.
- 17. Locating mobile plant and stockpiles in sheltered areas.
- 18. Design staging to minimise dust risk.
- Conduct higher dust risk operations such as topsoil clearing and placement during more favourable conditions.
- 20. Shut down equipment that is not required.

ACCESS AND HARDSTAND

- Constructing the access roads from hard materials that resist dust generation.
- 22. Maintaining a water truck on site for road and other wetting down.
- Using a sealant such as a polymer, chemical or emulsified oil or bitumen on the access road to reduce water use.
- 24. Using sprinklers and water canon on roads, traffic areas and stockpiles.

PROCESSING – (Not currently proposed, a mobile screening plant may be required in the future to produce specialty types of sand such as concrete sand).

- 25. Applying water sprays and additives if screening is used.
- 26. Providing screening and shielding of mobile plant.
- 27. Use and maintain filters on all plant as applicable.
- 28. Ensure regular appropriate emptying of any filter collection devices.
- 29. Face hoppers, conveyors and other facilities away from prevailing winds.
- Maintain reduced pressure in plant, hoppers and bins to prevent loss of dusty air if an enclosed screening plant is used.

STOCKPILES - (Stockpiles will not be required unless the sand is screened).

- 31. Minimise the number of stockpiles.
- 32. Maintain stockpiles in sheltered areas.
- 33. Reduce the elevation of stockpiles.
- 34. Limit the drop height to stockpiles and loading.
- 35. Locate finer products inside or screened by stockpiles of coarse materials.
- 36. Locate stockpiles away from sensitive premises.

TRANSPORT

- 37. Cover all loads.
- Ensure all trucks are dust free and not carrying pebbles and other materials outside the tray.
- 39. Choose the best transport routes.
- 40. Wet down or sweep the cross over and access roads.

HEALTH AND COMMUNITY

- Maintain air conditioned cabins on all vehicles.
- 42. Provide a readily auditable trigger of no visible dust to cross the property boundary in line with DER Licence and best practice in WA.
- 43. Provide a comprehensive visual monitoring program.
- 44. Conduct effective site induction and awareness training for all staff.

- 45. Training should include observation and mitigation where possible of all dust emissions.
- 46. Providing a complaints investigation, mitigation and recording procedure.
- Liaising with the owners/operators of the two nearby sensitive premises.
- 48. Ceasing operations when conditions are not favourable or when visible dust is crossing the boundary.
- 49. Obtain the latest weather conditions to increase the awareness of dust risk.
- 50. Cease operations during adverse weather conditions.
- 51. Operate during wetter months or when the soils are moist.

Normally the stripping or re-instatement of overburden and topsoil and their subsequent use in rehabilitation will be undertaken during the wetter months if possible.

Completed sections of the quarry are to be stabilised and not subject to traffic as soon as practical to reduce the area of open ground and help reduce wind speed.

In the event of dust management not being able to be achieved, and to minimise impact on adjoining land holders, the dust generating activities will be stopped until conditions improve, to minimise impact on adjoining land holders.

A record of all dust complaints is retained together with the mitigation measures used to reduce the dust impacts.

Dust Risk Analysis.

Note as the pit may be operated under contract any operator will be required to comply with the dust management commitments and measures listed below and above to minimise dust risk.

ACTIVITY	POSSIBLE RISK SEVERITY and FREQUENCY	IDEAL OPERATIONAL PROCEDURES	COMMITMENTS ON ACTIVITIES CONDUCTED ON SITE	RISK AFTER MANAGEMENT
GENERAL				
Legislation		 Comply with the provisions of the Mines Safety and Inspection Act 1994 and Regulations 1995. 	 The operator will comply with the Act and Regulations and the Ministerial and other Conditions imposed. 	
Buffers		 Maintain adequate buffers to sensitive premises. 	 The main dust risk is from the movement of traffic and movement of topsoil. Sand at depth stays moist into summer unless exposed to the sun. The buffer distances are consistent with those permitted in other locations which are conducted without impacts on dwellings. See 5.1 Surrounding Landuses and Buffers and comply with the EPA Generic 	

			Guidelines and the City of Busselton City of Busselton Policy 5A – Rural Areas land Use and Development Policy. Setbacks from adjoining properties and buffers as well as working below natural ground level will minimise dust impact. Working areas of the pit close to residences in winter if dust lift off becomes significant in summer depending on the weather and wind. Vegetated buffers will help reduce the speed of the winds entering the pit area and acts as a filter for airborne dust particles. Dust particles fall out from the air as the wind speed drops on
			travelling through perimeter vegetation.
Landform		 Locate activities behind natural barriers, landform and vegetation. 	
Landform		Work below natural ground level.	This will be used
		Push overburden and interburden dumps into positions where they can form screening barriers.	This will be used where required
Staging		 Design operational procedures and staging, to maximise the separation to sensitive premises. 	The staging is designed to allow the loader to operate behind the active face and perimeter bunding.
MANAGEME	NT		, , , , , , , , , , , , , , , , , , ,
Occupation	i i	 Provide air conditioned closed cabins on plant 	These will be used on site for operational mobile plant.
Monitoring		 Provide monitoring and supervision of the processing and other practices on site. 	A visual monitoring system is proposed, see below "Trigger Conditions".
Trigger conditions		Trigger conditions are used to determine when additional dust management is required.	 Most dust generated from excavation, land clearing, processing and transport has a very large visible component. The trigger for dust management is to be the generation of visual dust. When excessive dust is noted dust management measures will be implemented to treat the dust or manage the situation.

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			A water truck or other dust treatment facilities will be available when required.
weather	Moderate to high - Can occur on summer mornings	When winds are sufficiently strong, or other weather conditions are unacceptable, to negate the effects of dust management, operations will cease until conditions improve and compliance can be achieved.	These adverse conditions are more likely to occur on summer mornings. In winter stronger winds are normally associated with rain and therefore carry a reduced dust risk. This policy is used to minimise impact on adjoining land holders.
failure	Low - Uncommon	 In the event of dust management not being able to be achieved through equipment failure operations will cease until full capability is restored. 	This is committed to. Low
1	Low - Occasional; about once per hour	 Work on the floor of the pit. Loading is low impact with a loader and truck. 	Loading is low impact with a loader and truck.
	Moderate - Occasional; about once per hour	Cover or wet down loads.	 Transport is via road trucks. The sand loads are proposed to be covered. Vidler and Caves Roads are sealed. The access road will be watered or treated as required year to reduce dust generation.
Complaints		 Provide a complaints recording, investigation, action and reporting procedure. 	This is committed to
EARTHWORK Land Clearing	1	Schedule activities such as vegetation removal or topsoil stripping at times when the materials are less likely to blow or during suitable wind conditions.	Normally the stripping of overburden and topsoil and their subsequent use in rehabilitation is undertaken in the drier months but when the soils are still moist enough to suppress dust but not wet. Completed sections of the quarry are to be progressively rehabilitated as soon as practicable. The excavation will be staged to ensure that the portion of the pit closest to Empire facilities will be excavated in winter between 9.00
Land restoration	Low	Schedule activities such as ripping,	am and 4.00 pm. See Land Clearing above. Low

Once per year.	overburden and topsoil spreading on exposed ridgelines at times when the materials are less likely to blow or	
	during suitable wind conditions.	

Dust Management - Applicable Legislation / Policies

- Guidance for the Assessment of Environmental Factors, EPA, March 2000.
- Land development sites and impacts on air quality, DEP, 1996.
- Department of Environmental Protection Guidelines, November 1996 and DEC 2008, A guideline for the development and implementation of a dust management plan

Commitments to Dust Management

 The proponent or contractor will take the necessary steps to manage and contain dust by implementing and maintaining the Dust Management Plan.

5.5 Water Quality Management

5.5.1 Water Policies

The operations lie within small catchments that arise locally at the eastern edge of the Cape Naturaliste Peninsula.

It lies within the Busselton – Capel Groundwater Area, Cape to Cape North Subarea although there is no proclaimed groundwater area or management zone across the subject land. (Department of Water, 2009, Busselton – Capel Groundwater Area)

The Department of Water WQPN 15, Water Quality Protection Note "Extractive Industries near sensitive water resources 2009, provides guidelines for quarries within catchments.

All operations on site are designed to comply with the DOW - DMP Water Quality Protection Guidelines for Mining and Mineral Processing and are all complied with

- Overview
- · Minesite water quality monitoring
- Minesite stormwater
- WQPN 28 Mechanical servicing and workshop (2006)
- Mine dewatering
- WQPN Landuse Compatibility in Public Drinking Water Source Areas (2004)
- WQPN 15 Extractive Industries near sensitive water resources. (Not strictly relevant to the site but the methodology is useful).

Guidance on the quality of water can also be found in;

 Western Australian Water Quality Guidelines for Fresh and Marine Waters, EPA Bulletin 711, 1993.

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ANZECC, 1992, Australian Water Quality Guidelines for Fresh and Marine Waters.

A number of documents provide guidance on the management and disposal of surface water that can lead to waterways, wetlands and underground water systems. These mainly apply to urban development but the methods are also applicable to the quarrying industry.

- Engineers Australia 2003, Australian Runoff Quality, National Committee on Water Engineering.
- Stormwater Management Manual for Western Australia, Department of Environment WA, 2004.
- Guidelines for Groundwater Protection in Australia, ARMCANZ, ANZECC, September 1995.

5.5.2 Site Description

The site and operations are described in other sections of this management plan and are summarised here.

The water table is not exposed on the sand areas on site.

The dam on site to the east of Empire Retreat is located on regolith developed on granite basement and is perched above the regional water table.

The sand resource is elevated and lies in a swale with floor elevations of 90 plus metres. The sand is deep and appears to be a valley fill deposit filling an ancient valley in the pre-existing basement regolith.

In Department of Water, 2009, Busselton – Capel Groundwater Area it is not clear whether there is groundwater under the site. In some locations superficial groundwater occurs sitting on the basement regolith, but where that basement is sloping and draining the water table is thin or not present through drainage.

The water table is not exposed on site, and was not intersected in a Bore Hole (NW10) on Lot 8 to the north where the water table was deeper than 27 metres from a land surface of 890 metres AHD. The bore is used for the City of Busselton Landfill Operations on Lot 8.

The centre of Lot 61 has the same elevation which will make the water table deeper than 63 metres AHD. (See Geological Survey of Western Australia, 1:50 000 Environmental Geology Series Yallingup).

This means that the separation to the water table is well over 10 metres which complies with all Department of Water Policies.

The site is not subject to any watercourses or flood paths.

In winter precipitation enters the soil and drains to the water table, which appears to drain to the north although the basement geology and form make this interpretation a little uncertain. Under the sand resource it is possible groundwater flow is south west.

As the sand is so porous there will be no surface water left on the ground during excavation.

Activities with a higher risk of spills such as maintenance or refuelling will be conducted in dedicated areas on the natural land surface with a separation to the seasonal water table of 3 metres.

Considering the nature of the operation, and the underlying geology, excavation will not lead to alteration of the groundwater systems in the area. The extraction of sand is regarded as one of the least polluting activities carried out within water source protection areas. The City of Busselton Landfill is located only 500 metres north from the edge of the proposed sand excavation.

The extraction of sand is a chemically free operation with the only liquids used being lubricants for machinery.

5.5.3 Recharge

There is no surface runoff of water from the sand due to the porosity and permeability of the sand, with precipitation draining to the water table. It has been estimated that perhaps 20% of the rainfall will reach the water table from under the existing pasture, based on the generally cleared nature of the sand and depth of the water table.

5.5.4 Salinity

Like all areas in the Cape Naturaliste Peninsula there are no salinity issues. The rainfall is high and consistent, flushing any salt from the system. The soils and water tables are fresh.

5.5.5 Acid Sulfate

There has been an increased interest in acid sulfate soils since the release of WAPC Planning Bulletin 64.

However the interest has been over-reactive, with assessments sought and risk applied in many areas where there is no geological risk or evidence of acid sulfate potential or actual conditions.

ON this site the WAPC mapping shows the sand extraction area as being the lowest risk category "Low to no risk of AASS and PASS occurring generally at depths of >3m".

The most definitive survey procedure was produced by the Acid Sulfate Soil Management Advisory Committee NSW, 1998, in their Acid Sulfate Manual. This Manual forms the basis for much of the assessment procedures in Australia, including those adopted by the Western Australian Planning Commission and the Department of Environment Regulation. The Acid Sulfate Manual adopts the procedure of reviewing the published data followed up by field assessment, which has been completed for this site. If a geological risk is determined, then a Preliminary Acid Sulfate Assessment is conducted.

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Acid sulfate only becomes a potential risk when a number of circumstances are present.

· There is rock, soil or regolith present that is carrying sulfides.

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- Sulfide carrying materials from below the water table are to be exposed to the atmosphere.
- Excavation below the water table is to be carried out exposing the sulfide carrying materials to oxygen in the atmosphere.
- Dewatering of the sulfide carrying materials is proposed, exposing them to oxygen.
- Regolith conditions are already highly acidic, below pH4, under which oxidation can occur through electron exchange without the need for the presence of oxygen.

None of these conditions occur on site based on geological mapping of the site during the site inspection, examination of the excavator hole data, examination of the pit and from published information, confirming the WAPC mapping.

On this site the geology of the sand does not contain disseminated sulfides.

5.5.6 Protection of Catchments

Lot 61 lies within the Busselton - Capel Groundwater Area, Cape to Cape North Subarea although there is no proclaimed groundwater area or management zone

In Department of Water WQPN 15, Water Quality Protection Note "Extractive Industries near sensitive water resources 2009, there are 62 recommended management of water procedures.

WQPN 15 applies to gravel, clays, hard rock and limestone. It generally permits extraction within 3 metres of the highest known water table in sands such as at Gnangara in the Priority 1 Groundwater Management Area. The site complies with the separation.

For quarries in the south west the Department of Water South West Region Guidelines Water Resource Considerations for Extractive Industries which is the most appropriate guideline for sand pit such as this in a rural area that will be used for agricultural purposes on completion of quarrying. The guideline enables the sand to be cut lower to improve the pasture quality and agricultural capability.

The proposed excavation of sand from the site complies with the DOW guidelines and uses the management actions wherever there is environmental benefit.

The protection of surface and ground water from contamination by hydrocarbons is viewed as a critically important issue in managing its environmental responsibilities at this site. The risks have been examined and the management of sand excavation designed to minimise or mitigate any risks to prevent the impact of hydrocarbon spills on the environment.

There are no surface water flows on the excavation area with the main risk to deeper groundwater.

No chemicals are to be used apart from normal lubricants, which is similar the same as sand excavation is one of the few industries that are permitted to operate in a Priority 1 Public Drinking Water Source Area, indicating the clean nature of the activity. See Department of Water Land Use Compatibility in Public Drinking Water.

The depth to groundwater is greater than 10 metres from the base of the pit which is much greater than the guideline of 2 to 3 metre separation.

5.5.7 Fuel Management

Fuel management will be little different to that used on all rural farming properties, mines or other sand quarries.

Fuel will be brought to site by mobile tanker, as is commonly used on many farming properties.

Refuelling will be conducted in dedicated areas on the floor of the pit which has a separation to the water table is well over 10 metres which complies with all Department of Water Policies.

All refueling and spills are to be cleaned up in accordance with the summarised procedures following.

Documents specific to fuel and maintenance are the DOW – DMP Water Quality Protection Guidelines for Mining and Mineral Processing

- Mechanical servicing and workshop facilities
- Above-ground fuel and chemical storage

All spills are to be cleaned up in accordance with the summarised procedures following.

Documents specific to the fuel and maintenance are the DOW – DMP Water Quality Protection Guidelines for Mining and Mineral Processing

- · Mechanical servicing and workshop facilities
- Above-ground fuel and chemical storage
- WQPN 28 Mechanical servicing and workshop (2006)
- WQPN 15 Extractive Industries near sensitive water resources.

A list of the management actions for maintenance is provided. The actions will be used where applicable and as the opportunity presents to maintain water quality on this site.

- Fuel and maintenance will be carried out in accordance with the DER DMP Water Quality Protection Guidelines for Mining and Mineral Processing, Mechanical servicing and workshop facilities and Above-ground fuel and chemical storage.
- Sands such as those on this site are adsorptive. The main risk of contamination is the minor drips that occur during the removal of hoses etc. Minor spills are quickly degraded by soil microbial matter.
- Refuelling and lubricating activities are to occur on natural land surface over 10 metres above the water table, and equipment for the containment and cleanup of spills is to be provided.
- Spillage will be contained in plant and working areas by shutting down plant or equipment if the plant or equipment is the source of the spill (provided it is safe to do so).
- All significant adverse incidents (such as a fuel spill of >5 litres in one dump), are to be recorded, investigated and remediated. A record is to be kept of incidents, and DER, DOW and Shire of Capel notified within 24 hours of an incident.
- In the event of a spill or adverse incident, activities will be stopped in that area until the incident is resolved.
- 7. Any spills will be contained by the excavation. Soil and resource will quickly be placed around the spill to contain it in as small an area as possible. When contained, the contaminated sand will be scooped up and removed to an approved landfill or other approved site.

5.5.8 Servicing and Maintenance

Extraction of sand is a clean operation similar to sand excavation in the nature of the risk to groundwater. No chemicals are used apart from normal lubricants. Sand excavation is one of the few industries that are permitted to operate in a Priority 1 Public Drinking Water Source Area, indicating the clean nature of the activity. See Department of Water Land Use Compatibility in Public Drinking Water Source Areas. Those areas being more sensitive require either 2 or 3 metre buffer to the drinking water.

In the case of the proposed operation, the perched seasonal water table does not require this separation as the land is rural and used for grazing.

All spills are to be cleaned up in accordance with the summarised procedures following.

Documents specific to the fuel and maintenance are the DER - DMP Water Quality Protection Guidelines for Mining and Mineral Processing

- 1. Mechanical servicing and workshop facilities
- 2. Above-ground fuel and chemical storage

The following actions will be used where applicable and as the opportunity presents to maintain water quality on this site.

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- 1. All major servicing of vehicles will be conducted off site. Minor servicing will be conducted in dedicated areas in the base of the pit with a separation to the water table of over 10 metres.
- 2. Waste oil and other fluids derived from the routine maintenance of mobile machinery will be transported off site and disposed of at an approved landfill site. Grease canisters, fuel filters, oil filters and top-up soils will be stored inappropriate containers in a shed or brought to the site as required.
- Vehicle wash down is not proposed.
- Regular inspections and maintenance of fuel, oil and hydraulic fluids in storages and lines will be carried out for wear or faults.
- 5. Servicing plant and equipment will be in accordance with a maintenance schedule.
- 6. Accidental spill containment and cleanup protocol will be implemented. This will normally take the form of scooping up the contaminated material and removing offsite to an approved waste facility.
- 7. Rubbish generated is to be recycled wherever possible and periodically disposed of at an approved landfill site.
- 8. The site will be maintained in a tidy manner by removing all rubbish regularly offsite.

Water Management - Applicable Legislation / Policies

DEC - DMP Water Quality Protection Guidelines for Mining and Mineral Processing

- Overview
- Minesite water quality monitoring
- Minesite stormwater
- Mechanical servicing and workshop facilities
- Mine dewatering

Commitments to Water Management

- The proponent will adhere to a site code outlining requirements for operators and drivers.
- The proponent will maintain the water quality protection measures listed above

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5.6 Dieback Disease

Dieback of vegetation is often attributed to *Phytophthora cinamomi* even though there are other *Phytophthora* species and other diseases such as *Armillaria* that can cause dieback like symptoms. Microscopic soil-borne fungi of the genus *Phytophthora* kill a wide range of native plants and can cause severe damage to many vegetation types, particularly those from the families Proteaceae, Epacridaceae, Xanthorrhoeaceae and Myrtaceae.

In most cases dieback is caused by a pathogen which infests the plant and causes it to lose vigour, with leaves dying, and overtime may kill the plant. As such the management of Dieback is essentially related to plant hygiene when coming onto a site and within a site.

There are several guides to the management of Dieback.

- Department of Environment and Conservation CALM (DPAW) Dieback Hygiene Manual 1992 is a practical guide to Dieback management.
- Department of Environment and Conservation CALM (DPaW) Best Practice Guidelines for the Management of Phytophthora cinamomi, draft 2004.
- Dieback Working Group 2005, Management of Phytophthora Dieback in Extractive Industries.

The site has been part of a rural property for some decades and in more recent times used for grazing. Currently there are no local native species on the excavation area.

From this it would appear that the site is uninterpretable for dieback.

Dieback is only likely to be an issue when equipment is brought to the site from a dieback affected area either through vehicles or plant and soil materials. Therefore the following general principles are applied to Dieback management.

On this site, with cleared land, the potential dieback risk is minimal as no native vegetation will be disturbed.

The site has operated as a farming property in a similar manner in the past. No adverse dieback conditions appear to have been introduced into local adjoining vegetation.

The access roads will be hard gravel. Traffic will be restricted to the made access roads unless the traffic is associated with normal farming activities.

However as a matter of good environmental management practices that will minimise the introduction of weeds or plant pathogens will be incorporated into the normal farm management.

The aim of dieback management during excavation is to minimise the risk of entry of dieback into the site. In many ways the management of the site for dieback is similar to that for the management of weeds, and the two management practices should be considered together.

The other management is to ensure that all excavation equipment and road transport vehicles are clean and free from soil and vegetable matter prior to entering the operations. The loader to be used on site will generally remain on site. If taken offsite it will be cleaned by washing or brushing prior to returning to site.

On this site road vehicles are restricted to the access road and loading area. Quarry traffic is restricted to the excavation, processing areas and access roads. The only time they travel anywhere else is to annually clear the firebreak.

Effectively the operation is a quarantine and split operation.

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Only the loader on site will be used during topsoil clearing and land reinstatement.

No soil and vegetation is to be brought to the site apart from that to be used in rehabilitation.

Essential Points in Dieback Management;

- 1. Maintain quarantine of the vegetated areas from quarry vehicles. This will occur through instructions to drivers and operators and temporary fencing, signage and flagging, combined with a policy of no vehicles associated with excavation or transport of sand will normally be permitted outside the pit footprint.
- 2. The rehabilitated surface will be free draining and not contain wet or waterlogged conditions.
- No plant, soil, weed, rubbish or other materials will be brought to the site apart 3. from that used for rehabilitation.
- Materials to be used in rehabilitation will be dieback free. 4
- 5. No contaminated or suspect soil or plant material will be brought onto the site.
- 6. If vehicles and earth moving equipment are brought to the site they are to be cleaned prior to entering the site if they originate from a dieback affected area.
- 7. Compliance with the weed management program.

