



Council Agenda

8 June 2016

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST


CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 8 JUNE 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, 8 June 2016, commencing at 5.30pm.

Your attendance is respectfully requested.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

27 May 2016

CITY OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 8 JUNE 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 Clark Riggins from the Busselton Seventh Day Adventist Church.

4. **PUBLIC QUESTION TIME**

Response to Previous Questions Taken on Notice

Nil

Public Question Time

5. **ANNOUNCEMENTS WITHOUT DISCUSSION**

Announcements by the Presiding Member

Announcements by other Members at the invitation of the Presiding Member

6. **APPLICATION FOR LEAVE OF ABSENCE**

7. **PETITIONS AND PRESENTATIONS**

8. **DISCLOSURE OF INTERESTS**

9. **CONFIRMATION AND RECEIPT OF MINUTES**

Previous Council Meetings

9.1 **Minutes of the Council Meeting held 25 May 2016**

RECOMMENDATION

That the Minutes of the Council Meeting held 25 May 2016 be confirmed as a true and correct record.

Committee Meetings9.2 Minutes of the Policy & Legislation Committee Meeting held 26 May 2016**RECOMMENDATION**

- 1) That the minutes of the Policy & Legislation Committee Meeting held 26 May 2016 be received.
- 2) That the Council notes the outcomes from the Policy & Legislation Committee Meeting held 26 May 2016 being:
 - a) The Tender Pre-Selection Criteria Policy and CEO Delegation item is presented for Council consideration at item 10.1 of this agenda.
 - b) The Statutory Review of Delegations item is presented for Council consideration at item 10.2 of this agenda.
 - c) The Review of Councillors' Induction, Training and Development Policy item is presented for Council consideration at item 10.3 of this agenda.
 - d) The general discussion item on Parking Stalls, Parking Stations and Parking Areas is noted.

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 26/05/2016 - TENDER PRE-SELECTION CRITERIA POLICY AND CEO DELEGATION

SUBJECT INDEX:	Authorised Delegation of Power / Authority
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, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item was considered by the Policy and Legislation Committee at its meeting on 26 May 2016, the recommendations from which have been included in this report.

PRÉCIS

Under the *Local Government (Functions and General) Regulations 1996 (Tender Regulations)* a local government has the ability to make a preliminary selection from amongst prospective tenderers prior to inviting tenders for the supply of goods or services. This process enables a local government to limit the number of prospective tenders if and when considered to be advantageous to do so.

This report recommends to Council to delegate to the Chief Executive Officer (**CEO**) the power to make a preliminary selection in accordance with the Tender Regulations and to adopt the proposed Tender Pre Selection Criteria Policy (see OFFICER RECOMMENDATION for draft policy) that sets out the evaluation methodology and criteria to be applied by the CEO when making a decision under this delegation.

BACKGROUND

The City of Busselton is experiencing above average growth resulting in various major projects being approved and implemented by Council. These projects include major projects like redevelopment of the Busselton Foreshore, construction of a new civic and administration building and redevelopment of Busselton Regional Airport, which are in addition to the City's ongoing normal capital and maintenance works. The value of goods and services required for delivering these projects and the City's day-to-day functioning regularly exceeds the tender threshold under the Tender Regulations (\$150,000) which requires from Council to publicly invite tenders before entering into a contract for the supply of goods or services if the consideration is, or is expected to be, more than this threshold. Under certain circumstances (discussed under the OFFICER COMMENT section of this report) it may be advantageous to the City to implement a preliminary selection process in relation to a specific project for purposes of limiting the number of tenderers.

The preliminary selection process under the Tender Regulations involves to a large extent a relatively straight forward administrative process of assessing submissions in accordance with the evaluation methodology and selection criteria determined by Council, with limited scope for the exercise of discretion. Delegation of Council's power under the Tender Regulations to implement a preliminary selection process to the CEO will significantly improve the City's functionality without compromising statutory compliance or impacting on achieving best value for money. Therefore it is recommended that Council adopts the proposed Tender Pre Selection Criteria Policy and delegate to the CEO the power to implement, in accordance with the Tender Regulations and Tender Pre Selection Criteria Policy, a preliminary selection process if and when deemed appropriate or advantageous to the City.

STATUTORY ENVIRONMENT

Subject to certain exceptions, regulation 11(1) of the Tender Regulations requires for tenders to be publicly invited before a local government enters into a contract for the supply of goods or services of which the consideration is or is expected to be more than \$150,000. However in terms of regulation 21 of the Tender Regulations a local government may, prior to inviting tenders, follow a formal expression of interest process for the purpose of making a preliminary selection from amongst prospective tenderers in order to limit who can tender. Regulation 21 specifies as follows:

21. Limiting who can tender, procedure for

- (1) *If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*
- [(2) deleted]*
- (3) *If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.*
 - (4) *The notice is required to include —*
 - (a) *a brief description of the goods or services required; and*
 - (b) *particulars identifying a person from whom more detailed information may be obtained; and*
 - (c) *information as to where and how expressions of interest may be submitted; and*
 - (d) *the date and time after which expressions of interest cannot be submitted.*

In terms of regulation 23(3) a local government is to decide which of the prospective tenderers who submitted expression of interest pursuant to a preliminary selection process, are considered to be capable of satisfactorily supplying the goods or services for purposes of preparing a shortlist of acceptable tenderers:

23. Rejecting and accepting expressions of interest to be acceptable tenderer

- (1) ...
- (2) ...
- (3) *Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.*

Regulation 14(2) provides further that, if the CEO prepared a shortlist of acceptable tenderers pursuant to regulation 23, instead of inviting tenders by giving Statewide public notice, invitations to tender may be limited to only those prospective tenderers who have been shortlisted.

To make a preliminary selection under these provisions formal Council resolutions are required (a) to resolve to make a preliminary selection from amongst prospective tenderers and (b) to decide which of the prospective tenderers would be capable of satisfactorily supplying the goods or services. Pursuant to sections 5.42 and 5.43 of the *Local Government Act 1995* Council have the power to delegate abovementioned powers to the CEO.

Adoption of the proposed Tender Pre Selection Criteria Policy will be consistent with section 2.7(2)(b) of the *Local Government Act 1995* which stipulates that it is the role of Council to determine the City's policies.

RELEVANT PLANS AND POLICIES

This report recommends a new Council policy.

FINANCIAL IMPLICATIONS

The Officer Recommendation does not limit Council's function or ability to approve the allocation of resources through the annual budget process in respect of all tenders