Dieback - Applicable Legislation / Policies

- DEC (CALM) Dieback Hygiene Manual 1992.
- DEC (CALM) Best Practice Guidelines for the Management of Phytophthora cinamomi, draft 2004
- Dieback Working Group 2005, Management of Phytophthora Dieback in Extractive Industries

Commitments to Dieback Management

The proponent will not impact on the adjoining remnant vegetation by the proposed

excavation.

The proponent will maintain a Dieback Management Policy.

5.7 Weed Management

This plan utilises the most appropriate on ground measures to minimise the risk of spread of Declared and Environmental weeds. The information provided here summarises the key points of the on ground management.

Weed management is ongoing and will be integrated with normal farm weed management.

Currently the site is free from Declared and Environmental Weeds.

Management will consist of;

- The Dieback Management Actions will also be used to assist weed management.
- Inspections will be conducted to monitor the presence and introduction of Environmental and Declared Weeds on an annual or more frequent basis. On identification, Declared and significant environmental weeds will either be removed, buried, or sprayed with a herbicide.
- In autumn the rehabilitated areas will be monitored and a spraying program implemented for the rehabilitated surface prior to additional seeding and planting.
- Large plants will be grubbed out or spot sprayed with a herbicide. Smaller weeds will be sprayed.
- Weed affected top soils may need to be taken offsite, used in weed affected areas, buried by 500 mm soil/overburden or taken offsite.
- Site inspections will be carried out at least twice per year in spring and autumn, at times suitable for weed treatment.
- 7. Inspections will be conducted to monitor the presence and introduction of Environmental and Declared Weeds on an annual or more frequent basis as part of normal farm management. On identification, Declared and significant environmental weeds will either be removed, buried, or sprayed with a herbicide.
- All vehicles and equipment to be used during land clearing or land reinstatement, are to be clean and free from soil or plant material when arriving at site.
- Vegetated areas to the west of the sand resource are to be quarantined to excavation vehicles until required.

- 10. When clearing land or firebreaks vehicles are to work in conjunction with dieback principles and push from areas of better vegetation towards areas of lower quality vegetation.
- 11. No plant, soil or fill material will be brought to the site, unless for rehabilitation, and should be weed free or is clean and to be used for hardstand.
- 12. The site is to be secured by locked gates to prevent illegal dumping of rubbish.
- 13. Rubbish is to be removed promptly.
- Significant, Declared or environmental weeds are treated promptly no matter how few there are.
- 15. Normally weed control works from the least weed affected areas to the most weed affected, which therefore gives a smaller area to treat with spray or earthworks.
- 16. Weed affected soils are not to be used for rehabilitation unless control measures are in place.

Weed - Applicable Legislation / Policies

Agriculture and Related Resources Protection Act 1976.

Commitments to Weed Management

 The proponent will comply with the weed policy to control the spread of Declared, Environmental or other weeds to the site.

5.8 Fire Protection

The sand pit will form a natural fire break.

The water tanker or other dust management actions will be available when excavation is in progress in drier months, as part of the dust management program.

Normal rural requirements for fire protection will be maintained, such as the requirement for perimeter fire breaks requirements for fire protection facilities on farm vehicles, such as tanks, pumps and fire extinguishers.

Water from the dam on Lot 61 site will be available for fire fighting.

Fire Management - Applicable Legislation / Policies

- Bush Fires Act 1954.
- City of Busselton Bylaws

Commitments to Fire Management

- The proponent will ensure the quarry operates to the standards in the Mines Safety and Inspection Act 1994 and Regulations 1995.
- The proponent will ensure the quarry complies with the local fire safety requirements and operates in compliance with normal rural fire practise and restrictions and the Fire Management Plan.

5.9 Rehabilitation

Background

The site is to be returned to pasture.

The surface sands are more leached and do not hold water or significant amounts of nutrients.

By removing the upper more leached layers of sand the soils formed on the excavated floor will have higher clay and iron oxide content that will provide increased water and nutrient retention for crops.

The reconstructed soils will be used for continued agriculture and grazing of the property.

Completion Criteria

- A self-sustaining pasture on improved soils.
- Weed levels that are not likely to impact on the established pasture.
- Absence of Declared or environmental weeds.

Vegetation Clearing

- No clearing of native vegetation is required.
- 2. Pasture will be taken with the topsoil.

Topsoil and Overburden Removal

- Where possible topsoil and overburden will be directly transferred from an area being cleared to an area to be rehabilitated.
- Overburden, as subgrade sand, will be pushed to the perimeters of the excavation, to assist with visual and noise screening. From there it can be used for the rehabilitation process.

- Excavation will be worked progressively in the stages as shown on the attached plan.
- 4. Where possible topsoil clearing will be undertaken in wetter months.
- The stages in the south western corner and closer to Empire Retreat will be excavated in wetter months only to minimise the impacts on nearby premises.

Landform Reconstruction and Contouring

- All buildings, equipment and machinery will be removed from site.
- The final landform will be formed to the interim final concept plan.
- The land surface will be left as a flat to gently sloping floor with minimal need for batter slopes. Batter slopes of lower than 1: 6 vertical to horizontal will be provided for the floor with batter slopes to the surrounding soils at 1: 4 vertical to horizontal.
- The land surface will be formed to the requirements of the Mines Safety and Inspection Act 1994 and Regulations 1995 as a final land surface.
- The excavated floor will be deep ripped in two directions. The width between rip lines will be 1 metre intervals.
- A minimum of 300 mm of overburden will be spread over the surface where available to provide a substrate for agricultural soils, followed by topsoil.

Pre-Planting/Seeding Weed Control

Pre-seeding weed control is only likely to be required where topsoils are used that contain weed species. As the current land use is pasture it is not anticipate that weed control will be other than normal agriculture practice.

If required, weed control will normally only be conducted after overburden and topsoil have been spread and any seeds have been allowed to germinate. Broadscale weed treatment can be detrimental to the germination and growth of some plant species but may be required if the weed load is to be reduced.

In April to May, after the first autumn rains, check for broadleaf weed germination.

 Any weeds likely to significantly impact on the rehabilitation will be sprayed with Roundup or similar agriculture herbicide or grubbed out, depending on the species involved. Weed affected topsoil and overburden will be buried. The Weed Management Plan will form the basis of weed treatment. Depending on the nature of the planting substrate, a broad spectrum spraying program may be used.

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Revegetation

Pasture

- The proponent, in conjunction with the landowner, will spread topsoil to 1. increase the total organic carbon fraction, improving soil properties such as resistance to water and wind erosion and moisture retention.
- 2. Topsoil provides a useful source of seed for rehabilitation when the correct handling of the topsoil is used, stripped and replaced dry (autumn direct return).
- However if sufficient seed is not available or does not germinate then 3. additional seed will be added. The establishment of pasture, including the selection of the pasture species is appended to this Management Plan. The documentation is produced by the Department of Agriculture and Food.
- 4. For pasture land in this situation it is essential that the species are matched to the soil types and rainfall. The location falls into the "High Rainfall Coastal" planting regime with sandy to loamy gravel soils. Suitable perennial legumes include Birdsfoot trefoil, Lucerne, Strawberry Clover, and Sulla. Perennial pasture includes Perennial Ryegrass, Phalaris, Cocksfoot, and Summer Active Tall Fescue, Kikuyu and Rhodes Grass. Annual pasture species include Italian Ryegrass, Serradella, subterranean clover.
- The actual species used will be determined by the individual season, nature of 5. the rainfall in the preceding months and stocking/hay production proposed by the landholder which may change from time to time.
- 6. Seeding rates are 2 - 5 kg/ha depending on the species used; for example Ryegrass is seeded at 3 kg/ha whereas Rhodes Grass is seeded at 4 kg/ha.
- 7. Studies have shown that topsoil stripping and placement is best undertaken in summer for maximum germination, but this raises the potential for additional dust generation from the fine humus particles.
- 8. Topsoil will be spread directly from an area being cleared where possible, otherwise reclaimed from a topsoil dump.
- 9. Revegetation will take place during the first winter months following the restoration earth works of each particular section of quarry. Leaving the completed earth works for one season will reduce the success of rehabilitation by at least 50 %, due to compaction effects.
- 10. Rehabilitation will progressively follow mining with completed areas of the excavation being revegetated as soon as practicable.
- Seed will be sown on reconstructed soils when the areas are available. This 11 will increase the productivity of the pasture.

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Native Vegetation on batter slopes

On batter and steeper slopes, shrubs and trees will be included with the pasture to better manage the soils as required.

These will be planted as tube plants, protected by rabbit guards as necessary and supplied with a fertiliser tablet at the time of planting.

The tube plants will be planted in June - September.

Species used will be local and may be varied from time to time.

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Suggested species include;

Acacia gilbertii Acacia myrtifolia Acacia saligna Agonis flexuosa Allocasuarina fraseriana Banksia attenuata Banksia grandis Calystachys lanceolata Corymbia (Eucalyptus) calophylla Eucalyptus cornuta Eucalyptus diveriscolor Eucalyptus megacarpa Eucalyptus patens Melaleuca incana Melaleuca thymoides Taxandria juniperina Taxandria parviceps Viminaria juncea

Fertiliser

- Fertiliser is not always required. If used, a fertiliser containing nitrogen, phosphorous and potassium, and trace elements, is recommended to be spread at rates of up to 100 kg/hectare similar to normal agricultural practice, applied to rehabilitation areas in the year of planting. Nitrogen can be provided by using leguminous seed in the seed mix or inoculating with nitrogen fixing microbial material.
- The amount of fertiliser applied will depend on the species used; for example when planting legumes nitrogen fertiliser is reduced or not used as it inhibits nitrifying bacteria. Also the amount of sulphur, phosphate and trace elements used depends on the species and residual amounts retained in the soil. As a guide 50 kg/ha of superphosphate is likely to be used to assist legume and grass based pasture.

Further investigation will be needed to determine suitable rates and the timing
of fertilisation. It may be possible to integrate seed dispersal and fertilisation
into a single pass. The fertiliser will need to supply macro-nutrients,
phosphorus, nitrogen and potassium, and other micro-nutrients.

Irrigation

- Experience on local pasture and revegetation has shown that when completed well there is no need for irrigation of the rehabilitation.
- The reconstructed soils are proposed to be irrigated by pivot to provide good growth into summer. The irrigated soils are proposed to be used for grazing, and irrigated cropping.

Erosion Control

- Soil erosion occurs when soil is exposed and disturbed by wind or water.
 Erosion involves soil particles being detached from areas not adequately
 protected by vegetation, and moved down-slope. Water erosion is not normally
 a significant problem on flat or gently sloping sandy sites such as this, but wind
 erosion risk is high if the soils are not protected.
- The key is to provide a plant cover progressively and as soon as possible after the completion of each stage of sand excavation.
- Where sufficient pasture cannot be achieved and the soil/sand becomes susceptible to wind erosion, temporary wind breaks such as wind break fencing will be considered to stabilse the soils until a satisfactory vegetation cover can be achieved.
- Seeding will be completed in late summer for winter germinating species. There
 may also be a place for summer growing perennial species such as Rhodes
 Grass
- The soils are very permeable and runoff is normally minimal unless surface materials become non-wetting. Even so experience shows that there is minimal non wetting and surface particle movement under such conditions.
- For rehabilitation areas, revegetation will take place as soon as possible following landform and soil reconstruction.

Monitoring

- During late summer an assessment of the success of the rehabilitation will be made to determine the rehabilitation requirements for the following winter.
- Monitoring includes visual assessments and, where necessary, counts to determine the success of the rehabilitation and restoration, as follows;

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- · plant density
- · plant growth
- · plant deaths
- regeneration
- weed infestation
- As necessary steps will be taken to correct any deficiencies in the vegetation.
- Rehabilitation of each stage will be monitored to ensure satisfactory establishment of pasture.
- In conjunction with the landholder, provide ongoing weed management to identify and treat significant environmental weeds or weeds likely to impact on the rehabilitation.
- In areas of rehabilitation that do not meet the completion criteria, measures are to be taken to increase the stem density to achieve the completion criteria.
- As the end use will be irrigated pasture normal farm management will be used to rectify any short coming in the pasture growth.
- 8. This could include but not be limited to;
 - · additional seeding,
 - · planting additional tube plants,
 - · additional use of fresh topsoil.

Revegetation - Applicable Legislation / Policies

Agriculture and Related Resources Protection Act 1976.

Commitments to Revegetation Management

- · The proponent will provide rehabilitation as outlined above.
- The weed policy relating to general weeds and pasture species will be practised.

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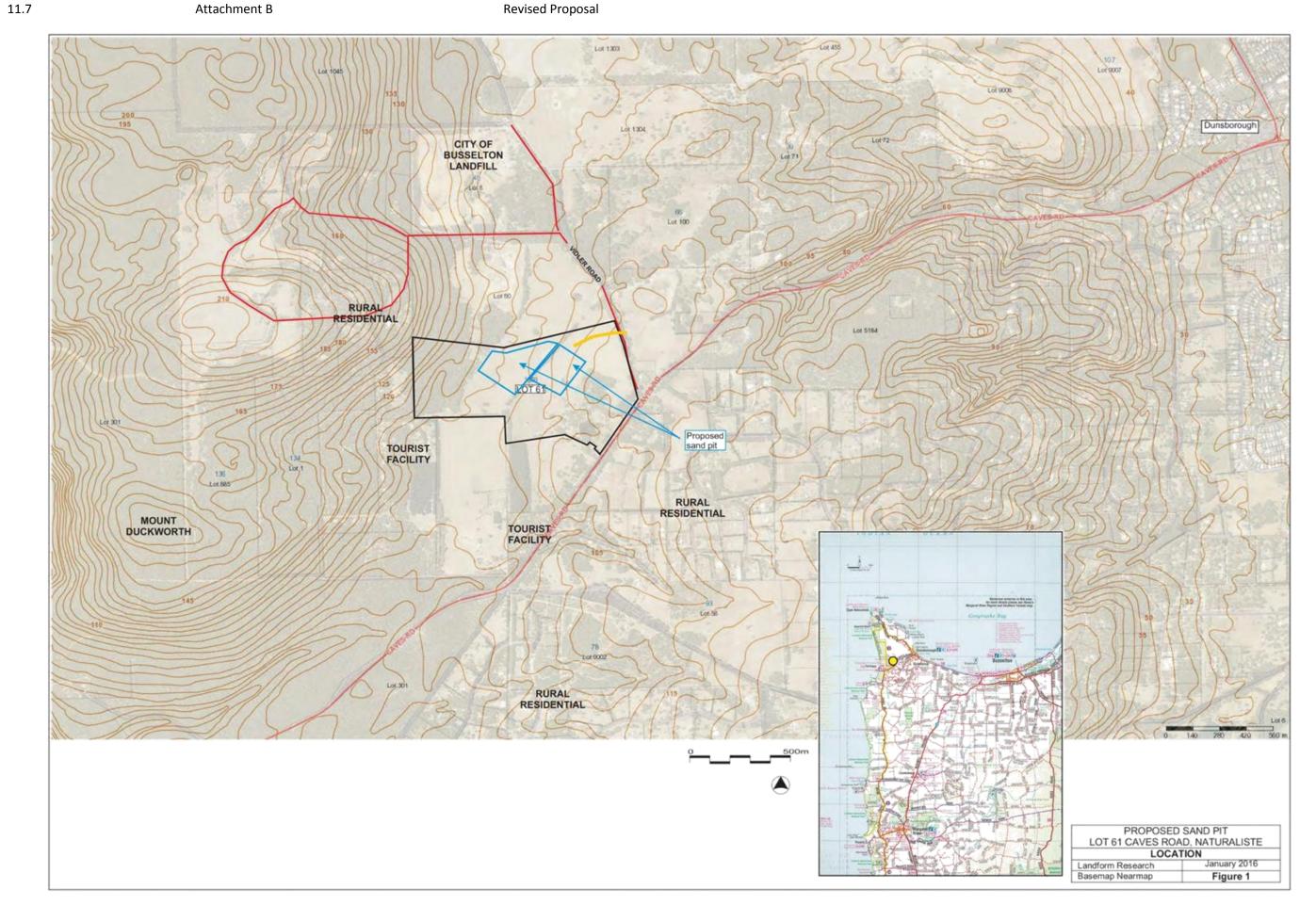
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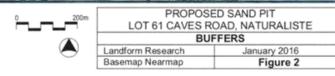
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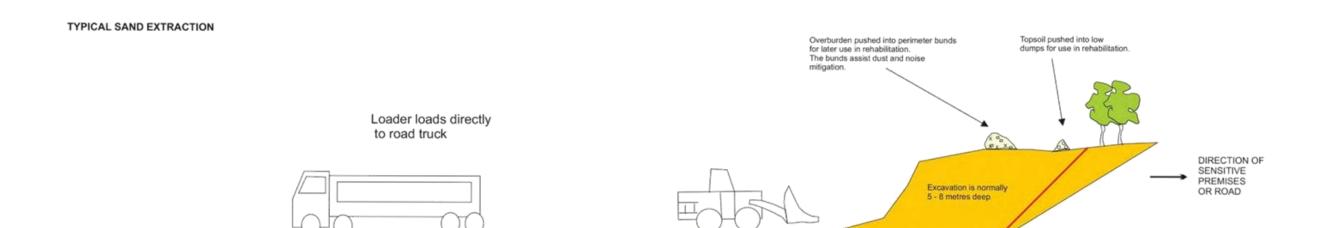
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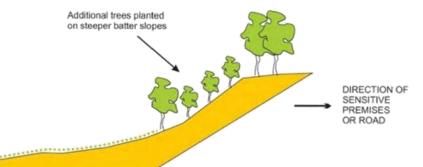
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PROPOSED REHABILITATION AND REVEGETATION

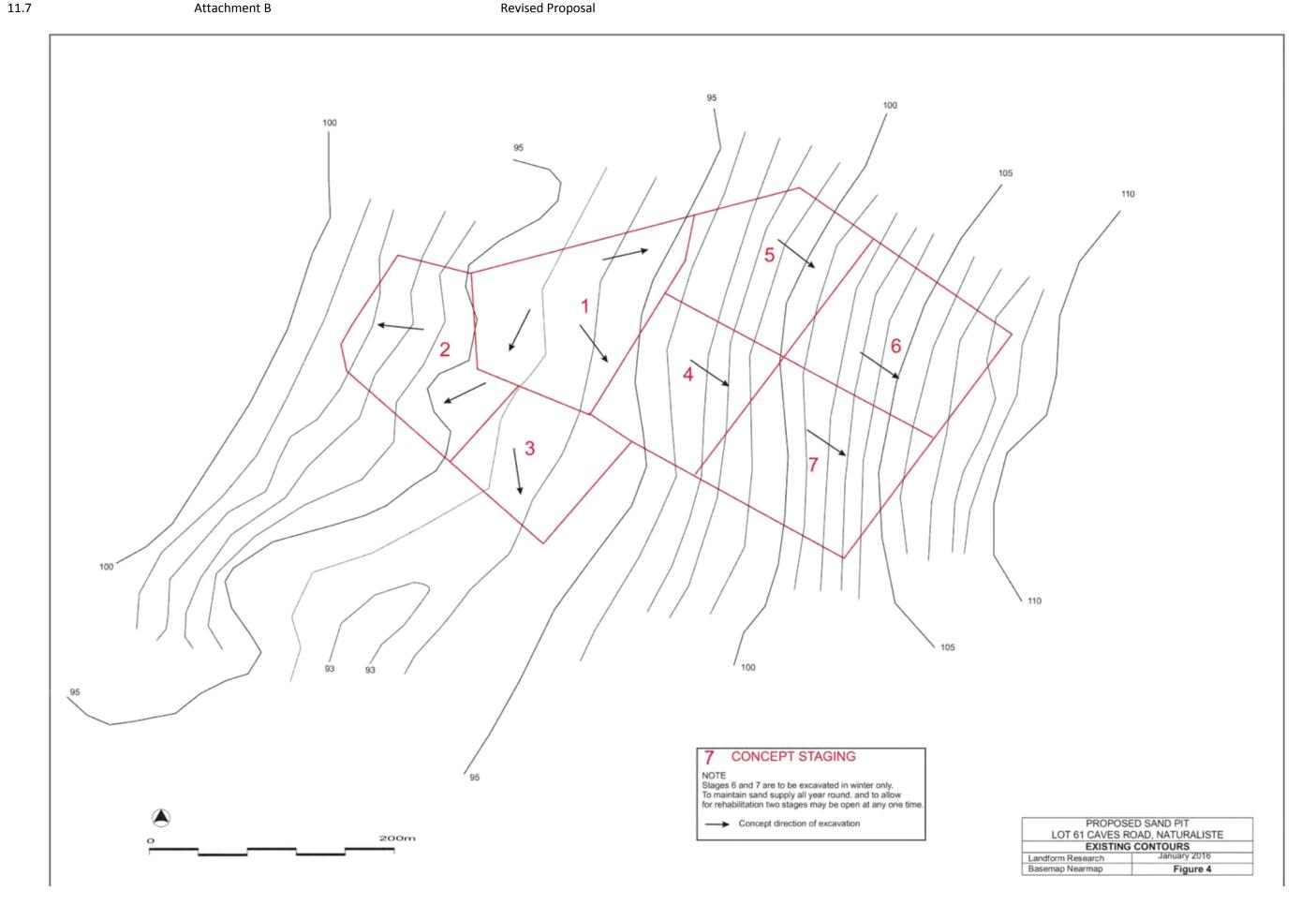




Road Truck

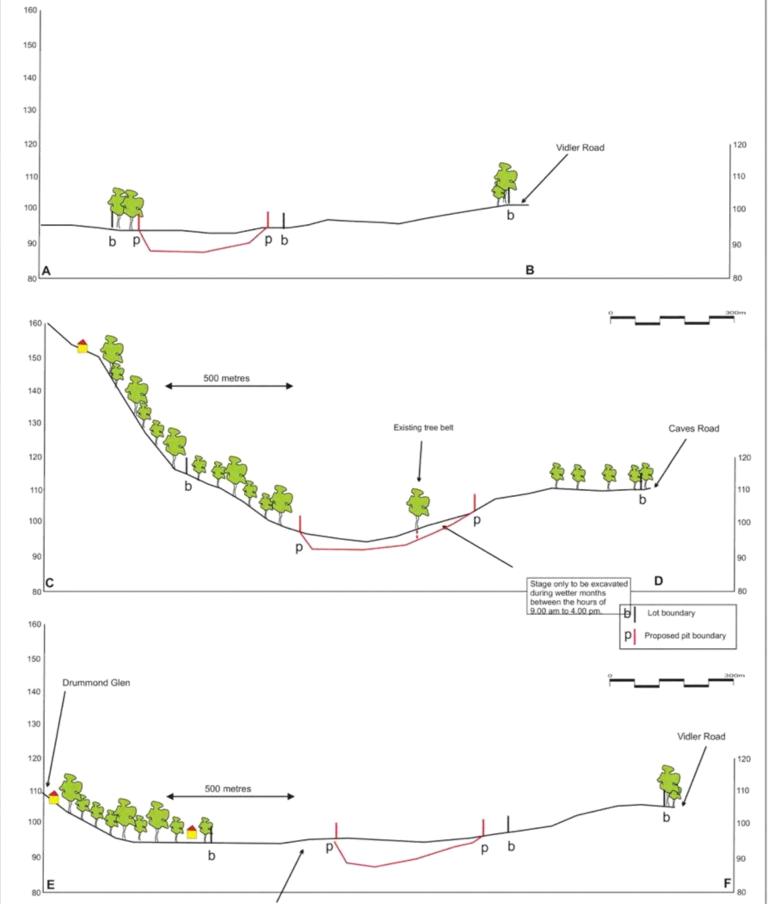


	SED SAND PIT		
LOT 61 CAVES ROAD, NATURALISTE			
EXCAVA	TION METHODS		
Landform Research October 2014			
Basemap Nearmap Figure 3			





11.7 Attachment B **Revised Proposal**









Views towards the south west (to point C) from the resource. The tourist facility is not visible.

PROPOSED SAND PIT LOT 61 CAVES ROAD, NATURALISTE		
SECT	ION LINES	
Landform Research	January 2016	
Basemap Nearmap	Figure 6	





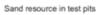
View towards point E to the west













Sand resource in test pits



Sand resource in test pits

LOT 61 CAVES	SED SAND PIT ROAD, NATURALISTE	
RESOURCE PHOTOGRAPHS		
Landform Research October 2014		
Basemap Nearmap Figure 7		

11.7 Attachment B







Perimeter vegetation along Vidler Road



27 July 2016

Perimeter vegetation along Vidler Road



Existing access point to be used



Sightline from the entrance, east to Caves Road



Sightline from the entrance to the west

	SED SAND PIT ROAD, NATURALIST
ACCESS	PHOTOGRAPHS
Landform Research	October 2014
Basemap Nearmap	Figure 8



Original Extraction Area Proposal



Revised Extraction Area Proposal

Schedule of Submissions

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Submiss ion. No	ADDRESS	NAME	Nature of Submission	Officer Comment			
GOVERN	OVERNMENT SUBMISSIONS						
1		Main Roads Western Australia	Main Roads referral response to the original proposal requested that a condition of approval should be applied for upgrades to be made to the intersection of Vidler and Caves Roads, including right turn widening. As a result of a revised proposal that reduces peak truck movement numbers and with recent improvements made to the Vidler Road intersection with Caves Road, Main Roads has revised their comments to advise that they have no objection to the proposal and that the intersection upgrades recently undertaken by Main Roads are sufficient to cater for the proposal without any further works being necessary.				
2		Department of Parks and Wildlife	which are subject to the DPaW "Land for Wildlife" program, which aims to encourage landholders to conserve nature and wildlife on properties. DPaW note that the proposed extractive industry site is generally cleared of native	Officer report has made comment regarding the compliance of the proposal with the Leeuwin Naturaliste Ridge Statement of Planning Policy. Recommended conditions in the officer report address the gradient of finished contours and slopes.			

3	Department of	The Department of Water (DoW) recommends that any	Noted. Conditions have been included in the officer
	Water	approval for the proposed extractive industry should include the following conditions:	recommendation to address the issues raised by Dept of Water.
		 the extractive industry will not intercept the water table; 	
		 there will be no dewatering of the extraction area permitted; and 	
		 no standing water will occur at the end of mining / post rehabilitation. 	
		To protect water resources against potential contamination, the following specific conditions are also recommended to be applied:	
		 there will be no additional storage of hydrocarbons on-site, on-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment; a no major repairs or maintenance will take place on site. 	

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Schedule of Submissions

4	Department of Environment Regulation (DER)		
5	Department of Mines and Petroleum	No specific comments regarding this proposal, however, advise that sand is a scarce and important resource in the South West region and that supplies of it are needed for affordable development and infrastructure projects. It has also been requested that the City notify the Geological Survey of Western Australia of all extractive industry applications to assist/contribute towards their database.	The applicant has applied for DER approval and if DER approval is obtained would be required to comply with its conditional requirements.
6	Water Corporation	Raises no concerns with the application.	Noted.
7	Western Power	Western Power does not have any specific comments at this time to the above proposal.	Noted.

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8 - 33 26 submissions from surrounding landowners raising a variety of concerns • Traffic impacts and management, including conflicts with school buses. • Environmental impacts • Noise • Dust • Noise • Dust • Visual landscape impact • Incompatibility with surrounding residential and tourist landuses • Operating times • Previous decisions of Council Dust, noise and environmental impacts submitted, approved and implemented. It should be noted that the revised proposal that has been submitted by the applicant for consideration It is considered that the proposal can comply with the Leeuwin Naturaliste Statement of Planning Policy which relates to protection of visual landscape amenity in the area. Permitted hours of operation can be prescribed by conditions of approval. Past decision of Council in regard to extractive industry applications for the subject property will be a matter for	PUBLIC	CSUBMISSIONS		
Previous decisions of Council numbers of truck movements. Traffic management requirements include prevention of conflict with school bus operating times. Dust, noise and environmental impacts such as preventing the spread of dieback can be addressed by recommended conditions requiring management plans to addressing these issues to be submitted, approved and implemented. It should be noted that the revised proposal that has been submitted by the applicant for consideration It is considered that the proposal can comply with the Leeuwin Naturaliste Statement of Planning Policy which relates to protection of visual landscape amenity in the area. Permitted hours of operation can be prescribed by conditions of approval. Past decision of Council in regard to extractive industry		26 submissions from surrounding landowners raising a variety	 Traffic impacts and management, including conflicts with school buses. Environmental impacts Noise Dust Visual landscape impact Incompatibility with surrounding residential and 	Main Roads WA for comment prior to an officer recommendation being developed. Subsequent to the original proposal the applicant has submitted a revised application which reduces both the total volume of material to be extracted and has committed to not entering into any large contracts requiring a significant volume of materials to be extracted within a short time period,
Naturaliste Statement of Planning Policy which relates to protection of visual landscape amenity in the area. Permitted hours of operation can be prescribed by conditions of approval. Past decision of Council in regard to extractive industry			Operating times	numbers of truck movements. Traffic management requirements include prevention of conflict with school bus operating times. Dust, noise and environmental impacts such as preventing the spread of dieback can be addressed by recommended conditions requiring management plans to addressing these issues to be submitted, approved and implemented. It should be noted that the revised proposal that has been submitted by the applicant for
				Naturaliste Statement of Planning Policy which relates to protection of visual landscape amenity in the area. Permitted hours of operation can be prescribed by conditions of approval. Past decision of Council in regard to extractive industry

Schedule of Submissions

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T Koroveshi on behalf Yallingup	Object.		
Spa and Lodge	The following issues have been raised:		
	 Proximity of extractive industry to the Yallingup Spa Retreat is less than the 500m to a sensitive premises such as Tourist Development which is stated with the City Extractive industry Policy. Concern with impact of noise and dust generated by the proposal. 	2.	The revised proposal results in greater than 500m separation being achieved to Yallingup Spa Retreat and other tourist developments. Noise and dust are to be addressed by the submission, approval and implementation of appropriate management plans to control impacts.
	 Inconsistency with Scheme 21 due to Incompatibility of the proposal with surrounding landuses. Inconsistency with Local Rural Planning Strategy. The subject land is located within Precinct 7 – Naturaliste under this document. The precinct vision reads as follows: "Retain and conserve the natural environment, landscape values and character of the area in balance with limited tourist development." No promotion or mention of mining in the Leeuwin Naturaliste Statement of Planning Policy 	4.	The Council will have to determine whether or not the revised proposal can be operated in a manner that is compatible with the surrounding landuses, with the approval and implementation of appropriate management plans to control impacts on surrounding land. With management plans and rehabilitation the proposal may be consistent with the Local Rural Planning Strategy. The proposal is for an extractive industry which is not the same as mining. The proposal with appropriate management may be able to be undertaken while appropriately respecting the protection of natural, tourist and rural landscape values.

35.	Mt Duckworth Community Association	Objection based on issues relating to noise, dust, truck movements, inconsistency with the Leeuwin Naturaliste Statement of Planning Policy past operation of extractive industry at the site and past decisions of Council.	Please see comments above in respect to these issues raised in previous submissions.
36.	M Swift & Associates on behalf of the ower of Lot 4 Hemsley Road, Naturaliste	Object. Concerned with the impact of the proposal (including noise and dust) on surrounding residential and tourist landuses and more specifically the existing dwelling and tourist development proposal approved on the adjoining Lot 4 by Council on 23 April 2014. Due to proximity of the extraction site to proposed tourist development it will not be possible even with conditions to comply with the City's Extractive Industry Policy and achieve suitable separation between the incompatible landuses.	The nearest part of the approved development (Chalets) would be approximately 100m to the original proposed extraction area. No physical construction of development for DA13/0739 has commenced and with the Development Approval due to expire in May 2017, to date no building permit application has been submitted so it is unclear if development for DA13/0739 will proceed. The distance of the revised extraction area proposal to the development site for DA13/0739 is approximately 200m and will be in excess of 500m to the existing dwelling at Lot 4 Hemsley Rd.

12. ENGINEERING AND WORKS SERVICES REPORT

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 GLC ALLIED PROFESSIONAL HEALTH SUITES

SUBJECT INDEX: GLC Allied Professional Health Suites

STRATEGIC OBJECTIVE: A City where the community has access to quality cultural, recreation,

leisure facilities and services.

BUSINESS UNIT: Community Services **ACTIVITY UNIT:** Community Services

REPORTING OFFICER: Recreation Facilities Coordinator - David Goodwin

AUTHORISING OFFICER: Director, Community and Commercial Services - Naomi Searle

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Plan Showing Suite One (1) Premises to be Leased

Attachment B Landgate Valuation dated 13 January 2016

PRÉCIS

The City has received an Expressions of Interest (EoI) for a commercial lease in the remaining vacant Health Suite at the Geographe Leisure Centre (GLC) from Just Great Pty Ltd an Occupational Therapy practice specialising in hand therapy services.

The City advertised the proposed disposition in accordance with section 3.58 of the Local Government Act 1995 (LGA). No submissions were received.

This report recommends that Council enter into a lease agreement with the proponent and the terms and conditions of these arrangements.

BACKGROUND

During 2014 the GLC underwent a significant expansion and upgrade program, incorporating a new gymnasium, crèche, pool deck showers and change cubicles, universal access facilities, customer service area, offices, meeting room, cycle room, and four (4) health/ professional suites.

The health suites were added to attract health practitioners to provide mental and physical health services that complement existing services offered at the GLC. Each suite is fully independent and purpose built for health service businesses with exposure to GLC member traffic. Each suite has a hand basin, telephone and data point, air-conditioning, windows providing natural light and external door access allowing them to function separately from the GLC's operations. Suites vary in configuration and size ranging from 16 m² to 25 m². In addition to providing support services for GLC customers, the suites provide an additional revenue source that will assist in reducing the GLC's net operating deficit.

The City has been promoting the suites since October 2014 and has secured two tenants, Family Planning Association of WA who is leasing Suite three (3) to run their Family 1st Programme. Suite three (3) is approximately 25m2 and has been leased to the Family Planning Association for two years at \$15,600 per annum (inclusive of GST and outgoings). The lease commenced on 31 August 2015 and expires on 30th August 2017 with no further option to extend.

Gavin Rainbow trading as Life live it Occupational Therapy is leasing suite two (2). Suite two (2) is approximately 17m2 and has been leased to Gavin Rainbow for one year at \$17,160 per annum (inclusive of GST and outgoings). The lease commenced on 1st May 2016 and expires on 30th April 2017 with a further option to extend by one year and then a further term to extend by two years.

New Fees and Charges for Community and Commercial daily hire were also adopted by Council on 25 February 2015(C1502/040). These fees have enabled the rooms to be hired periodically by a number of different users. Charlotte De Latte is currently hiring suite four (4) for a Myopractic service until such time as works have been completed in relation to noise reduction from the adjacent group fitness area. Once these works have been completed to the satisfaction of Charlotte De Latte then the lease, previously endorsed by Council , will be entered into.

This report provides the details of the proposal from Just Great Pty Ltd as Trustee for the Wilson Family and seeks Council endorsement of the terms of a proposed commercial lease arrangement with Just Great Pty Ltd as Trustee for the Wilson Family Trust for the purpose of Occupational Therapy specialising in hand therapy services from Health Suite One (1).

STATUTORY ENVIRONMENT

Section 3.58 of the LGA relates to the disposal of property by a local government and disposal is defined to include leasing.

Local Governments are compliant with the LGA if the procedure under section 3.58(3) is followed. This requires the publishing of prior notice to the local public of the proposed disposition which describes the property concerned, gives details of the proposal and invites submissions to be made before a specified date, not less than two weeks after the notice is first given. Any submissions received before the date specified in the notice must be considered and if a decision is made by the council or a committee, the decision and the reasons for it must be recorded in the minutes of the meeting at which the decision was made.

The GLC health suite one (1) is located on a part of Reserve 29933, being Lot 300, Deposited Plan 50595 Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton. The land is vested with the City with the power to lease for any term not exceeding 21 years, with consent of the Minister for Lands, for the designated purpose of "Aquatic and Community Centre".

RELEVANT PLANS AND POLICIES

The leasing of the allied health suites is in line with the GLC Master Plan and Council endorsed (C1404/108) GLC Business Plan 2014/15-2018/19.

FINANCIAL IMPLICATIONS

Negotiations in relation to the proposed lease with Just Great Pty Ltd as trustee for the Wilson Family Trust trading as Cathy Thomas Occupational Therapy specialised hand therapy services resulted in an annual rent of \$17,160 inclusive of outgoings and GST. The rent will be indexed by CPI annually. The proposed lease term is twelve (12) months, with an option for a further three (3) years and then a further two (2) three (3) year options.

A net market rental value for the health suites provided a range of rental income between \$13,068 and \$14,916 per annum exclusive of GST and outgoings. The valuation was provided by an independent valuer on the 13 January 2016. (See Attachment B).

The proponent's rental offer of \$17,160 per annum, inclusive of GST outgoings, is in line with the range of market rental recommended in the valuation.

The tenants will provide their own telephone and internet connections and be responsible for all associated connection and usage charges.

Long-term Financial Plan Implications

The annual rental payment recommendation achieves the rent forecast in the Council endorsed (C1404/108) GLC Business Plan.

STRATEGIC COMMUNITY OBJECTIVES

Leasing of Suite one (1) at the GLC is consistent with the following City of Busselton Community Strategic Plan objectives:

- 2.1 A City where the community has access to quality cultural, recreation, and leisure facilities and services.
- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 2.3 Infrastructure assets that are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

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

CONSULTATION

Local advertising of the City's intention to lease the property was undertaken from 1 to 15 June 2016, in accordance with Section 3.58 of the Local Government Act 1995. No submissions were received.

OFFICER COMMENT

The City has been advertising for expressions of interest (EoI) for the use of allied health suites at the GLC since late 2014. The suites have been advertised through an on line real estate agent and this has generated a number of enquiries.

The proponent, Just Great Pty Ltd as trustee for the Wilson Family Trust trading as Cathy Thomas Occupational Therapy Specialised Hand Therapy Services, has had an established business in Perth since 1995, and currently has over fifteen therapy staff delivering a high quality service to clients. Cathy Thomas Occupational Therapy - Specialised Hand Therapy Services is a group of Occupational Therapists with Cathy Thomas as Director who has expertise in the treatment and rehabilitation of the hand and upper limb. They have been in operation for over 21 years, and have provided services in regional WA since 2002. Cathy Thomas has over 26 years' experience as an Occupational Therapist in the field of Hand Therapy.

Their main office is located in West Perth with metropolitan clinics at Subiaco (within the Western Australian Plastic Surgery Centre), Midland, Rockingham, Joondalup, Murdoch and Armadale, and one country clinic in Albany.

The submission received incorporated a rent of \$17,160 per annum inclusive of GST and outgoings. This offer is in line with the market rental valuation. The proposed lease term is twelve (12) months, with an option for a further three (3) years and then a further two (2) three (3) year options.

The tenant will provide their own telephone and internet connections and be responsible for all associated connection and usage charges.

A commercial lease arrangement for Health Suite One (1) supports the Council's objective to: increase revenues and reduce operating costs at the GLC. It also helps to achieve the key performance indicator: to continue to reduce the net operating deficit of the GLC facility. The rent proposed by the proponent is in line with the market valuation and supports the achievement of the revenues forecast in the GLC Business Plan.

CONCLUSION

The Specialised Occupational Therapy services proposed will add to the diversity of health and fitness services available from the GLC. The proposal aligns well with community objectives outlined in the Strategic Community Plan and GLC Business Plan to provide quality, affordable and accessible services and facilities and it supports the key performance indicator to reduce the net operating deficit of the GLC.

For these reasons, it is recommended that the Council enter into a lease with Just Great Pty Ltd as Trustee for the Wilson Family Trust on the conditions noted in the Officer Recommendation with all other conditions to be consistent with the commercial terms and conditions for other allied health suites.

OPTIONS

- 1. Council can resolve not to enter into a lease agreement with Just Great Pty Ltd as Trustee for the Wilson Family Trust and re-advertise the premises.
- 2. Council can resolve to enter into a different term of lease with Just Great Pty Ltd as Trustee for the Wilson Family.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

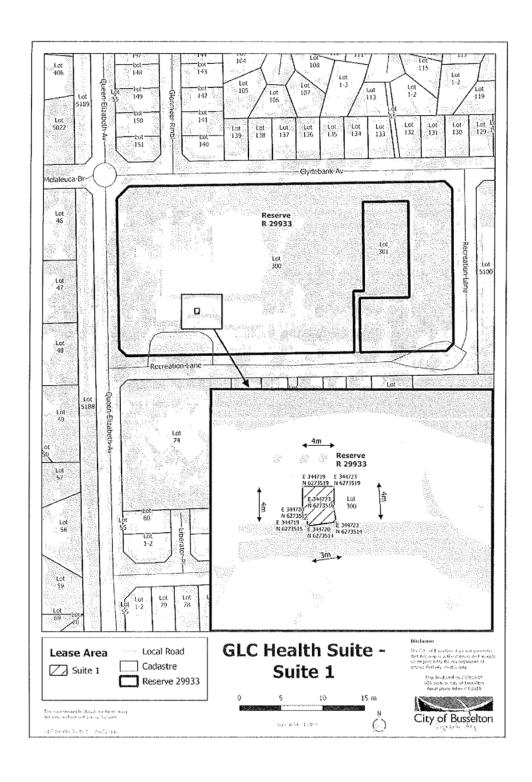
A lease would be forwarded to the Minister for Lands for preapproval by 28 July 2016. It is anticipated that signing of the lease would be on or before the 1 August 2016.

OFFICER RECOMMENDATION

That the Council:

- 1. Enter into a lease, subject to the Minister for Lands approval, with Just Great Pty Ltd as Trustee for the Wilson Family Trust for the occupation of Health Suite One (1) of a portion of Reserve 29933, being Lot 300, Deposited Plan 50595, Volume LR3137 Folio 982, 1 Recreation Lane, West Busselton as shown hatched on Attachment A. The terms and conditions of the lease to include the following:
 - a. an initial leasehold term of 12 months; with an option for a further three (3) years and then a further two (2) three (3) year options.
 - b. rent to commence at \$17,160 in the first year then indexed by CPI annually, all amounts inclusive of GST and outgoings;
 - c. the tenant to be responsible for telephone and, internet connections and charges applied to the leased premises; and
 - d. other terms and conditions consistent with the City's existing allied health suite leases.

Plan Showing Suite One (1) Premises to be Leased







Our Ref:

183793 / 00143-2016 Ph: 9721 0807 Enquiries: E-mail: Niall.McMahon@landgate.wa.gov.au

19th February 2016

Emma O'Brien Administration Officer City of Busselton Locked Bag 1, Busselton, WA, 6280

Dear Emma,

MARKET RENTAL VALUATION - GEOGRAPHE LEISURE CENTRE - HEALTH SUITE OFFICES 1-4 AND CAFÉ - 1 RECREATION LANE, WEST BUSSELTON

In response to your instructions dated 24th December 2015, requesting a market rental valuation for the above property, you are advised as follows;

LEGAL DESCRIPTION: Part of Lot 300, on Deposited Plan 50595; being the whole of land

in Certificate of Crown Title Volume LR3137, Folio 982.

LEASE AREA: Health suite 1: 16m² approximately

Health suite 2: 17m² approximately

Health suite 3: 25m² approximately

Health suite 4: 23m2 approximately

Café shop: 24m² approximately

LESSEES: Health suite 1: Julie Ferry "Health Smart Nutrition"

Health suite 2: Vacant

Health suite 3: Emma Blackwell "People 1st Programme"

Health suite 4: Vacant

Café shop: Vacant





Attachment B

Property & Valuation Services- Country South West

LEASE TERMS:

Health suite 1: The lease is for a period of six (6) months commencing on 2nd November 2015 and with two (2) further options of six (6) months and one (1) year respectively after the expiry date on 1st May 2016. CPI increases on each anniversary of the commencement of the lease. Current rental: \$13,442 (including GST).

Health suite 2: Vacant

Health suite 3: The lease is for a period of two (2) years commencing on 31st of August 2015 and with no further options, expiring on 30 August 2017. CPI increases on each anniversary of the commencement of the lease. Current rental: \$15,600 (including GST).

Health suite 4: Vacant

Café shop: Recently vacated, however at the time of vacating in January 2016 the rental as per lease was \$34,891.92 per annum (including GST).

ZONING:

Under the City of Busselton Local Planning Scheme No. 21 the land is zoned 'Recreation'.

 DESCRIPTION OF PREMISES: The subject building comprises brick and rendered brick / iron roof construction, built in circa 2000. The café is located internally behind the entrance reception area and presents to a modern standard of finish comprising; vinyl floor coverings and a stainless steel kitchenette which includes a two bowl sink. The café is air-conditioned and the leisure centre is alarmed. The café is available to be operated during the leisure centre normal operating hours. There is a meals area of approximately 48m² associated with the café shop and a storage area of approximately 10m², however these areas do not seem to be included in the recently vacated lease details.

The health suites vary in size and each suite comprises a hand basin, carpet flooring, telephone point, power and data points, airconditioning, window and external access, allowing each suite to function separately from Geographe Leisure Centre operations. Health suite 4 includes a small waiting area / passage.

DATE OF VALUATION:

13th January 2016, being the date of inspection.

BASIS OF VALUATION:

The valuation assessment is based on comparable rental evidence as analysed to a per week basis.

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Property & Valuation Services- Country South West

EVIDENCE COMMNETS:

Comparable rental evidence held on file for the health office suites has been drawn from smaller office space rentals within the Busselton location. Generally, rental rates vary from \$160 per week to \$320 per week net per annum (p.a.) ex-GST, depending on the quality of the premises, street exposure and location within Busselton.

Having considered the subject health office suites and available rental evidence within Busselton, a range of \$235 per week to \$270 per week plus GST and outgoings is considered a realistic rental range in the current market. An offer of within 10% of the assessed \$235 to \$270 per week rental range to lease the vacant health office suites would be considered fair and reasonable.

There is limited rental evidence of cafés situated within leisure centres in the south-west region of WA and therefore we have considered rental evidence of cafes, kiosks and kitchens leased within Busselton and the surrounding locations of Dunsborough and Bunbury. In completing investigations into cafés which are currently operated within leisure centres throughout the south-west of WA, it has become evident that the majority of cafés in the region are internally run by the respective shire where the leisure centre is situated. Should the café remain vacant for a period of time that extends beyond management's expectations, running the café internally may be an option to consider.

Having considered the subject café and available rental evidence held on file, a rental range of \$280 per week to \$320 per week net p.a. plus GST and outgoings for the café shop within the Geographe Leisure Centre is considered appropriate. An offer of within 10% of the assessed \$280 to \$320 per week rental range to lease the vacant café shop would be considered fair and reasonable.

Attachment B

Landgate Valuation dated 13 January 2016

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Property & Valuation Services - Country South West

MARKET RENT:

Having regard to the above factors, the market rental for the subject premises is as follows:

- Health suite 1: \$235 per week net p.a., (disclosing \$12,200p.a.), excluding GST and outgoings
- Health suite 2: \$235 per week net p.a., (disclosing \$12,200p.a), excluding GST and outgoings
- Health suite 3: \$270 per week net p.a., (disclosing \$14,040p.a), excluding GST and outgoings
- Health suite 4: \$260 per week net p.a., (disclosing \$13,520p.a), excluding GST and outgoings
- Café shop: \$300 per week net p.a., (disclosing \$15,600p.a), excluding GST and outgoings

This valuation has been prepared by Niall McMahon under delegation of the Valuer-General as defined in Part II of the Valuation of Land Act 1978.





Property & Valuation Services- Country South West

Assumptions, Conditions and Recommendations

This assessment has been based on the information provided from you via email, our
office records and other advice from Real Estate Agents active in the Busselton area.

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It is unknown whether a prospective tenant will have exclusive access to the waiting /
passage area for health suite 4 as the passage provides internal access to an
existing fitness room within the Geographe Leisure Centre. This has been reflected in
the assessment of the market rental for health suite 4.

This report has been prepared for the private and confidential use of the client to whom it is addressed and should not be reproduced, either wholly or in part, or relied upon by third parties for any use, without the express authority of the Valuer-General.

Should you have any further queries, please do not hesitate to contact me.

Yours sincerely,

NIALL McMAHON, AAPI LICENSED VALUER NO. 44723, PROPERTY & VALUATION SERVICES, COUNTRY SOUTH WEST

13.2 BUSSELTON SENIOR CITIZENS EXPANSION PROPOSAL

SUBJECT INDEX: Busselton Senior Citizens Expansion Proposal

STRATEGIC OBJECTIVE: A community that supports healthy, active ageing and services to

enhance quality of life as we age.

BUSINESS UNIT: Community Services **ACTIVITY UNIT:** Community Services

REPORTING OFFICER: Manager, Community Services - Maxine Palmer

AUTHORISING OFFICER: Director, Community and Commercial Services - Naomi Searle

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A BSCC Proposed Expansion

Attachment B Senior Citizens Centre Proposal

PRÉCIS

The City leases a building on a portion of Lot 73 Peel Terrace, Busselton to the Busselton Senior Citizens Centre Inc (BSCC). The building is known as the Senior Citizens Centre ("the Centre"). The City has received a proposal from BSCC to reconfigure and expand their building by approximately 339m2 to cater for an expected growth in memberships.

The purpose of this report is to seek Council's in-principle support to increase the area of land leased to the BSCC, subject to further planning and design for the whole of Lot 73 Peel Terrace being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

BACKGROUND

The Shire of Busselton Strategic Plan 2010-2020 identified a need to provide for an increasingly aging society and introduced a strategic priority to 'prepare a strategy to assist the aged.' Funding was obtained from the South West Development Commission (SWDC) and the Department for Local Government and Communities (DFLGC) to undertake research and consultation to understand the needs of the 60 plus age group and develop a strategy.

In 2011, the Age Friendly Communities Project was undertaken. Workshops and surveys were undertaken with seniors, age care providers and carers. The BSCC and its members were involved in the consultation process. The report had 39 recommendations including several about the future planning for senior citizens centre(s).

Whilst recommendations from the Age Friendly Communities Project were being implemented the 'strategy to assist the aged' was being developed. In October 2012, after a further 12 months of demographic forecasting, research and consultation with agencies, community groups and other government departments, the City of Busselton Social and Aging Plan 2012-2020 was adopted by Council. The Social Plan contains a Seniors/Ageing key focus area which is the 'age strategy'. Information from the Age Friendly Report was used to develop the strategies in the Plan.

In addition to this, in 2012/13 the City commenced a strategic land review to identify land that it owns and manages to determine future uses. Lot 73 Peel Terrace was considered in this review along with other possible sites that could accommodate a Senior Citizens Centre for Busselton.

In 2014, options to expand on the current BSCC site or relocate and build a larger facility were presented to Council as part of the Long Term Financial Plan review. In the 2016 review of the Long Term Financial Plan, Council identified the expansion of Senior Citizens Centre services for future inclusion further to broader consultation as part of the Community Strategic Plan commencing in July 2016.

On 16 June 2016, the BSCC Board were presented with the progress of planning for their future needs and the options and estimated costs to either expand on the current site, build a secondary site or relocate and build a larger facility. The Board expressed their preference to remain and expand at the current site and provided a proposal which showed how this could be achieved and the approximate cost (attachment 1). It is to be noted that this plan has not been endorsed by the BSCC Board and further work will need to be undertaken to ensure it fits within the City's future planning for the site.

The Centre is located on Lot 73 Peel Terrace, Busselton, which is freehold land owned by the City. The cadastral boundaries of the lot are shown edged green on the Plan marked as Attachment 2. In 2007, the City entered into a lease for the Centre with the BSCC which expires on 5 August 2023. This report seeks Council's in-principle support to increase the area of land leased to the BSCC, subject to further planning and design for the whole of Lot 73 Peel Terrace, including the BSCC site, being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

This report relates to the City of Busselton Social Plan (2015–2025) specifically to achieve the goal in the Seniors/Ageing section to provide for "An age friendly community that encourages 'active ageing' by supporting good health, active participation and secure living in order to enhance quality of life as people get older."

FINANCIAL IMPLICATIONS

The 2016/17 draft budget incorporates an allocation to implement a new access road from Peel Terrace to Lot 73. At this stage Council is only requested to support a future increase to the BSCC leased area. There are no financial implications associated with the Officer recommendation.

Long-term Financial Plan Implications

None identified at this stage.

STRATEGIC COMMUNITY OBJECTIVES

The Officer recommendation of this report reflects Key Goal Area 1 and Community Objective 1.3 of the City's Strategic Community Plan, namely "A community that supports healthy, active ageing and services to enhance the quality of life as we age" as well as Key Goal Area 2 and Community Objective 2.1, "A City where the community has access to quality cultural, recreation, leisure facilities and services".

RISK ASSESSMENT

There is a lost opportunity risk in that the area proposed to be leased to BSCC could have been used for other more commercial purposes. However, this is being mitigated by further planning and design of the remainder of Lot 73 so as not to compromise any other potential interest in the development of the site. It is therefore considered there are no identified risks of a medium or greater level associated with the Officer recommendation.

CONSULTATION

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

Officers from the Engineering, Development Services and Community and Commercial Services Directorates are working on the future planning for Lot 73 in its entirety.

OFFICER COMMENT

The Age Friendly project estimated by 2026 the population aged 65 and over will have trebled. Demographic profiling isn't yet showing this scale of increase. The 65 plus age group has increased by just 1.7% since 2009 to 2014, however research indicates a growing number of baby bombers will now start to reach retirement and therefore the 65 plus age group will start to increase over the next five to ten years.

In 2014, the last census, 17% of the City of Busselton's population was aged 65 or over. The estimated total population was 35,562, therefore around 6045 people in the City are over 65 years old. Extrapolating this forward, by 2026 the 65 plus population could therefore be 18,137.

BSCC currently has around 800 members which is 14% of the 65 plus population. Based on the population having trebled by 2026, increasing at a flat annual growth rate and BSCC retaining 14% of the 65 plus market, BSCC could increase their membership by 140 new members a year (18,137-6045=12091/12 (Years remaining until 2026) =1008 annual increase *14%=141).

A flat line growth rate is not necessarily anticipated, not all people who reach sixty five will choose to retire and may continue working and not all retirees will want to join a Senior Citizens Centre. Attraction of new members also won't happen naturally. BSCC will require a comprehensive marketing plan and supporting funding, but certainly the need for an expanded Senior Citizen's Centre service in the next five to ten years is recognised.

Expansion of the current Centre is the lowest cost option and is preferred by the BSCC Board because of the central location close to Busselton CBD the current site provides. It would also avoid some duplication of services and overheads if a secondary site were developed and there would be limited impact on current operations. By reconfiguring the layout of the existing building, and an expansion, BSCC believe the current site can support the 65 plus age increase that is forecast for at least the next ten to fifteen years.

CONCLUSION

The current BSCC site is large enough to accommodate the Seniors Citizens Centre expansion whilst still retaining a large land parcel with significant opportunity for other community or commercial developments.

To allow for the future expansion of the BSCC on Lot 73 Peel Terrace, Officers recommend that Council provides in-principle support to increase the area of land leased to the BSCC, subject to further planning and design for the whole of Lot 73, including the BSCC site, being undertaken and presented back to Council, and to the negotiation of a new lease to incorporate the expanded area at an appropriate time in the future.

OPTIONS

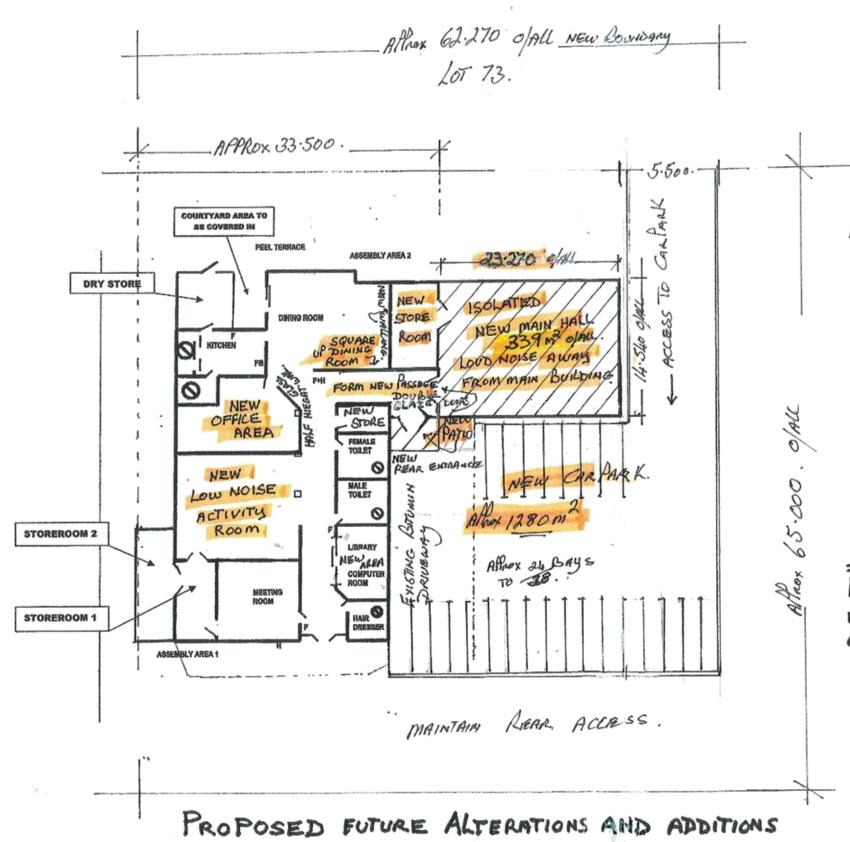
- 1. Council could choose not to support an expansion of the Busselton Senior Citizen's Centre on Lot 73 Peel Terrace and request Officers to work with the BSCC to establish an alternative option.
- 2. Council could choose not to make a decision at this time and defer until such time as further planning has been undertaken for Lot 73 Peel Terrace.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

BSCC will be notified immediately following the decision of Council.

OFFICER RECOMMENDATION

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



TO BUSSELTON SENIOR CITIZENS CENTRE.

ESTIMATED APPROX COSTINGS.
TO
ALTERATIONS AND ADDITIONS.

HEW MAIN HALL . 339 m2 AT \$100.00 PERFORD
THE \$100.00 REPRESENTS.
LOW WAREHOUSE TYPE CONSTRUCTION

TOTAL = \$372,900.00

INTERNAL ALTERATIONS

Allowing.

. \$55,000

CARPARK. AREA: 12802 = 4.60,000 Plus ACRESS DIWAY

TOTAL ALLOWANCE = \$487,90

REPLACEMENT OF THE OVERALL CONCEPT.

IN A NEW LOCATION OF 4358 m². =

OF LAND =

NEW EXTENTION 339 m²

SUB-TOTAL-1587m² OF TOTAL
CONCE

ESTIMATED COST AT \$1500.00 PER/M? WHICH
15 LOW FINISH COMMERCIAL. CONGRECTION.

PLUS CARPARL AT 60,000
OVER ALL COST. 2,44050

W MANG FOR



13.3 RFT04/16 KOOKABURRA CARAVAN PARK MANAGEMENT CONTRACT

SUBJECT INDEX: RFT04/16 Kookaburra Caravan Park Management Contract

STRATEGIC OBJECTIVE: Infrastructure assets are well maintained and responsibly managed to

provide for future generations.

BUSINESS UNIT: Commercial Services
ACTIVITY UNIT: Commercial Services

REPORTING OFFICER: Manager, Commercial Services - Jennifer May

AUTHORISING OFFICER: Director, Community and Commercial Services - Naomi Searle

VOTING REQUIREMENT: Absolute Majority

ATTACHMENTS: Attachment A Confidential Tender Evaluation and Recommendation

Report

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

PRÉCIS

The Request for Tenders for the Management Contract of the Kookaburra Caravan Park has now closed and tender submissions have been received and evaluated. This report summarises the submissions received and recommends that Council awards RFT04/16 Kookaburra Caravan Park Management Contract to BCP Contractors Pty Ltd.

BACKGROUND

The management contract for the Kookaburra Caravan Park was first advertised in July 2012 and executed with the current Managers on 1 November 2012 for a three (3) year term with a further one (1) year option being exercised.

Prior to the current management contract the City employed staff to operate the Park, however following a review of the management options in 2012, Council agreed to contract this service out. This was in main due to the previous difficulties in recruiting and retaining suitable staff, a management contract allows for a more flexible management arrangement and allows the City to engage experienced individuals/organisations that would usually not be available through the City's employee recruitment process. In addition to this, managing caravan parks is not seen as a core service of the City.

A further opportunity through a management contract is it allows for partnerships between organisation's and individuals offering a broader level of experience and knowledge extending across management systems, marketing and promotions, OSH, customer service, asset maintenance and renewal as well strategy development, financial and operational planning.

The first management contract commenced in November 2012 and has been successful in delivering the daily operational services for the Park. A number of improvements have been implemented over the term of the contract and the overall standard of the Park with regard to the facilities and cleanliness resulting in a recent rating audit of 3.5 stars.

During the term of the contract, a small number of issues have been identified with interpreting the original management contract, and as such Officers have reviewed the contract and made improvements where necessary. However, in general, the intent and scope of services of the management contract have not changed and the contract term has remained at three years with a one year option.

STATUTORY ENVIRONMENT

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. Tenders are to be publicly invited according to the requirements of the Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000.

RELEVANT PLANS AND POLICIES

The following Council policies have relevance to the Tender process:

Policy 239 – Purchasing:

The procurement process complies with this policy.

Policy 049/1 – Regional Price Preference:

The Regional Price Preference was applied to this tender.

Policy 031 – Tender Selection Criteria:

The procurement process complies with this policy.

FINANCIAL IMPLICATIONS

The draft 2016/17 Kookaburra Caravan Park Operations Budget has a total allocation of \$390,800, split across two accounts; \$314,300 in Contractors and \$76,500 in Contract Cleaning Building Costs. The recommendation to award the tender to BCP Contractors is for the amount of \$385,000 which is within the allocated budget. The tender price is then fixed (plus annual CPI) for the term of the contract. A further budget allocation of \$5,850 is also included in the draft 2016/17 operations budget for a performance based bonus which is defined in the contract.

Long-term Financial Plan Implications

The annual budget allocation of funds for the management contract for the Park is included in the LTFP. The LTFP increases the management fee by CPI which is in line with the management contract.

STRATEGIC COMMUNITY OBJECTIVES

The Kookaburra Caravan Park is one of the Council's strategic assets and the ongoing management is consistent with the City's following strategic objectives to:-

Community and Social Wellbeing;

Provide a range of quality, cultural, recreation and sporting facilities and services.

Business and Economic Wellbeing;

To assist and provide for the economic development of the district.

Natural and Built Environment Wellbeing

Responsible management of public infrastructure assets.

RISK ASSESSMENT

A risk assessment was carried out and risks of medium and high associated with the awarding of the tender are listed below;

Risk	Controls	Consequence	Likelihood	Risk Level
The Managers do not meet the KPI's included in the Management Contract and revenue targets are not met or reputational damage occurs.	The Managers are required to prepare a management plan and marketing plan within	Minor	Possible	Medium

CONSULTATION

RFT04/16 Kookaburra Caravan Park Management Contract was advertised between 14 May 2016 and 11 June 2016, for a period of four weeks, closing at 2.00pm on Tuesday 14 June 2016.

OFFICER COMMENT

RFT04/16 Kookaburra Caravan Park Management Contract was advertised between 14 May 2016 and 11 June 2016, for a period of four weeks, closing at 2.00pm on Tuesday 14 June 2016.

The City issued RFT documents to nineteen (19) potential Respondents and received a total of six (6) Submissions from five (5) tenderers as follows:

	Company	Location	Contact
1.	GOMOUNT	Harrisdale WA	Dennis Osia
2.	KOOKA SERVICES	Busselton WA	Peter and Deborah Ebsary
3.	BJECA	Busselton WA	Lisa Shreeve
4.	BCP Contractors	Busselton WA	Kyle Jackson
5.	BCP Contractors (Alternative Tender)	Busselton WA	Kyle Jackson
6.	LAKSHMI (WA) PTY LTD	Busselton WA	Paul & Peta Fullarton

Three mandatory pretender site inspections were held on 24 May, 1 June and 10 June 2016 at the Kookaburra Caravan Park and was attended by all respondents;

- BCP Contractors Pty Ltd
- Kooka Services
- Gomount
- Lakshmi (WA) Pty Ltd
- BJECA.

The tender assessment was carried out by a tender review panel consisting of Naomi Searle (Director Community & Commercial Services), Sophia Moore (Contract and Tendering Officer) and Jennifer May (Manager Commercial Services). 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 six (6) tender submissions were found to be compliant with the specified requirements

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

The qualitative criteria assessed and weightings applied were as follows;

•	Relevant Experience	20%
•	Key Personnel Skills & Experience	15%
•	Tenderer's Resources	5%
•	Demonstrated Understanding	10%

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

Tendered Price: 50%

The net tendered price was scored used the 'Average Based Scoring Method' recommended by WALGA.

The panel members individually assessed the compliance and qualitative criteria and applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender.

The attached confidential report provides the detailed evaluation by individual panel members for each tender submission.

Following the evaluation, the panel agreed that two (2) of the five (5) tenderers would be requested to provide clarification on their tender responses. Tender Points of Clarification were issued and the responses forwarded onto the evaluation panel for assessment once received by the City. A further meeting of the evaluation panel was carried out to agree on a final recommendation.

When combining the tendered price in conjunction with the qualitative criteria detailed in Part 6 – Tenderer's Offer, the evaluation panel all agreed to recommend RFT04/16 Kookaburra Caravan Park Management Contract be awarded to BCP Contractors Pty Ltd based on the qualitative and pricing scoring as detailed in the confidential attachment.

BCP, provided a detailed tender response highlighting that they would be 'partnering' with two experienced organisations that specialise in providing operational support, management and training services to caravan park operators and owners. BCP's previous experience is in facilities management, asset management, construction resources however combined with Innoviv's management and operational support, as well as OSH, financial reporting, experience in park design, planning, redevelopment plans and strategies meet the requirements of the contract. Hire Me Holiday Parks Management will also support BCP in providing Caravan Park and resort training, management tools designed to improve business performance and meet work health and safety compliance.

The summary of the tender evaluation is as presented in attachment.

CONCLUSION

This report seeks the Council's endorsement of the Officer's recommendation to award the Kookaburra Caravan Park Management Contract to BCP Contractors Pty Ltd for a term of three years with a one year option. BCP's submission represents the best value for money for the City of Busselton and clearly demonstrates BCP's ability to fulfil the contract requirements to an acceptable standard by partnering with two other organisations that specialise in providing services to caravan park operators and owners. The combination of BCP's current organisational capabilities (facilities/asset management and construction resources) combined with Innoviv and Hire Me Holiday Parks Management offers the City a unique opportunity for the management of the Park.

OPTIONS

The Council could decide;

- Not to award the RFT as per the Officers recommendation and choose one of the other tenderers. This option could have budget implications or future reputational risks if the alternative tenderer has provided a price over the annual 2016/17 allocated budget or under resourced;
- 2. Not to award the RFT and request Officers to re-advertise the RFT;
- 3. Not to award the RFT at any time, in which case Officers would need to commence the recruitment process for full and part time staff for the Park. This this option may result in staff not being recruited in time for 1 November 2016 or may have budget implications.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender to the successful tenderer can be announced immediately after the Council has endorsed the officer's recommendation. The successful tenderer will receive formal written notification within seven (7) days of the decision being handed down. The unsuccessful tenderer will also be notified in this time.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council award the RFT 04/16 – Kookaburra Caravan Park Management Contract to BCP Contractors Pty Ltd for \$385,000 per annum (excluding GST) (plus annual CPI) for a term of three years with a one year option.

14. FINANCE AND CORPORATE SERVICES REPORT

Nil

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX: Councillors' Information

STRATEGIC OBJECTIVE: Governance systems that deliver responsible, ethical and accountable

decision-making.

BUSINESS UNIT: Executive Services ACTIVITY UNIT: Governance Services REPORTING OFFICER: Reporting Officers - Various

AUTHORISING OFFICER: Chief Executive Officer - Mike Archer

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS: Attachment A Planning Applications Received 1 June - 30 June 2016

Attachment B Planning Applications Determined 1 June - 30 June

2016

Attachment C State Administrative Tribunal Appeals as at 6 July

2016

Attachment D Department of Lands - Development Applications

Made Under the Auspices of the Planning and

Development Act 2005 (PDA)

Attachment E Minister for Agriculture and Food; Transport - Coastal

Adaptation and Protection Grants 2016-2017

Attachment F Department of Mines and Petroleum - South West

Petroleum Exploration Information Concerns

Attachment G Premier of Western Australia - Busselton Regional

Cabinet Meeting

Attachment H Commissioner for Children and Young People - Letter

of Appreciation

Attachment I Dunsborough Yallingup Chamber of Commerce &

Industry - Letter of Appreciation

Attachment J Department of Local Government and Communities -

Safe Haven Entrerprise Visas

Attachment K Shooters, Fishers and Farmers Party WA - Election

Letter

Attachment L Black Dog Ride - Certificate of Appreciation

Attachment M Margaret River Busselton Tourism Association -

Winter Magazine

PRÉCIS

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

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 June, 2016 and 30 June, 2016. 82 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 June, 2016 and 30 June, 2016. A total of 71 applications (including subdivision referrals) were determined by the City during this period with 71 approved / supported and 0 refused / not supported.

15.1.2 State Administrative Tribunal (SAT) Appeals

Attachment C is a list showing the current status of State Administrative Tribunal Appeals involving the City of Busselton as at 6 July 2016.

15.1.3 Current Active Tenders

2016 TENDERS

RFT03/16 BUSSELTON JETTY PAINTING

The City of Busselton invited tenders for the provision of painting services for the Busselton Jetty, including all handrails, the Interpretive Centre building and Under Water Observatory building. The successful supplier will be contracted to supply these painting services for a period of three years. The tender was advertised on 16 April 2016 with a closing date of 10 May 2016. Three (3) tender submissions were received. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in July 2016. The value of the contract is not expected to exceed the CEO's delegated authority. This is a variable price contract and will be based on the submitted tendered rates.

RFT04/16 KOOKABURRA CARAVAN PARK MANAGEMENT AGREEMENT

The City of Busselton invited tenders for the provision of Management Services for the Kookaburra Caravan Park. The successful supplier will be contracted to supply these services for a minimum period of three years. The tender was advertised on 14 May 2016 with a closing date of 14 June 2016. Six (6) tender submissions were received. The value of the contract is expected to exceed the CEO's delegated authority. The evaluation has been completed and a recommendation report is due for presentation to the Council on 27 July 2016.

RFT05/16 BUSSELTON FORESHORE REDEVELOPMENT: DESIGN, SUPPLY & INSTALLATION OF UTILITY SERVICES

The City of Busselton invited tenders for the construction of the Busselton Foreshore Utilities. This includes the design, supply and installation of sewer, potable water, reticulated water, gas & telecommunications infrastructure for the next stage of the Busselton Foreshore development. The tender was advertised on 28 May 2016 with an original closing date of 30 June 2016. The closing date was extended to 6 July 2016. Four tender submissions were received. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the Council in August 2016.

RFT06/16 BUSSELTON FORESHORE PARADE WEST: PROVISION OF CONSTRUCTION SERVICES

The City of Busselton invited tenders for the construction of Foreshore Parade West on the Busselton Foreshore. The tender was advertised on 28 May 2016 with a closing date of 30 June 2016. Six (6) tender submissions were received. The value of the contract is not expected to exceed the CEO's

delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in July 2016.

RFT07/16 PEST AND WEED CONTROL SERVICES

The City of Busselton invited tenders for the provision of Pest and Weed Control Services, including urban and rural pest and weed control on road verges, drainage sumps, cycle-ways, footpaths, kerblines, bridges, parks, ovals and other various infrastructure managed by the City. The successful Contractor will be required to provide the required services to the City for a period of two years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender was advertised on 11 June 2016 with a closing date of 28 June 2016. Five (5) tender submissions were received. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the Council in August 2016.

RFT08/16 STREET AND DRAIN CLEANING TENDER

The City of Busselton invited tenders for the provision of Street and Drain Cleaning Services. The successful Contractor was required to provide the required services to the City for a period of three years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender was advertised on 11 June 2016 with a closing date of 28 June 2016. The closing date was extended to 5 July 2016. Due to a delay in providing tender documentation to one of the prospective tenderers, the tender process under RFT08/16 was cancelled and new tender process has commenced for the Street and Drain Cleaning Tender under RFT15/16.

RFT09/16 AUDIO VISUAL FIT OUT — CITY OF BUSSELTON NEW CIVIC & ADMINISTRATION BUILDING

The City of Busselton invited tenders for the Audio Visual Fit-out for the new City of Busselton Administration and Civic Building. The functional requirements of this tender include the design, supply and installation of audio visual technologies for the Council Chambers, Council Civic reception/gallery, function hall and up to six meeting rooms. The tender was advertised on 11 June 2016 with a closing date of 29 June 2016. Four (4) tender submissions were received. The value of the contract is not expected to exceed the CEO's delegated authority. The evaluation has been completed and the recommendation report is due for presentation to the CEO on 14 July 2016.

RFT10/16 SUPPLY AND INSTALLATION OF OFFICE WORKSTATIONS TO THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

Following an Expressions of Interest (EOI 02/16) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the Supply and Installation of Office Workstations to the City of Busselton Administration and Civic Building. Nine (9) respondents were considered to be capable of satisfactorily supplying the goods/services and were subsequently shortlisted as acceptable tenderers:

Company	Location
CabiCo Pty Ltd	Bunbury
Design Farm	Perth
Innerspace Commercial Interiors Pty Ltd	Perth
UCI	West Perth
Haworth	Perth
Zenith Interiors (WA) Pty Ltd	Perth
Burgtec	Balcatta
Castledex	Osborne Park
Schiavello (WA) Pty	Perth

On 20 June 2016, under delegated authority, the CEO proceeded to invite the shortlisted tenderers to formally submit tenders. The tender closing date was 12 July 2016 and 7 tenders were received. The CEO has a specific delegation in relation to award of this tender, subject to it not exceeding the approved budget for these goods/services (refer Council Resolution C1605/111). It is anticipated that the evaluation process will be concluded and a preferred tenderer appointed by mid-August 2016.

RFT11/16 AIRSIDE D & C CONTRACTOR

Following an Expressions of Interest (EOI 01/16) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the Airside D & C Contractor (Design and Construction of Airside Infrastructure at Busselton Margaret River Regional Airport). Ten (10) respondents were considered to be capable of satisfactorily supplying the goods/services and were subsequently shortlisted as acceptable tenderers;

Company	Location
Downer EDI Works Pty Ltd	Perth
Densford Civil Pty Ltd	Perth
CPD Contractors Pty Ltd	Perth
Ertech Pty Ltd	Perth
Fulton Hogan Construction Pty Ltd	South Australia
Georgiou Group Pty Ltd	Perth
BCG Contracting Pty Ltd	Perth
BMD Constructions Pty Ltd	Perth
WBHO Infrastructure Pty Ltd	Perth
NRW Pty Ltd	Perth

On 16 June 2016, under delegated authority, the CEO proceeded to invite the shortlisted tenderers to formally submit tenders. NRW Pty Ltd and Fulton Hogan Construction Pty Ltd have since advised that, for commercial reasons, they will not be submitting a tender. A tender briefing and site inspection was held at the Airport on 27 June 2016 which was attended by the remaining eight tenderers. The tender closing date is 28 July 2016. The value of the contract is expected to exceed the CEO's delegated authority under Delegation Ref 3L (refer to Council Resolution C1606/140). It is anticipated the evaluation will be completed and a recommendation report presented to the Council in September 2016.

RFT12/16 SUPPLY AND INSTALLATION OF LOOSE FURNITURE ITEMS FOR THE CITY OF BUSSELTON ADMINISTRATION AND CIVIC BUILDING

The City of Busselton invited tenders for the Supply and Installation of Loose Furniture for the new City of Busselton Administration and Civic Building. The tender was advertised on 25 June 2016 with a closing date of 15 July 2016. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to Council in September 2016.

RFT13/16 BUSSELTON MARGARET RIVER REGIONAL AIRPORT: AVIATION ENGAGEMENT CONSULTANT

The City of Busselton invited tenders for the Busselton Margaret River Regional Airport: Aviation Engagement Consultant. The objective of this tender is to appoint a specialist Airline Consultant to work with the Busselton Margaret River Regional Airport (BMRRA) Airline Engagement Working Group (AEWG) to develop an approach to attracting and securing an airline(s) in time for the completion of the BMRRA Development Project, and to assist in the mitigation of identified risk within this area. The tender was advertised on 29 June 2016 with a closing date of 28 July 2016. The CEO has a specific delegation in relation to award of this tender (refer to Council Resolution

C1606/140). It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in August 2016.

RFT14/16 BUSSELTON FORESHORE DEVELOPMENT: JETTY WAY PEDESTRAIN LINK EXPOSED AGGREGATE CONCRETE

The City of Busselton invited tenders for the construction of Jetty Way Pedestrian Link Exposed Aggregate Concrete on the Busselton Foreshore. Jetty Way pedestrian link walkway (incorporating the Jetty train tracks between the Jetty and Railway House) will be located between Foreshore Parade and the Busselton Jetty abutment. The tender was advertised on 2 July 2016 with a closing date of 2 August 2016. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to Council in September 2016.

RFT15/16 STREET & DRAIN CLEANING SERVICES

The City of Busselton invited tenders for the provision of Street and Drain Cleaning Services. This RFT replaces RFT 08/16. The successful Contractor will be required to provide the required services to the City for a period of three years, with the option of two one year extensions, to be exercised at the discretion of the City. The tender was advertised on 9th July, with a closing date of 25th July. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the Council in August 2016.

15.1.4 Department of Lands – Development Applications Made Under PDA

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

15.1.5 Minister for Transport – Coastal Adaptation and Protection Grants 2016-17

Correspondence has been received from the Dean Nalder MLA, Minister for Transport and is available to view in Attachment E.

15.1.6 Department of Mines and Petroleum – South West Petroleum Exploration

Correspondence has been received from the Department of Mines and Petroleum and is available to view in Attachment F.

15.1.7 Premier of Western Australia – Busselton Regional Cabinet Meeting

Correspondence has been received from Colin Barnett MLA, Premier of Western Australia and is available to view in Attachment G.

15.1.8 Commissioner for Children and Young People – Letter of Appreciation

Correspondence has been received from Colin Pettit, Commissioner for Children and Young People and is available to view in Attachment H.

15.1.9 Dunsborough Yallingup Chamber of Commerce and Industry – Letter of Appreciation

Correspondence has been received from the Dunsborough Yallingup Chamber of Commerce and Industry and is available to view in Attachment I.

15.1.10 Department of Local Government and Communities – Safe Haven Enterprise Visas

Correspondence has been received from the Department of Local Government and Communities and is available to view in Attachment J.

15.1.11 Shooters, Fishers and Farmers Party WA – Election Letter

Correspondence has been received from the Hon Nigel Hallett MLC, Member for South West Region and is available to view in Attachment K.

15.1.12 Black Dog Ride - Certificate of Appreciation

Correspondence has been received from the Black Dog Ride and is available to view in Attachment L.

15.1.13 Margaret River Busselton Tourism Association – Winter Magazine

Correspondence has been received from the Margaret River Busselton Tourism Association, the covering letter is available to view in Attachment M and the full edition of the Winter 2016 magazine is located in the Council in tray.

OFFICER RECOMMENDATION

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

- 15.1.1 Planning and Development Statistics
 15.1.2 State Administrative Tribunal (SAT) Appeals
- 15.1.3 Current Active Tenders
- 15.1.4 Department of Lands Development Applications Made Under PDA
- 15.1.5 Minister for Transport Coastal Adaptation and Protection Grants 2016-17
- 15.1.6 Department of Mines and Petroleum South West Petroleum Exploration
- 15.1.7 Premier of Western Australia Busselton Regional Cabinet Meeting
- 15.1.8 Commissioner for Children and Young People Letter of Appreciation
- 15.1.9 Dunsborough Yallingup Chamber of Commerce and Industry Letter of Appreciation
- 15.1.10 Department of Local Government and Communities Safe Haven Enterprise
 Visas
- 15.1.11 Shooters, Fishers and Farmers Party WA Election Letter
- 15.1.12 Black Dog Ride Certificate of Appreciation
- 15.1.13 Margaret River Busselton Tourism Association Winter Magazine

Planning Applications Received 1 June - 30 June 2016

247

				Date Application				
oplication Number	Description	Primary Property Address	Primary Property Legal Desc	Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
elopment Applications								
velopment Applications	Retrospective Use for Additions to the existing			T				
	Caravan Park (to include Caravan Sites;							
	Ablutions Buildings; Camp Kitchen & two							
15/0420	Bridges)	29 Commonage Road~QUINDALUP WA 6281	Lot 2761 PLAN 26681	22/06/2016	38000	Herbert Eugen Schaal	Tim Koroveshi	3.
A16/0301	Retrospective Signage (Locke Estate Camp	206 Caves Road~SIESTA PARK WA 6280	Lot 5303 PLAN 220583	8/06/2016	1	Baptist Union of Western Australia (Inc)	Rootist Union of Mostore Australia (Inc.)	
A16/U3U1	sites 5 & 6)	206 Caves Road "SIESTA PARK, WA 6280	Lot 5303 PLAN 220583	8/06/2016	1	Baptist Union of Western Australia (Inc)	Baptist Union of Western Australia (Inc)	1
A16/0321	Floating Boat Lifting Structure - Retrospective	7 Waterline View~GEOGRAPHE WA 6280	Lot 54 PLAN 57392	9/06/2016	1	Derrick Goss & Jodie Katrina Goss	Jodie Katrina Goss, Derrick Goss	
	Additions / Alterations to Existing Cellar Door							
116/0322	(Kitchen and Office Extensions)	269 Quininup Road~WILYABRUP WA 6280	Lot 44 PLAN 23795	3/06/2016	60000	Ann Spencer	Ann Spencer	
				0.000,000.0				l .
A16/0328 A16/0346	Additions to Existing Single House Outbuilding (Reduced setbacks)	60 Wardanup Crescent^YALLINGUP WA 6282 35 Penguin Way^VASSE WA 6280	Lot 167 PLAN 9022 Lot 17 PLAN 76953	8/06/2016 2/06/2016	120000 15000	Hereward Shann Evans Michael James Schepis	Alexander Alan Cranfield Michael James Schepis	
M10/0340	Increase the existing Tavern Licensed Area to	33 Feliguiii Way VA33E WA 0280	LUC 17 PDAN 70993	2/00/2010	13000	Iniciaer James Scriepis	witchaet James Schepis	-
A16/0352	include an Alfresco Area	422 Harmans Mill Road~WILYABRUP WA 6280	Lot 3923 PLAN 206457	14/06/2016	1	Orange Shed Pty Ltd	Harvey River Estate Pty Ltd	1 4
	Carport Addition to Single House (Port							
A16/0364	Geographe Development Area)	9 Heirisson Retreat~GEOGRAPHE WA 6280	Lot 75 PLAN 20377	7/06/2016	7400	Richard Michael Cranfield & Natalie Marie Caratti	CPR Outdoor Centre	1
		L	l					l .
A16/0370	Holiday Home (Single House) 8 Persons	2B Greenacre Road DUNSBOROUGH WA 6281	Lot 4 SSPLN 51552	7/06/2016	0	David John Tyler	David John Tyler	
A16/0371	Cape Naturaliste Lighthouse (Cultural Meeting Place)	1267 Cape Naturaliste Road*NATURALISTE WA 6281	Lot No:5052 & 5051 & 5416	1/06/2016	20000	State of WA & Geographe Bay Tourism Association	Margaret River Busselton Tourism Association	4
1120/03/1	rioccy	0202	DE NO.3032 & 3032 & 3410	1,00,2010	20000	Christopher William Breheny & Sarah Kate	Horgaret firer busselton roundin Association	
A16/0377	Ancillary Accommodation	21 Koorabin Drive"YALLINGUP WA 6282	Lot 57 PLAN 38183	7/06/2016	93000	Malcolm	Christopher William Breheny, Sarah Kate Malcolm	
	Single Residential - Patio (greater than 9m less	14 Westminster Avenue~WEST BUSSELTON WA				Darrin John Douglas, Francis John Douglas, Lyla		
A16/0380	than 1.5m to side boundary)	6280	Lot 525 PLAN 23463	13/06/2016	9880	Jane Douglas	CPR Outdoor Centre	2
445/0304	Extractive Industry (Sand)	Kalgup Road~KALGUP WA 6280	Lot 1838 PLAN 201693	7/05/2015	l .	Gregory Allan Chapman & Mary Josephine Ann	BCP Materials Pty Ltd	4
A16/0381	Extractive industry (sand)	Kaigup Road-KALGUP WA 6280	LOT 1838 PLAN 201693	7/06/2016	1	Chapman Stanley Robert Lawrence-Brown & Maike	BCP Materials Pty Ltd	-
A16/0383	Swimming Pool (Landscape Value Area)	78 Sonning Loop~YALLINGUP WA 6282	Lot 38 PLAN 23568	1/06/2016	25454.55	Lawrence-Brown	Bunbury Pool Centre	1 1
	SINGLE HOUSE (Modification to building							
	envelope and dwelling in landscape value							
A16/0384	area)	31 Seascape Rise~YALLINGUP WA 6282	Lot 216 PLAN 71408	7/06/2016	570405.45	P & L Capital Investments Pty Ltd	WA Country Builders Pty Ltd - Busselton	1
		201 - 6		1 (05 (2015		All	All and the second seco	
A16/0385	Bed and Breakfast Caravan Parks and Camping Grounds (Six Park	2 Blue Crescent~WEST BUSSELTON WA 6280	Lot 8 PLAN 8321	1/06/2016	0	Alison Denise Beazley & Bradley Dean Wood	Alison Denise Beazley, Bradley Dean Wood	
A16/0386	Homes)	585 Caves Road*MARYBROOK WA 6280	Lot 33 DIAGRAM 23462	1/06/2016	480000	William David Kendall & Silverlodge Pty Ltd	Michael Sidebototm	
		5/11 Margaret Street~WEST BUSSELTON WA		1,00,000				
A16/0390	Grouped Dwelling (Holiday Home) 6 people	6280	Lot 5 SSPLN 60210	1/06/2016	0	Gary Clark & Jodie Leeanne Clark	Gary Clark, Jodie Leeanne Clark	1
						Raymond John Humphreys, Juliann Marie		
						Daniels, Brian Michael Carroll, Pamela Anne		
A16/0392	Childcare Centre	381 Ambergate Road~AMBERGATE WA 6280	Lot 7 DIAGRAM 73167	1/06/2016	13636.36	Carroll, William Henry Steven Willmott, Christine June Willmott	Juliann Marie Daniels	
R10/0392	Cindesie Centre	351 Allibergate Road AMBERGATE WA 0200	LUL / DIAGRAW / 510/	1/00/2010	13030.30	Julie Williott	Julianii Marie Daniels	
	Signage 'For Sale' - Proposed future Lots 102 &							
A16/0393	103 (L9542) Napoleon Promonade, Vasse	Napoleon Promenade~VASSE WA 6280	Lot 9542 PLAN 403620	1/06/2016	1	Perron Developments Pty Ltd & Stawell Pty Ltd	Vasse Property Development Pty Ltd	
A16/0395	Additional Carport (Landscape Value Area)	65 Blackbutt Close~YALLINGUP SIDING WA 6282	Lot 94 PLAN 20163	7/06/2016	22727.27	Rodney James Holt	Adrian Zorzi Pty Ltd	1
A16/0396	One Grouped Dwelling	5/8 Nicholas Court~DUNSBOROUGH WA 6281	Lot 5 SSPLN 52039	8/06/2016	370727.27	George Campbell Lumsden & Adrienne Duncan Anderson Lumsden	AK Homes Construction Pty Ltd	3
H10/0390	Single Residence (Quindalup Special Character	1/332 Geographe Bay Road~QUINDALUP WA	LUL 3 33FLN 32039	0/00/2010	3/0/2/.2/	Keychime Investments Pty Ltd & Dalecross	AK Homes Construction Fty Ltd	<u> </u>
A16/0399	Area)	6281	Lot 1 SSPLN 44857	8/06/2016	400000	Holdings Pty Ltd	Mark Rees	
	Service Station (with ancillary wholesale fruit							
	and vegetable, including small scale retail and							
A16/0400	drive-through coffee outlet)	99 Causeway Road~BUSSELTON WA 6280	Lot 1 DIAGRAM 27712	2/06/2016	3800000	Mountney Family Nominees Pty Ltd	Tim Koroveshi	4
415/0401	Single House (R-Code Variation and reduced BAL)	a share a sure sures ou sees you was soon		0.005/2015	314301	Barrer Carrier Car Physical	Boyanup Grazing Co Pty Ltd, Kevin Lee Pugh,	Ι.
A16/0401	Outbuilding Replacement (to include a	1 Shepherd Way~WEST BUSSELTON WA 6280	Lot 539 PLAN 402935	8/06/2016	214381	Boyanup Grazing Co Pty Ltd	Suzanne Pugh	
A16/0403	parapet wall on an R15 Coded Lot)	29 Derek Street~WEST BUSSELTON WA 6280	Lot 89 DIAGRAM 37774	17/06/2016	20000	Jan Ross Roberts & Darryl James William Kelly	GN Constructions [WA] Pty Ltd	3
	Modification to Building Envelope for an	777 0200		27,00,2020		The state of the s		T .
A16/0404	Outbuilding (Landscape Value Area)	58 Okapa Rise~DUNSBOROUGH WA 6281	Lot 416 PLAN 49084	16/06/2016	10000	Clive Charles Hicks & Judith Kay Hicks	Clive Charles Hicks, Judith Kay Hicks	

Attachment A

	roup Dwellings (Two new dwellings)	27 Wardanup Crescent~YALLINGUP WA 6282	Lot 132 PLAN 9022	16/06/2016	700000	James William Annear	Theo Mathews Architect	34
	ingle Dwelling (reduction to lot boundary	91 Hester Street~GEOGRAPHE WA 6280	Lot 10 PLAN 10080	1/06/2016	55000	Kenneth John Spencer, Mark William Spencer, Richard Kenneth Spencer	Kenneth John Spencer	22
	ates & Landscaping		Lot 25 SSPLN 39092	8/06/2016	2000	Jeremy Erland Happ	Jeremy Erland Happ	14
3725/3755	ares at correspond	EST METHOD THE THEORY WAS DEED	20.20.30.00.002	0,00,2020	2000	Tereniy Enterior repp	perenty enema mapp	-
	atio (Port Geographe Special Character Area) ingle Dwelling Alterations/Additions (parapet	20 Mainsail Street~GEOGRAPHE WA 6280	Lot 13 PLAN 50929	13/06/2016	7000	John Vincent Callaghan & Gail Patricia Callaghan	John Vincent Callaghan, Gail Patricia Callaghan	19
	rall in R15)	15 Glenleigh Road~WEST BUSSELTON WA 6280	Lot 28 PLAN 8328	3/06/2016	4000	Adrian Peter Hinds & Sharon Lee Hinds	Adrian Peter Hinds	11
	wo Signs (Vasse Development)	Napoleon Promenade~KEALY WA 6280	Lot 9545 PLAN 407112	16/06/2016	5000	Perron Developments Pty Ltd & Stawell Pty Ltd	Sam Hanson	22
	mall Private Hospital		Lot 10 DIAGRAM 94109	13/06/2016		Ferafarr Pty Ltd	Khim Harris	
		62 Sloan Drive~DUNSBOROUGH WA 6281	Lot 93 PLAN 49891	3/06/2016	0	Mount Royal Pty Ltd & Gillian Laura Evans	Mount Royal Pty Ltd, Arden Holdings Pty Ltd	8
	ingle Dwelling (Reduction to lot boundary htback)	26 Waterville Road~DUNSBOROUGH WA 6281	Lot 144 PLAN 405106	3/06/2016	254545.45	Content Living Pty Ltd	SSB Pty Ltd	7
	ver Sized Outbuilding (Aggregate) with educed Side Setback	17 Friesian Grove~BOVELL WA 6280	Lot 138 PLAN 33603	13/06/2016	9180	Barbara Patricia Clarke & Kenneth Peter Clarke	CPR Outdoor Centre	36
DA16/0416 Pa	atio (reduced secondary street setbacks)	3 Harvey Street~YALYALUP WA 6280	Lot 248 PLAN 67366	9/06/2016	5500	Brett Cameron Nelson & Nittiya Kokarat	Brett Cameron Nelson	
SII	NGLE HOUSE (PORT GEOGRAPHE EVELOPMENT AREA)	9 Waterline View~GEOGRAPHE WA 6280	Lot 55 PLAN 57392	15/06/2016	340830.84	Antonio Papasergio & Wendy Ann Papasergio	WA Country Builders Pty Ltd - Busselton	37
	ew Patio and Deck (Landscape Value Area)		Lot 8 PLAN 18682	8/06/2016	65000	Murray Owen Williams & Rosemary Williams	Murray Owen Williams, Rosemary Williams	19
DA16/0419 Re	ealignment of the access track onto Lot 2	85 Woodlands Road~WILYABRUP WA 6280	Lot 2 DIAGRAM 30212	9/06/2016	1	Rebecca Margaret Vidler	Ludlow Legal	19
DA16/0420 Sir	ingle Residence (Group Dwelling Site)	44 Reynolds Street~WEST BUSSELTON WA 6280	Lot 70 DIAGRAM 24798	13/06/2016	185000	Michael Anthony Bray	Michael Anthony Bray	7
DA16/0421 Sir	ingle House (reduced rear setback - R15 lot)	116 Gifford Road~DUNSBOROUGH WA 6281	Lot 78 PLAN 14973	15/06/2016	350311	David Ernest Mutton & Marlene Mutton	Dale Alcock Homes South West Pty Ltd	37
			Lot 1 SSPLN 49302	17/06/2016	0	Julie Elizabeth Depiazzi	Julie Elizabeth Depiazzi	28
	ROUPED DWELLING (ONE PROPOSED WELLING)	36A Reynolds Street**WEST BUSSELTON WA 6280	Lot 2 SSPLN 58187	13/06/2016	199900	Clifford Allen Bamkin	33 South Building Group Pty Ltd	10
	NGLE HOUSE (SPECIAL CHARACTER AND							
	ANDSCAPE VALUE AREAS) dditions / Alterations to Single House (Port	25 Hammond Road~YALLINGUP WA 6282	Lot 201 DIAGRAM 96586	13/06/2016	800000	Gordon Cave Hay & Sally Jane Hay	James Stockwell	13
DA16/0425 Ge	eographe Development Area)	8 Lesueur Close~GEOGRAPHE WA 6280	Lot 436 PLAN 21872	17/06/2016	50000	Simon John Denney & Catherine Dorothy Denney	Nick Goode Constructions	26
	utbuilding (Port Geographe Development rea)	3 Salamanda Drive~GEOGRAPHE WA 6280	Lot 276 PLAN 21425	9/06/2016	10000	Graham Peter Donald & Ruth Patricia Leslie Donald	Busselton Sheds Plus	
	elative Ancillary Accommodation		Lot 142 PLAN 26583	13/06/2016	150000	Ian Richard Lewis & Moya Anne Lewis	Ian Richard Lewis, Moya Anne Lewis	
DATO/04E7	Cibility Pricingly Piccommodulon	2-7 Quilliop lood VIII Potos VIII 0200	E01.142 D114.20303	13/00/1010	130000	an racial decays a maya rance ceas	an racial decrea, mora rame serva	<u> </u>
DA16/0428 Ho	oliday Home (Single Dwelling) 10 occupants	5 Gibney Street~DUNSBOROUGH WA 6281	Lot 1 SSPLN 41860	13/06/2016	0	Penzolie Pty Ltd Robert Lindsay Mackinnon & Jeneen Lee	Penzolie Pty Ltd	20
DA16/0429 Ou	utbuilding	16 Forth Street"ABBEY WA 6280	Lot 50 DIAGRAM 24423	13/06/2016		Mackinnon	Robert Lindsay Mackinnon	(
DA16/0430 Ov	ver Sized Outbuilding	2 Isaacs Street~BUSSELTON WA 6280	Lot 16 PLAN 222224	15/06/2016	30299	Andrew Sutherland Dickie & Jillian Avis Walsh	Outdoor World Cape to Cape	21
DA16/0431 Ov	ver-height Outbuilding	22 Breeden Street~WEST BUSSELTON WA 6280	Lot 109 DIAGRAM 53681	17/06/2016	11760	Darren James Marley	Outdoor World Cape to Cape	28
DA16/0432 Th	hree (3) Grouped Dwellings	147 Duke Street~BUSSELTON WA 6280	Lot 20 DIAGRAM 21749	17/06/2016	553500	Carmelo Bertolami & Kathryn Mary Bertolami	WA Country Builders Pty Ltd - Busselton	21
Sir	ingle House to include a Reduced Rear etback (including a parapet wall)	524 Geographe Bay Road~ABBEY WA 6280	Lot 95 PLAN 9006	17/06/2016	380000	Pauline Anne Kendall	Angela Kartsioukas	28
SIN	NGLE HOUSE (DWELLING, WATER TANK AND UTBUILDING WITHIN LANDSCAPE VALUE REA INCLUDING BUILDING ENVELOPE							
DA16/0435 M	MODIFICATION) ingle Residence (Port Geographe	73 MacLaren Drive~YALLINGUP WA 6282	Lot 130 PLAN 39416	17/06/2016	381818.18	James Martin Peck & Catherine Anne Sampson	Brett Baker	
DA16/0437 De	evelopment)	39 Spinnaker Boulevard~GEOGRAPHE WA 6280	Lot 79 PLAN 404247	14/06/2016	495000	Lowe Pty Ltd	Pro Living Pty Ltd	27
DA16/0438 &	ingle Residence Extension (Special Character Landscape Value Areas)	16 Lancelot View~EAGLE BAY WA 6281	Lot 110 PLAN 18346	29/06/2016	205362.73	Siavash Khosrowshahi & Zahra Nahid Khosrowshahi	AK Homes Construction Pty Ltd	24
	uilding Envelope Modification to ccommodate Walkway	168 Endicott Loop~DUNSBOROUGH WA 6281	Lot 38 PLAN 19482	17/06/2016	50000	Lynn Roy Kennedy & Lorraine Joy Kennedy	Lynn Roy Kennedy, Lorraine Joy Kennedy	20
DA16/0440 Ac			1 - 1 7F N: 4N: 404747	17/06/2016	725000	Lowe Pty Ltd	Pro Living Pty Ltd	24
	rouped Dwellings (Two proposed dwellings)	47 Spinnaker Boulevard~GEOGRAPHE WA 6280	LOT /5 PLAN 40424/	17/06/2016			- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
DA16/0441 Gr	rouped Dwellings (Two proposed dwellings) ATIO ADDITION TO SINGLE HOUSE		Lot 23 DIAGRAM 80141	17/06/2016		Kerry Harry Alonzo Ahern & Christine Margaret Ahern	CPR Outdoor Centre	13

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		2/1 Congressional Drive~DUNSBOROUGH WA						
DA16/0444	Coffee Roasting Machine	6281	Lot 2 STPLN 62314	22/06/2016	7500	Jask Aust Pty Ltd & Naturaliste Nominees Pty Ltd	Craig Woods	20
	Shed (wall constructed up to lot boundary in							
DA16/0445	R15)	365 Bussell Highway~BROADWATER WA 6280	Lot 107 PLAN 67310	15/06/2016	15000	Brett Francis Moir & Hannah Catherine Bennett	Brett Francis Moir, Hannah Catherine Bennett	21
DA16/0446	Holiday Home (Single House) 8 Persons	15 Freycinet Drive~GEOGRAPHE WA 6280	Lot 400 PLAN 21949	17/06/2016	0	Steven John Dyjak & Kerry Lorraine Dyjak	Steven John Dyjak, Kerry Lorraine Dyjak	22
	Use Not Listed (unauthorised fill using							
DA16/0447	construction waste)	363 Rendezvous Road~VASSE WA 6280	Lot 24 PLAN 223170	22/06/2016	5000	Richard John Anderson & Katherine Anderson	Richard John Anderson	19
	Single House with reduced setback (Port							
DA16/0449	Geographe Development Area)	22 Keel Retreat~GEOGRAPHE WA 6280	Lot 565 PLAN 22450	17/06/2016	440539.1	Darren Jeffery Smith & Tanya Marie May	Tangent Nominees Pty Ltd	22
	SINGLE HOUSE (REFLECTIVE BUILDING	16/26 Yallingup Beach Road~YALLINGUP WA						
DA16/0450	MATERIALS - RETROSPECTIVE)	6282	Lot 16 SSPLN 44466	21/06/2016	17000	Michael James Aitken	Michael James Aitken, Natalie Aitken	0
-	Grouped Dwelling Additions (Special Character							
DA16/0453	Area)	2/35 Turner Street~DUNSBOROUGH WA 6281	Lot 2 STPLN 22058	22/06/2016	10000	Sandra Joan Taylor	Sandra Joan Taylor	20
	Single House (patio addition with reduced side					Arna Kay Hammond & Christopher David		
DA16/0456	setback)	5 Santons Approach~YALYALUP WA 6280	Lot 261 PLAN 57674	20/06/2016	10000	Hammond	CPR Outdoor Centre	20
	SINGLE HOUSE (OVER-HEIGHT OUTBUILDING	1						
DA16/0457	WITH REDUCED SETBACKS)	27 Goshawk Way~VASSE WA 6280	Lot 25 PLAN 76953	17/06/2016	30000	Scott James Boland & Jessica Ann Van Hooydonk	Scott James Boland, Jessica Ann Van Hooydonk	8
	SINGLE HOUSE (SWIMMING POOL IN							
DA16/0458	LANDSCAPE VALUE AREA)	422 Commonage Road"QUINDALUP WA 6281	Lot 73 PLAN 37015	22/06/2016	10000	Franz Knapp & Patsy Jill Grist	Franz Knapp, Patsy Jill Grist	4
	CARAVAN PARK AND CAMPING GROUNDS							
DA16/0462	(ENTRY SIGN)	236 Caves Road"SIESTA PARK WA 6280	Lot 5303 PLAN 220583	20/06/2016	1900	Scout Association of WA	Scout Association of WA	0
						Tomislav Mark Radic, Ross Ryan Radic, Cristobal	Tomislav Mark Radic, Ross Ryan Radic, Cristobal	
DA16/0464	Holiday Home (Single House) 12 people	160 Vintners Drive~QUINDALUP WA 6281	Lot 62 PLAN 33465	23/06/2016	0	Moreno, Rafael Moreno	Moreno, Rafael Moreno	17
	RELOCATED BUILDING ENVELOPE (OVER-					Paul Bernard Richardson & Caroline Renea		
DA16/0466	HEIGHT OUTBUILDING)	54 Okapa Rise~DUNSBOROUGH WA 6281	Lot 415 PLAN 49084	20/06/2016	17400	Moylan	Busselton Sheds Plus	14
DA16/0469	RESTAURANT	61 Hairpin Road NORTH JINDONG WA 6280	Lot 109 PLAN 73361	23/06/2016	1	Naturaliste Vintners Pty Ltd	Naturaliste Vintners Pty Ltd	5
	Single House (Vehicle access from primary							
DA16/0471	street)	38 Gigondas Street~YALYALUP WA 6280	Lot 626 PLAN 403469	22/06/2016	241206.36	Sana Turnock & David John Turnock	BGC Residential Pty Ltd	13
						1		
DA16/0473	OUTBUILDING (WATER TANK STORAGE SHED)	70 Drummond Glen"NATURALISTE WA 6281	Lot 12 PLAN 22558	23/06/2016	10650	Graham Rochford Dowland	GN Constructions [WA] Pty Ltd	7
	R-Codes (Fence within primary street setback							
DA16/0477	area)	13 Maggie Way~GEOGRAPHE WA 6280	Lot 56 PLAN 403601	27/06/2016	2000	Lawrence John Deale	James William Deale	6
	SINGLE HOUSE (PATIO ADDITION WITH	11 Glen Eagles Grove~WEST BUSSELTON WA						
DA16/0482	REDUCED SETBACKS)	6280	Lot 521 PLAN 20910	29/06/2016	19800	Kim Stuart Robinson & Patricia Ann Robinson	Cape Shades	6
WAPC16/0033	Subdivision - 3 x Lots (2.041Ha - 6.75Ha)	208 Quedjinup Drive~QUEDJINUP WA 6281	Lot 206 PLAN 23383	9/06/2016	0	Dace Frank Verbakel	Naturaliste Land Surveys	36

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Attachment B

				Applic	Application Determined					
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Determined Date	Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
evelopment Applications										
	Building not in accordance with approved plans -									
	Lot 33 (No. 830) Geographe Bay Road, West	830 Geographe Bay Road~WEST							Geoffrey Douglas Sargent, Phillip Richard	
ACP16/0004	Busselton	BUSSELTON WA 6280	Lot 33 PLAN 7937	27/06/2016		Processing	109	0	Sargent, Helen Linley Harbeck	
	Use not listed (Telecommunications Tower &		l		l					
A15/0662	Ancillary Equipment) Additional Two (2) Dwellings (to form Three (3)	Caves Road~YALLINGUP WA 6282 72 Reynolds Street~WEST BUSSELTON	Lot 470 PLAN 128582	17/06/2016	Approved	Approved	83	200000	Beth Walker	Daly International Pty Ltd
A16/0074	Grouped Dwellings)	WA 6280	Lot 29 DIAGRAM 19991	9/06/2016	Approved	Approved	85	393276	Charles Eric Grist & Kerry Lee Grist	Ventura Home Group Pty Ltd
-110/0074	Grouped Dwellingsy	TVA OLDO	EUC EU DINOISON EUUD	3/00/2010	прриотеа	прриотеа		333270	Charles are drist de Herry and drist	remark from Coroup 1 ty co
A16/0163	Oversized Outbuilding with Zincalume	Butterly Road~YALLINGUP WA 6282	Lot 2656 PLAN 153480	13/06/2016	Approved	Approved	78	300000	Kerygma Pty Ltd	33 South Building Group Pty Ltd
									Gemma Louise Passmore & Rhys Joshia	
A16/0184	Outbuilding (storage)	24 Country Road~BOVELL WA 6280	Lot 166 PLAN 22717	23/06/2016	Approved	Approved	3	50000	Passmore	Busselton Sheds Plus
A16/0226	Relocated Building Envelope (Oversized and	24 Wildbrook Place"YALLINGUP WA 6282	Lat 39 PLAN 41565	0.000.0000			19	53500	Warren Adirballa Milladia	Sheds Down South
A16/U226	Overheight Outbuilding)	3/80 Harris Road~BUSSELTON WA	LOT 39 PLAN 41565	9/06/2016	Approved	Approved	19	53500	Tanya Michelle Wilding	Sneas Down South
A16/0229	Carport (R-Codes)	6280	Lot 3 STPLN 44874	13/06/2016	Refused	Refused	71	7810	Stephen William Upton & Janet Irene Upton	CPR Outdoor Centre
,	Additions to Single House within Landscape									
A16/0232	Value	9 Brook Close"QUINDALUP WA 6281	Lot 8 PLAN 36840	13/06/2016	Approved	Approved	66	428000	Michael Richard Bentley & Julie Mary Bentley	Michael Richard Bentley, Julie Mary Bentley
A16/0238	Awning Upgrade	20 Queen Street~BUSSELTON WA 6280	Lot 1 SSPLN 40505	30/06/2016	Approved	Approved	96	40000	Ivan Harold Nash & Remour Josephine Nash	Cotan Pty Ltd
		4259 Caves Road~WILYABRUP WA						١.		
A16/0260	Change in Use (Tavern)	6280 3857 Caves Road~WILYABRUP WA	Lot 100 PLAN 63659	15/06/2016	Approved	Approved	64	0	Wiseowl Investments Pty Ltd	Dwyer Durack Lawyers
A16/0262	Restaurant	6280	Lot 10 DIAGRAM 64789	15/06/2016	Approved	Approved	7	1500000	Chenwal Pty Ltd	Peter Vernon Walsh
9410/0202	Nestaurani,	0230	LUC TO DIAGRAM 04783	13/00/2010	Арргочеи	ирргочец		1300000	Glenn Michael Brouwers & Caroline Frances	reter verifori waisii
A16/0286	Outbuilding (Landscape Value Area)	114 Hayes Road~QUINDALUP WA 6281	Lot 35 DIAGRAM 100227	3/06/2016	Approved	Approved	23	10000	Herrick	Glenn Michael Brouwers, Caroline Frances He
										Danielle Marie Richardson, Benjamin Campbi
A16/0306	Oversized Outbuilding	152 Norwood Pass~VASSE WA 6280	Lot 24 PLAN 76953	15/06/2016	Approved	Approved	50	70000	Vasse Property Pty Ltd	Richardson
A16/0307	Single House	14 Barkle Close~ABBEY WA 6280	Lot 29 PLAN 41572	15/06/2016	Approved	Approved	50	370461	Kieran Gerard Kinsella & Cecilia Helen Kinsella	Ventura Home Group Pty Ltd
A16/0309	Single House (Landscape Value Area)	109 Woodbridge Vale "YALLINGUP SIDING WA 6282	Lot 3 PLAN 38741	15/06/2016	Approved	Approved	47	80000	Benjamin William Donald Smith & Nadia Sharee Power	Busselton Sheds Plus
9410/0309	Single House (Variation to 'Solar Lot' Building	25 Cathedral Loop~WEST BUSSELTON	LOC 3 PLAN 38741	15/00/2016	Approved	Approved	4/	80000	Sharee Power	Busselton Sheus Pius
A16/0320	Design Guidelines)	WA 6280	Lot 15 PLAN 50928	15/06/2016	Approved	Approved	48	252900	Ryan Michael Moore	Dale Alcock Homes South West Pty Ltd
		7 Waterline View~GEOGRAPHE WA							,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, , , , , , , , , , , , , , , , , , , ,
A16/0321	Floating Boat Lifting Structure - Retrospective	6280	Lot 54 PLAN 57392	15/06/2016	Approved	Approved	10	1	Derrick Goss & Jodie Katrina Goss	Jodie Katrina Goss, Derrick Goss
	Additions / Alterations to Existing Cellar Door	269 Quininup Road~WILYABRUP WA								
A16/0322	(Kitchen and Office Extensions)	6280	Lot 44 PLAN 23795	8/06/2016	Approved	Approved	36	60000	Ann Spencer	Ann Spencer
	Addition to find the state of the state of	60 Wardanup Crescent~YALLINGUP WA 6282		0.000.0000						
A16/0328	Additions to Existing Single House Change of Use (Professional Consulting Room to	- FOR	Lot 167 PLAN 9022	9/06/2016	Approved	Approved	37	120000	Hereward Shann Evans	Alexander Alan Cranfield
A16/0334	Medical Centre)	6280	Lot 28 DIAGRAM 10246	9/06/2016	Approved	Approved	30	50000	Jocelyn Louise Bird & Allan John Atkinson	Joe Prestipino Building Design
7120/0354	medical certacy	11 Hurford Street*DUNSBOROUGH WA	20120 0310101011 20210	3/00/2010	гарлотеа	749.0100		30000	Joeciyii coaloc olia a valati yanii yaciingan	Joe resulptio dutiding design
A16/0340	Holiday Home (Single House) 10 People	6281	Lot 14 PLAN 6073	20/06/2016	Approved	Approved	40	0	Angus Ronald Edward Keogh	Angus Ronald Edward Keogh
		1 Crouchley Court"BROADWATER WA								
A16/0341	Patio (R-Codes)	6280	Lot 433 PLAN 57396	2/06/2016	Approved	Approved	15	5450	Allan Robert Warmington	Allan Robert Warmington
		10 Chapman Street*DUNSBOROUGH			l	l				
A16/0342	Single House (Codes Variation)	WA 6281 16/34 Dunn Bay Road~DUNSBOROUGH	Lot 77 PLAN 43331	20/06/2016	Approved	Approved	26	250000	Joanne Louise Clark & Miles David Henderson	Joanne Louise Clark, Miles David Henderson
A16/0344	Change in Use (Peace Pizza)	WA 6281	Lot 16 STPLN 34316	15/06/2016	Approved	Approved	35		Darryl John Gibbs & Robin Pauline Gibbs	Stephen Merrick
A16/0346	Outbuilding (Reduced setbacks)	35 Penguin Way~VASSE WA 6280	Lot 17 PLAN 76953	13/06/2016	Approved	Approved	33	15000	Michael James Schepis	Michael James Schepis
1120/0310	outputting (reduced setoscies)	Moses Rock Road~WILYABRUP WA	20127700470333	13/00/2010	прриотеа	прротей	- 55	15000	twicher series screps	Wilchider sames senepis
A16/0348	Single House (Landscape Value Area)	6280	Lot 814 PLAN 75559	9/06/2016	Approved	Approved	8	140000	Stefan Kurys-Romer	Stefan Kurys-Romer
		3 Vintners Drive~QUINDALUP WA								
A16/0350	Relocated Building Envelope	6281	Lot 103 PLAN 66320	15/06/2016	Approved	Approved	34	0	Quicksea Pty Ltd	Calibre Consulting (Aust) Pty Ltd
cinaca	0.00.000.000.000.000.000	9 Esperia Close [*] WEST BUSSELTON WA		2 (05 (205 -					Stephen Rodney Sheehan & Kathleen Brigid	
A16/0351	Outbuilding - Residential - Wall height	6280	Lot 553 PLAN 41564	3/06/2016	Approved	Approved	18	16000	Sheehan	Malcoim James Beatty
A16/0352	Increase the existing Tavern Licensed Area to include an Alfresco Area	422 Harmans Mill Road~WILYABRUP WA 6280	Lot 3923 PLAN 206457	24/06/2016	Annessa	Annenus	48	1	Orango Shoul Dtu Ltd	Harvey River Estate Pty Ltd
M10/0332	Single House in Port Geographe Development	35 Headstay Cove"GEOGRAPHE WA	LOC 3923 PLAN 200457	24/06/2016	Approved	Approved	48	1	Orange Shed Pty Ltd	narvey hiver Estate Pty Ltd
A16/0355	Area	6280	Lot 35 PLAN 57392	2/06/2016	Approved	Approved	21	500000	Laura Denona & Jurica Denona	Abel Ling Architect
		58 Dunn Bay Road~DUNSBOROUGH		-,-,,,	.,,,,,,,,,	.47				
A16/0358	Signage (Dunsborough Cellars)	WA 6281	Lot 2 DIAGRAM 79357	30/06/2016	Approved	Approved	49	15000	Darryl John Gibbs & Linsten Pty Ltd	Charax Pty Ltd
A16/0363	Outbuilding (Special Character Area)	23 Seaview Rise~EAGLE BAY WA 6281	Lot 1 PLAN 28146	9/06/2016	Approved	Approved	26	14500	Harbo Investments Pty Ltd	Cape Shades

251 Planning Applications Determined 1 June - 30 June 2016

Attachment B

	Carport Addition to Single House (Port	9 Heirisson Retreat~GEOGRAPHE WA							Richard Michael Cranfield & Natalie Marie	
DA16/0364	Geographe Development Area)	6280	Lot 75 PLAN 20377	8/06/2016	Approved	Approved	27	7400	Caratti	CPR Outdoor Centre
	Singe House Additions (including patio and									
	bathroom addition) within Landscape Value Area									
DA16/0366	with reduced rear and side setbacks.	472 Caves Road"SIESTA PARK WA 6280	Lot 63 DIAGRAM 49351	15/06/2016	Approved	Approved	27	30000	Graham George Standley	Graham George Standley
PHIO(0300	with reduced real and side seconds.	472 Cares Road SIESTA PARK WA 0200	EUC 03 DIAGRAM 45331	13/00/2010	эрргочеа	Арргочеи	2.7	30000	Duncan Bruce Timmons & Alison Lorna	dranam deorge standley
DA16/0368	Additions to include a new Ablution Block	278 Hayes Road~QUINDALUP WA 6281	Lot 1 DIAGRAM 67493	29/06/2016	Approved	Approved	45	30000	Timmons	Christian Bridson
		26 Johnston Avenue~WEST BUSSELTON		23/20/2010	149.0100	745-0100	- 10			
DA16/0369	Residential Outbuilding (over-height walls)	WA 6280	Lot 57 DIAGRAM 48563	9/06/2016	Approved	Approved	21	7275	Jesse Cameron Nelson & Malia Stokman	C2C Holdings Pty Ltd
		2B Greenacre Road~DUNSBOROUGH								
DA16/0370	Holiday Home (Single House) 8 Persons	WA 6281	Lot 4 SSPLN 51552	8/06/2016	Approved	Approved	20	0	David John Tyler	David John Tyler
	Cape Naturaliste Lighthouse (Cultural Meeting	1267 Cape Naturaliste							State of WA & Geographe Bay Tourism	
DA16/0371	Place)	Road~NATURALISTE WA 6281	Lot No:5052 & 5051 & 5416	29/06/2016	Approved	Approved	40	20000	Association	Margaret River Busselton Tourism Association
	Retrospective DA - Holiday Home (Grouped	2 Chester Way~DUNSBOROUGH WA								
DA16/0373	Dwelling) 6 People	6281	Lot 2 STPLN 55938	21/06/2016	Approved	Approved	4	0	Garret John Dixon	Garret John Dixon
		2/19 Kunzea Place~DUNSBOROUGH								
DA16/0374	Outbuilding	WA 6281	Lot 2 STPLN 36997	14/06/2016	Approved	Approved	26	19800	Doubleace Pty Ltd	Doubleace Pty Ltd
2416 (0200	Single Residential - Patio (greater than 9m less	14 Westminster Avenue^WEST BUSSELTON WA 6280	Lot 525 PLAN 23463	15 (05 (2015	Annual	Annenud	28	9880	Darrin John Douglas, Francis John Douglas,	CDS Continue Control
0A16/0380	than 1.5m to side boundary)	BUSSELTON WA 6280	LOT 525 PLAN 23463	15/06/2016	Approved	Approved	28	9880	Lyla Jane Douglas	CPR Outdoor Centre
	Building Envelope Modification (Rural	98 Duckworth Place~NATURALISTE WA								
DA16/0382	Residential Outbuilding - detached carport)	6281	Lot 20 PLAN 22560	15/06/2016	Approved	Approved	22	47500	Shirley Eleanor In't Veld	Holst Design
7-120/030E	mesidential doctorions decidence esignately	0601	COLEO I DIVERSOO	13/00/2010	гарриотеа	740.0100		41300	Stanley Robert Lawrence-Brown & Maike	Thorse occupit
DA16/0383	Swimming Pool (Landscape Value Area)	78 Sonning Loop~YALLINGUP WA 6282	Lot 38 PLAN 23568	3/06/2016	Approved	Approved	10	25454.55	Lawrence-Brown	Bunbury Pool Centre
	SINGLE HOUSE (Modification to building									
DA16/0384	envelope and dwelling in landscape value area)	31 Seascape Rise~YALLINGUP WA 6282	Lot 216 PLAN 71408	20/06/2016	Approved	Approved	23	570405.45	P & L Capital Investments Pty Ltd	WA Country Builders Pty Ltd - Busselton
		2 Blue Crescent~WEST BUSSELTON WA								
DA16/0385	Bed and Breakfast	6280	Lot 8 PLAN 8321	7/06/2016	Approved	Approved	8	0	Alison Denise Beazley & Bradley Dean Wood	Alison Denise Beazley, Bradley Dean Wood
									Stanley Robert Lawrence-Brown & Maike	Stanley Robert Lawrence-Brown, Maike Lawrence
DA16/0388	Pool Fence & Alfresco (Landscape Value Area)	78 Sonning Loop~YALLINGUP WA 6282	Lot 38 PLAN 23568	13/06/2016	Approved	Approved	22	12000	Lawrence-Brown	Brown
		25 Serpentine Bend~YALYALUP WA								
DA16/0389	Single Dwelling (Parapet wall in R15)	6280	Lot 43 PLAN 404829	13/06/2016	Approved	Approved	22	208552	Nicholas John Taylor & Sarah Anne Taylor	Ventura Home Group Pty Ltd
		5/11 Margaret Street"WEST								
DA16/0390	Grouped Dwelling (Holiday Home) 6 people	BUSSELTON WA 6280	Lot 5 SSPLN 60210	7/06/2016	Approved	Approved	13	0	Gary Clark & Jodie Leeanne Clark	Gary Clark, Jodie Leeanne Clark
	Sinner Mar Salal Branco d S. Aver Late 103 S									
DA16/0393	Signage 'For Sale' - Proposed future Lots 102 &	Napoleon Promenade~VASSE WA 6280	1 - 1 OC 43 DI AN 403530	7/05/2025	4		7	1	Donne Donnelson and Dr. Lad & Connell Dr. Lad	Variable Development Develop
JA10/0393	103 (L9542) Napoleon Promonade, Vasse	65 Blackbutt Close~YALLINGUP SIDING	LOT 9542 PLAN 403620	7/06/2016	Approved	Approved		1	Perron Developments Pty Ltd & Stawell Pty Ltd	vasse Property Development Pty Ltd
DA16/0395	Additional Carport (Landscape Value Area)	WA 6282	Lot 94 PLAN 20163	15/06/2016	Approved	Approved	19	22727.27	Rodney James Holt	Adrian Zorzi Pty Ltd
JA10/0333	Motor Vehicle Repair (Panel and Paint	WA 0202	LOC 34 P DAIL 20103	13/00/2010	ярргочеи	Арргочеи	17	22/2/2/	nouncy sames not	Admini Zorzi Pty Ctu
DA16/0402	Workshop)	14 Commerce Road~VASSE WA 6280	Lot 7 PLAN 52479	20/06/2016	Approved	Approved	22	270000	Extract Holdings Pty Ltd	Busselton Sheds Plus
	Outbuilding Replacement (to include a parapet	29 Derek Street~WEST BUSSELTON WA		20,00,2020	1,451.01.00	745-6166		2:1111	District of the Control of the Contr	
DA16/0403	wall on an R15 Coded Lot)	6280	Lot 89 DIAGRAM 37774	28/06/2016	Approved	Approved	30	20000	Jan Ross Roberts & Darryl James William Kelly	GN Constructions [WA] Pty Ltd
	Modification to Building Envelope for an	58 Okapa Rise~DUNSBOROUGH WA								
DA16/0404	Outbuilding (Landscape Value Area)	6281	Lot 416 PLAN 49084	24/06/2016	Approved	Approved	23	10000	Clive Charles Hicks & Judith Kay Hicks	Clive Charles Hicks, Judith Kay Hicks
	Relocated Building Envelope (to accommodate a	225 Endicott Loop~DUNSBOROUGH								
DA16/0405	water tank)	WA 6281	Lot 19 PLAN 19481	15/06/2016	Approved	Approved	15	1	Peter Arthur Kyle & Patricia Josephine Morgan	Patricia Josephine Morgan, Peter Arthur Kyle
	Single Dwelling (reduction to lot boundary	91 Hester Street~GEOGRAPHE WA							Kenneth John Spencer, Mark William Spencer,	
DA16/0407	setback)	6280	Lot 10 PLAN 10080	22/06/2016	Approved	Approved	22	55000	Richard Kenneth Spencer	Kenneth John Spencer
		25/7 Marrinup Drive~YALLINGUP WA								
DA16/0408	Gates & Landscaping	6282	Lot 25 SSPLN 39092	16/06/2016	Approved	Approved	14	2000	Jeremy Erland Happ	Jeremy Erland Happ
		20 Mainsail Street "GEOGRAPHE WA 6280						****	John Vincent Callaghan & Gail Patricia	
DA16/0409	Patio (Port Geographe Special Character Area)	02.00	Lot 13 PLAN 50929	29/06/2016	Approved	Approved	19	7000	Callaghan	John Vincent Callaghan, Gail Patricia Callaghan
2416/0410	Single Dwelling Alterations/Additions (parapet	15 Glenleigh Road~WEST BUSSELTON	1 -4 30 DI ANI 0330	13/05/3015	Assessed	Annound	11	4000	Adrian Dates Made & Charge Lee Made	Adrian Pater Hinds
DA16/0410	wall in R15) Single Dwelling (Reduction to lot boundary	WA 6280 26 Waterville Road~DUNSBOROUGH	Lot 28 PLAN 8328	13/06/2016	Approved	Approved	- 11	4000	Adrian Peter Hinds & Sharon Lee Hinds	Adrian Peter Hinds
DA16/0414	setback)	WA 6281	Lot 144 PLAN 405106	9/06/2016	Approved	Approved	7	254545.45	Content Living Pty Ltd	SSB Pty Ltd
MANINTAT	ALUGA,	110 0404	101 277 0017 703200	3700/2010	Approved .	App. Oved		2,74,743,43	CONTENT DATES LA PIO	200114 610
DA16/0416	Patio (reduced secondary street setbacks)	3 Harvey Street~YALYALUP WA 6280	Lot 248 PLAN 67366	13/06/2016	Approved	Approved	5	5500	Brett Cameron Nelson & Nittiva Kokarat	Brett Cameron Nelson
,	, y street setudicks)	61 Burwood Lane~YALLINGUP SIDING		23/00/2020	.approved	. approved		3300		
DA16/0418	New Patio and Deck (Landscape Value Area)	WA 6282	Lot 8 PLAN 18682	21/06/2016	Approved	Approved	19	65000	Murray Owen Williams & Rosemary Williams	Murray Owen Williams, Rosemary Williams
,	Outbuilding (Port Geographe Development	3 Salamanda Drive~GEOGRAPHE WA		32,00,2020	749.0100				Graham Peter Donald & Ruth Patricia Leslie	, and the second
A16/0426	Area)	6280	Lot 276 PLAN 21425	13/06/2016	Approved	Approved	5	10000	Donald	Busselton Sheds Plus
		247 Quininup Road~WILYABRUP WA								
DA16/0427	Relative Ancillary Accommodation	6280	Lot 142 PLAN 26583	22/06/2016	Approved	Approved	0	150000	Ian Richard Lewis & Moya Anne Lewis	Ian Richard Lewis, Moya Anne Lewis
DA16/0427 DA16/0429	Relative Ancillary Accommodation Outbuilding		Lot 142 PLAN 26583 Lot 50 DIAGRAM 24423	22/06/2016	Approved	Approved	0	150000 19000	Ian Richard Lewis & Moya Anne Lewis Robert Lindsay Mackinnon & Jeneen Lee Mackinnon	Ian Richard Lewis, Moya Anne Lewis Robert Lindsay Mackinnon

Attachment B

Planning Applications Determined 1 June - 30 June 2016

DA16/0430	Over Sized Outbuilding	2 Isaacs Street~BUSSELTON WA 6280	Lot 16 PLAN 222224	22/06/2016	Approved	Approved	21	30299	Andrew Sutherland Dickie & Jillian Avis Walsh	Outdoor World Cape to Cape
		1068 Caves Road~QUINDALUP WA							Kerry Harry Alonzo Ahern & Christine	
DA16/0442	PATIO ADDITION TO SINGLE HOUSE	6281	Lot 23 DIAGRAM 80141	29/06/2016	Approved	Approved	13	4950	Margaret Ahern	CPR Outdoor Centre
	SINGLE HOUSE (SWIMMING POOL IN	422 Commonage Road~QUINDALUP								
DA16/0458	LANDSCAPE VALUE AREA)	WA 6281	Lot 73 PLAN 37015	27/06/2016	Approved	Approved	4	10000	Franz Knapp & Patsy Jill Grist	Franz Knapp, Patsy Jill Grist
									Genevieve Ann Mitchell & Peter Graham	
WAPC16/0008	Form 24 - 8 x Industrial Survey Strata Lots	7 Artisan Street~BUSSELTON WA 6280	Lot 65 PLAN 13808	13/06/2016		Approved	132	0	Mitchell	SurvCon Pty Ltd
									Mary Donald Nominees Pty Ltdt/a DJ	
WAPC16/0022	Subdivision - 21 x Lots (447sqm - 2220sqm)	Serpentine Bend~YALYALUP WA 6280	Lot 9005 PLAN 404829	27/06/2016	Support	Approved	50	0	MacCormick Property Group	Peter Webb & Associates
		5 Griffin Drive~DUNSBOROUGH WA								
WAPC16/0031	Form 24 - 3 x Commercial Lots	6281	Lot 901 PLAN 54282	20/06/2016		Approved	19	1	Esmio Pty Ltd	SurvCon Pty Ltd
		14 Faure Lane~DUNSBOROUGH_WA							Freestone Property Pty Ltd & Monaco	
WAPC16/0032	Form 24 - 2 x Commercial Lots	6281	Lot 921 PLAN 45007	20/06/2016		Annroved	19	1 1	Corneration Pty Ltd	SurvCon Ptv Ltd

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(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 6 July 2016

APPEAL (Name,	DATE	DECISION APPEAL	RESPONSIBLE	STAGE COMPLETED	NEXT ACTION AND DATE	DATE
No. and Shire File	COMMENCED	IS AGAINST	OFFICER		OF ACTION AS PER SAT	COMPLETED /
Reference)					ORDERS	CLOSED
Eichenberg vs City of Busselton	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/Cobus Botha	 Mediation on 20 November 2015 which resulted in following orders being made: Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan. All notices have been stayed pending consideration of the BFMP. 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. Directions Hearing on 6 May 2016, the applicant has been given 2 months to submit a planning application and FMP. A development application was received on 30 June 2016. A further directions hearing has been listed for 8 July 2016 and mediation scheduled for 12 July 2016. 	Directions Hearing scheduled for 8 July 2016 and mediation scheduled for 12 July 2016	

Attachment C

State Administrative Tribunal Appeals as at 6 July 2016

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Lee vs City of Busselton	June 2015	Appeal against Demolition Order	James Washbourne/ Cobus Botha	 Mediation on 14 September 2015; agreed that the applicant would submit a revised building application within 3 months (24 December 2015); and within 4 months after approval make a substantial start with practical completion in 12 months A Building Permit was approved on 22 December 2015. Building work commenced on 23 January 2016; Directions hearing on 10 May 2016, where it was decided that the city to advise if we agree to vacate the current proceedings and monitor the situation and reissue another building order. Directions Hearing on 21 June 2016 where it was decided that the building order is set aside and the application is dismissed. 	Appeal Dismissed
DCSC vs Southern JDAP	January 2016	Appeal against refusal of Development application	State Solicitors Office/Anthony Rowe/Paul Needham	 Parties to circulate documents categorising the land use within 14 days. Land use to be determined by SAT. 	City seeking further advice from Southern JDAP representatives as to progress/direction with resolving land use classification issue.
Caves Caravan Park vs City of Busselton	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	 Directions hearing to commence proceedings and discuss way forward. Mediation hearing on 29 April 2016. The City is to prepare a report to Council in line with the Orders from SAT for the 	Directions hearing on 10 August 2016

Caves 1676 Pty Ltd v Western Australian Planning Commission	April 2016	Appeal against the refusal of a survey-strata subdivision	State Solicitors Office/Joanna Wilson/Moshe	reconsideration of S.34 of the Caravan and Camping Grounds Act 1995. • Directions hearing scheduled for 10 August 2016 • Mediation Hearing on 27 April 2016 to discuss the issue of whether the development
and City of Busselton		Strata subdivision	Philips	approval which has expired had substantially commenced. The applicant is to submit evidence that the works have substantially commenced and the City and SSO is to form a view if they agree.
				Mediation on 7 June 2016, an agreement on substantial commencement could not be reached; the SSO and Tribunal have suggested that the City submit an intervention application to become a party to the proceedings.
				 Intervention application to be submitted by 15 July 2016. Directions hearing on 15 July 2016 to arrange dates for a Hearing.
Formas v Western Australian Planning Commission	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office/Joanna Wilson	Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved. The parties could not agree in

27 July 2016

Credaro v City of Busselton	June 2016	Appeal against the refusal of an extension of time for an Extractive Industry	Anthony Rowe/Andrew Watts	 Mediation and the application has requested the matter goes to a Hearing. Directions Hearing on 2 June to set dates for a Hearing. City's expert witness statement to be submitted by 17 August 2016. Hearing set for 21 September 2016 for a duration of three days Directions hearing on 29 June 2016 to arrange date mediation; Mediation scheduled for 12 August 2016, Councillors/CEO and Mr Threadgold is invited to attend the mediation 	• Mediation on 12 August 2016	
Kumar v City of Busselton	May 2016	Appeal against the refusal of a development application.	Tanya Gillett/Anthony Rowe	 Directions hearing on 22 June 2016 to arrange date for mediation; Mediation on 1 July 2016 where it was agreed that the matter be deferred subject to negotiations to find alternative locations for the applicant. 	Further date for mediation to be set.	



Our

858-2001, A5706476. Enquiries: Daniel Soon, ph 6552 4554, 0437 545 652

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

BY EMAIL (ONLY) TO: shire@busselton.wa.gov.au

Dear Mr Archer

DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING AND DEVELOPMENT ACT 2005 (PDA)

In order to reduce processing times and costs, the Minister for Lands Hon. Terry Redman MLA, has recently approved new and more streamlined arrangements to allow Local Government Authority CEOs to sign selected Development Applications, without need of referral to the Department of Lands (DoL).

The Schedule to the attached Instrument of Authorisation dated 2 June 2016, sets out the specific types of Development Applications for which you can now sign as owner. Please ensure that any such signature is also annotated with the standard endorsement ie:

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Development Applications relating to Unallocated Crown land, Unmanaged Reserves, land under management order to a local government where the development is not consistent with the reserve's purpose, or is used for commercial purposes, or land which is subject to a lease issued under the *Land Administration Act 1997*, will still need to be referred for the Department of Lands' consideration and signature.

Please do not hesitate to contact Daniel Soon, Manager Operational Policy and Legislation, Department of Lands on 08 6552 4554 if there are any queries regarding this new arrangement.

Yours sincerely

Colin Slattery Director General 29 June 2016

Att

Department of Lands - Development Applications Made Under the Auspices of the Planning and Development Act 2005 (PDA)

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, Donald Terrence Redman MLA, Minister for Lands, a body corporate continued by section 7(1) of the Land Administration Act 1997, under section 267A of the Planning and Development Act 2005, HEREBY authorise, in respect of each local government established under the Local Government Act 1995 and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2 day of Sunx

2016

HON DONALD TERRENCE REDMAN MLA MINISTER FOR LANDS

Department of Lands - Development Applications Made Under the Auspices of the Planning and Development Act 2005 (PDA)

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the Planning and Development Act 2005

Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the Land Administration Act 1997 and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the
 care, control and management under section 55(2) of the
 Land Administration Act 1997 and where there is no
 balcony or other structure proposed to be constructed over
 that road unless that structure comes within the definition of
 a "minor encroachment" in the Building Regulations 2012
 (Regulation 45A), or is an "awning, verandah or thing"
 (Regulation 45B), or is a ground anchor, and where the
 development is consistent with the use of the land as a
 road.

in respect of development applications being made under or referred to in:

- section 99(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a local interim development order (as that term is defined in that Act):
- section 115 of the Planning and Development Act 2005 in respect of development within a planning control area (as that term is defined in that Act);
- section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- section 162 of the Planning and Development Act 2005 in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

Column 2

City of Albany City of Armadale Shire of Ashburton

Shire of Augusta-Margaret River Town of Bassendean City of Bayswater

City of Belmont Shire of Beverley Shire of Boddington

Shire of Boyup Brook Shire of Bridgetown-Greenbushes

Shire of Brookton Shire of Broome

Shire of Broomehill-Tambellup Shire of Bruce Rock

City of Bunbury Shire of Busselton Town of Cambridge

City of Canning Shire of Capel Shire of Carnamah

Shire of Carnaryon Shire of Chapman Valley

Shire of Christmas Island

Town of Claremont

City of Cockburn Shire of Cocos (Keeling) Islands

Shire of Collie Shire of Coolgardie Shire of Coorow

Shire of Corrigin Town of Cottesloe

Town of Cottesloe Shire of Cranbrook Shire of Cuballing

Shire of Cue Shire of Cunderdin

Shire of Cunderdin Shire of Dalwallinu

Shire of Dandaragan Shire of Dardanup Shire of Denmark

Shire of Derby/West Kimberley Shire of Donnybrook-Balingup

Shire of Dowerin Shire of Dumbleyung

Shire of Dundas Town of East Fremantle Shire of East Pilbara

Shire of Esperance Shire of Exmouth City of Fremantie

City of Greater Geraldton

Column 3

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In accordance with and subject to approved Government Land policies

Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Attachment D

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Department of Lands - Development Applications Made Under the Auspices of the Planning and Development Act 2005 (PDA)

- section 163 of the Planning and Development Act 2005 in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the Heritage of Western Australia Act 1990, or of which such a place forms part;
- section 171A of the Planning and Development Act 2005 in respect of a prescribed development application (as that term is defined in that section of that Act).

Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup

City of Kalgoorlie-Boulder Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray Shire of Nannup Shire of Narembeen Shire of Narrogin Town of Narrogin City of Nedlands Shire of Ngaanyatjarraku Shire of Northam Shire of Northampton Shire of Nungarin Shire of Peppermint Grove Shire of Perenjori City of Perth Shire of Pingelly Shire of Plantagenet Town of Port Hedland Shire of Quairading Shire of Ravensthorpe City of Rockingham Shire of Roebourne Shire of Sandstone Shire of Serpentine Jarrahdale Shire of Shark Bay City of South Perth

City of Stirling City of Subiaco City of Swan

Attachment D

261 27 July 2016

Department of Lands - Development Applications Made Under the Auspices of the Planning and Development Act 2005 (PDA)

Shire of Three Springs
Shire of Toodyay
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Wictoria Plains
Town of Victoria Plains
Town of Vincent
Shire of Waglin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of Wast Arthur
Shire of Westonia
Shire of Wickepin
Shire of Williams
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Yyalkatchem
Shire of Yyalgan
Shire of Yalgoo
Shire of Yilgarn
Shire of York

Shire of Tammin

HON DONALD TERRENCE REDMAN MLA MINISTER FOR LANDS

Minister for Agriculture and Food; Transport - Coastal Adaptation and Protection Grants 2016-2017



262

Minister for Agriculture and Food; Transport

Our ref: 53-14514

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

Application No	Propins No.	
0.0 JUL	2916	
Property D	Dno ID	

Dear Cr Henley

COASTAL ADAPTATION AND PROTECTION GRANTS 2016-17

Thank you for your application regarding Coastal Adaptation and Protection Grants for 2016-17.

I am pleased to inform you that grants have been approved for the following projects:

- 1. Beach monitoring (Year 4) \$20,000.
- 2. Maintenance of coastal protection structures \$22,500.
- 3. Sand nourishment (Year 4) \$55,000.
- 4. Storm Surge Inundation and Evacuation Study \$20,000.

This funding is provided in accordance with the Information for Applicants and Grant Guidelines and will be administered by the Department of Transport (DoT).

These grants are subject to conditions which will be sent to you in a funding agreement by DoT. Please sign and return your funding agreements within one month of receiving them.

Yours sincerely

DEAN NALDER MLA

MINISTER FOR TRANSPORT

0 1 JUL 2016

Department of Mines and Petroleum - South West Petroleum Exploration Information Concerns



Your ref:

Our ref:

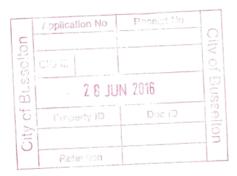
Enquiries:

Jason Medd - Ph (08) 9222 0442

Email:

jason.medd@dmp.wa.gov.au

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



Dear Mr Archer

South West petroleum exploration information concerns

The Department of Mines and Petroleum has received a number of enquiries from shire officers relating to information about petroleum exploration in the South West region being circulated through mainstream and social media.

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I take this opportunity to provide you information which addresses some of the key issues where misinformation is creating confusion.

Land access rights and the landowners' inability to refuse access are being promoted strongly throughout the South West. Petroleum companies are legally required to obtain consent from private land owners and occupiers before approval to undertake any activities on their land is granted. This consent can include agreements concerning compensation.

A model land access agreement has been developed to streamline negotiations between oil and gas companies and farmers. The model agreement is accompanied by a 'Farmers Guide to Land Access', which provides easy-to-read information on how rural land owners can negotiate fair and equitable compensation for access to private land. If an agreement for compensation cannot be reached, the matter may be referred to the Magistrate's Court where the amount of compensation will be set.

Regulated petroleum activities have been occurring in Western Australia for the past 60 years without compromising health, safety or the environment. During that period, nearly 780 hydraulic fracture stimulation activities have been conducted without major incident. Hydraulic fracture stimulation associated with horizontal drilling is a relatively new development, within the past 20 years or so, which is making recovery of natural gas and oil trapped within shale and tight rocks elsewhere in the world more viable and has generated new interest in WA's onshore petroleum potential.

The technique of hydraulic fracture stimulation (fraccing) has also been promoted by some groups as a major risk to the environment and public health. This is being fuelled by images and examples related to coal seam gas (CSG) extraction in Queensland and overseas. The dewatering process used for CSG, often located within hypersaline aquifers, is vastly different to the hydraulic fracture stimulation process which occurs 2–5 kilometres

ABN 69 410 335 356

underground, well below the State's potable aquifers, which are typically 500-1000 metres below ground.

Western Australia has some of the strictest regulations in the world relating to chemical use in petroleum activities, including during hydraulic fracture stimulation, and requires full chemical disclosure, which is made publicly available through the Department of Mines and Petroleum (DMP) website. The DMP's assessment of chemicals during hydraulic fracture stimulation also ensures that only those with low toxicity and low concentrations are considered for use. Hydraulic fracture stimulation processes usually only last 3-4 days and fracture fluids are recycled as much as possible. Holding ponds for the fluids are evaporated after use and the lining material and any residues are properly disposed of through a licenced waste facility.

As the physical footprint of petroleum activities is relatively small, they can coexist with other land use activities, including farming. An unattributed image of the 10,000 hectare Jonah tight gas field in south west Wyoming being circulated on posters falsely claims the image is of abandoned shale gas wells. The Jonah gas field does not produce gas from shale. The field has been operating since the 1970's and has 1,700 producing wells.

This image of the Jonah field promotes the perception that a shale and tight gas industry in the State's South West will be developed the same way. Western Australia does not have such extensive pipeline infrastructure developed as the United States. Western Australia's regulatory framework for shale and tight gas would not permit a development with a similar surface impact. The framework also requires environment plans, safety cases, well and field management plans and facility closure plans to be submitted as part of the multi-agency approvals process. Disturbed areas caused by petroleum activities are required to be returned to farmland or natural bush once the resources have been extracted.

Well integrity and potential damage to underground aquifers is often highlighted as a high risk associated with fracture stimulation processes. Well integrity is a key priority for which WA has established the highest international standards, which include the modern principle of a multiple-barrier well design to ensure the effective prevention of fluid leaking from the well into the environment or from the environment into the well itself. References to 'well failure' do not mean all the barriers have failed, but may refer to a leak or crack in one barrier with the other barriers still maintaining integrity. The likelihood of multiple barriers failing within the aquifer zone is considered to be highly improbable. Legislation requires that integrity of wells is checked on a regular basis.

Development of this potential new industry for WA is still very much in its infancy, with any significant commercial production predicted to be at least five to ten years away. Within the State's South West, between Pinjarra and Busselton, there are four petroleum exploration permits.

EP 480 is located south of Pinjarra and EP 416 extends south of that to Harvey. The current work program for these permits includes the interpretation of data from the Black Swan Airborne Geophysical survey, which will determine the location of a further 50 kilometres of 2D seismic survey. A drillable target has not been identified and is unlikely until 2D seismic has been acquired. The publically available work program is of limited extent and step-by-step approach to exploration.

The proposed STP-EPA-0132 permit area, which has not been granted yet, includes 11 blocks extending across the shires of Capel, Dardanup and Donnybrook-Balingup, as well

Department of Mines and Petroleum - South West Petroleum Exploration Information Concerns

as parts of the City of Bunbury and slightly overlapping the City of Busselton. A number of studies have shown that hydraulic fracture stimulation would not be suitable in the particular geology of this area. There is currently no indication of any good quality shales in the area.

The preferred bidder, Bunbury Energy, is still progressing with its native title negotiations. Should the company receive permit approval, its two-year firm plan has proposed a 150 kilometer seismic survey, which the company plans to conduct along roadsides and other accessible areas as they do not intend to enter private land or sensitive areas.

The Whicher Range permit area, EP 408, which extends south of Busselton and Capel, is the only area within the South West where petroleum exploration drilling has recently been undertaken. The current approved work program does not include hydraulic fracture stimulation. Whicher Range South, in EP 381 located immediately south of EP 408, has a current approved work program consisting of a range of studies, such as geotechnical, engineering, marketing and commercial studies.

The State Government has ensured that Western Australia's legislation, regulations and guidelines are robust and in step with changing scientific and technological advances to ensure the onshore petroleum industry is developed safely and sustainably for the benefit of all Western Australians.

It is committed to provide WA with access to cleaner, affordable energy sources to sustain our economy and quality of life. The responsible development of natural gas onshore resources plays a significant part in achieving this goal and can provide significant benefits such as employment opportunities in the regions and energy security now and into the future.

DMP appreciates the level of concern some community members have in regard to the use of hydraulic fracture stimulation, which is why we are providing this information. I do hope it will be helpful to alleviate concerns raised within your community.

This information is incorporated in an extensive range of fact sheets and the comprehensive WA Regulatory Framework for Shale and Tight Gas, which are available for download and review on the DMP website at www.dmp.wa.gov.au

Yours sincerely

Jeff Haworth

EXECUTIVE DIRECTOR PETROLEUM

20 June 2016

Premier of Western Australia - Busselton Regional Cabinet Meeting



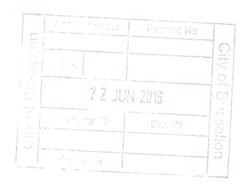
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Premier of Western Australia

Our Ref: 24-611803/SMK

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

Brant,
Dear Mayor



I would like to thank you and the staff at the City of Busselton for contributing to the success of the Busselton Regional Cabinet meeting held on Monday, 30 May 2016.

In particular, I would like to thank Deborah Holden, Katie Banks and their team who assisted in preparation for the official functions, organising meeting rooms for Ministers and assisting on the day during the presentations and Cabinet meeting.

Along with yourself and Hon Terry Redman MLA, Minister for Regional Development; Lands, I was delighted to announce a \$10.5 million redevelopment of the Busselton foreshore which will include quality beachfront accommodation and ancillary tourism experiences. Congratulations to the City on this project.

Busselton and the surrounding area is looking fantastic and I can see why it is always a high priority on visitors to Western Australia's 'to-do' lists.

I always enjoy visiting the area and look forward to my next trip.

Yours sincerely

Colin Barnett MLA PREMIER

17 JUN 2016

Attachment H

Commissioner for Children and Young People - Letter of Appreciation



Commissioner for Children and Young People Western Australia

All enquiries

Telephone:

(08) 6213 2208 darren.gillespie@ccyp.wa.gov.au

Email:

Our reference: 16/5555

MS Angela Griffin Youth Development Officer City of Busselton Locked Bag 1 BUSSELTON WA 6280

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Dear Angela

Thank you for your assistance in coordinating meetings during my recent visit to Busselton.

As Commissioner for Children and Young People I have a responsibility to advocate on behalf of all children and young people in Western Australia, with particular regard to Aboriginal children and those who are disadvantaged or vulnerable. My regional visits are an important part of informing my work about the unique issues that impact on the health and wellbeing of young people in these areas.

Both the meeting with local service providers and with City of City of Busselton CEO Mike Archer were very valuable in increasing my understanding of the issues affecting vulnerable young people and the programs that are making a difference in your community.

I was pleased to hear about the work of the youth advisory council and the infrastructure that is being developed for local children and young people. Your role in the City of Busselton is very important and I appreciate the commitment you display to supporting young people's needs.

I will be writing a brief report on my visit to the region and my office will inform you when it is available on my website www.ccyp.wa.gov.au

Yours sincerely

COLIN PETTIT

Commissioner

27 June 2016

Caring for the future growing up today



12th July 2016

Mike Archer CEO City of Busselton Locked Bag 1 Busselton WA 6281

Dear Mike,

On behalf of the Management Committees and Membership of the Dunsborough Yallingup Chamber of Commerce, I would like to thank the City of Busselton for considering our request for funding to assist with filming of "The Good Old Days of Dunsborough" We understand that the City could not accommodate our request due to previous financial support extended to the Chamber for the Hannay Lane project.

We are happy to announce that proceeds from the evening will cover the cost of a professionally produced video of the evening which we will make available for the City of Busselton Library Archives as well as the Cape Naturaliste Historical Society.

The evening was a huge success and well received by locals of all ages, with community spirit alive and well.

The Chamber hopes to put on a similar event next year.

Trish Flower

Kind Regards

Trish Flower Executive Officer Cc Lisa Haste

Governance Support Officer



Department of Local Government and Communities - Safe

Haven Entrerprise Visas

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Government of Western Australia Department of Local Government and Communities

Our Ref: 34-16#02; E1628781

TO ALL LOCAL GOVERNMENTS

CIRCULAR Nº 13-2016

SAFE HAVEN ENTERPRISE VISAS

The Commonwealth Government has established the Safe Haven Enterprise Visa (SHEV) (subclass 790) to encourage eligible Illegal Maritime Arrivals (IMAs) who arrived in Australia before 1 January 2014 to work and/or study in a nominated regional area of Australia.

The new arrangement allows those granted this visa to remain in Australia for five years, and those who meet the employment and/or education pathway requirements to apply for a more substantive visa.

State and Territory governments were invited to participate in the program and to nominate those areas where SHEV holders can settle. The State Government has nominated areas in Western Australia's nine regions and a small part of outer metropolitan Perth in the following postcodes:

- 6041 to 6044
- 6083 to 6084
- 6121 to 6126
- 6200 to 6799.

SHEV holders will have access to education and health services as well as a range of social security benefits.

Advice from the Department of Immigration and Border Protection suggests WA could have about 1,800 applicants applying for a SHEV over the next three years.

For local governments servicing the above postcodes, there are no immediate implications. However, SHEV holders who choose to settle in their district may seek information or assistance in accessing local government and community facilities and services.

Department of Local Government and Communities - Safe Attachment J

Haven Entrerprise Visas

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More information about Safe Haven Enterprise Visas is available on the Migration WA: <u>Living in Western Australia</u> website or from the <u>Department of Training and Workforce</u> <u>Development</u> (DTWD) which is coordinating the State's response.

The Department of Local Government and Communities is liaising with DTWD on this matter and can be contacted for further advice if required.

Yours sincerely

Jennifer Mathews **DIRECTOR GENERAL**

Madeca

6 July 2016

Shooters, Fishers and Farmers Party WA - Election Letter



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Hon Nigel Hallett MLC MEMBER FOR SOUTH WEST REGION

23 June 2016

CEO Mr Mike Archer City of Busselton Locked Bag 1 Busselton WA 6280

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Dear Mike

I write to inform you that having served as a Member of the Legislative Council for the South West Region for three terms, I feel that the time has come to provide greater electorate choice for voters.

Never has it been more important to elect a Member of Parliament who can not only give strong representation to rural and regional Western Australia, but to act in the best interests of the electorate not bound by the political duopoly.

As you may be aware, I have always been concerned about the investment in WA agriculture and the lack of government investment in biosecurity, mobile phone reception, technology and research & development. Funding to support these areas is urgently needed if WA producers are to remain competitive.

Another important issue is the urgent need to increase the level of prescribed burning to protect lives, rural communities and forests from extreme and catastrophic bush fire incidents. I will continue to fight for the establishment of a Rural Fire Service to better utilize the firefighting skills and expertise of our local brigades.

As a member of the Shooters Fishers and Farmers Party WA I will commit to:

- Recognise the importance of primary industries to the WA economy and continue to work to expand the agriculture, forestry and mining industries, balanced by the appropriate and sustainable use of our natural resources;
- Work to retain Local Government and ensure rural communities attract and retain their local populations;
- Support fishing throughout WA and ensure favourable outcomes for recreational and commercial fishers;
- Safeguard our natural environment for future generations and actively manage our landscape to conserve and enhance biodiversity;

Shooters, Fishers and Farmers Party WA - Election Letter

 Support a balanced, responsible and practical approach to WA firearms regulation and ownership and fight to bring more alignment with other states.

If there are any matters you wish to discuss with me please feel free to contact my office and make an appointment on 9535 9458 or send me an email nigel.hallett@mp.wa.gov.au

Thank you for taking the time to read this letter. I look forward to hearing from you soon.

Yours sincerely

Hon Nigel Hallett MLC Member for South West Region

Och allut

Shooters, Fishers and Farmers Party WA

Unit 2, 30 Spinnaker Quays Mandurah, WA 6210 PO Box 535, Mandurah, WA 6210

Tel: (08) 9535 9458 Fax: (08) 9535 9489 Attachment L



Black Dog Ride



Proudly presented to:

City of Busselton

In appreciation of your generous support for Black Dog Ride Australia in 2016



Steve Andrews - Founder of Black Dog Ride



ABN. 62 934 317 700

Margaret River Busselton Tourism Association - Winter Magazine

274



100 BUSSELL HIGHWAY, MARGARET RIVER, WESTERN AUSTRALIA 6285 PHONE. +61 8 9780 5911 FAX. +61 8 9757 3287 MARGARETRIVER.COM

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

27th June 2016

Dear Grant

Your Margaret River Region Winter Magazine & Membership Prospectus

It is with great pleasure that I enclose a copy of the Winter 2016, Your Margaret River Region magazine, as well as our 2016/2017 Membership Prospectus.

As you may recall, our magazine was created to showcase our diverse region under our new branding, Your Margaret River Region, and is available at our visitor centers and attractions, as well as through our 700+ members. This edition really does highlight that the region has so much to offer to visitors, even in winter – especially when our magnificent natural attractions are coupled with the endless options for delicious food and wine.

Additionally I enclose a copy of our Membership Prospectus which is being distributed to both existing and potential members. We are particularly proud of this publication and believe it encapsulates everything we have achieved in our first year of operations.

Kind regards,

Pip Close

Chief Executive Officer

Margaret River Busselton Tourism Association

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 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION PRECINCT

This report contains information of a confidential nature in accordance with Section 5.23(2(b), and Section 5.23(2(c), and Section 5.23(2(e)(ii)) and Section 5.23(2(e)(iii)) of the Local Government Act 1995, as it contains information relating to the personal affairs of any person, and 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 and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government

17.2 RENEWAL OF CHIEF EXECUTIVE OFFICER'S CONTRACT

This report contains information of a confidential nature in accordance with Section 5.23(2(a) of the Local Government Act 1995, as it contains information relating to a matter affecting an employee or employees

18. QUESTIONS FROM MEMBERS

19. PUBLIC QUESTION TIME

20. NEXT MEETING DATE

Wednesday, 10 August 2016

21. CLOSURE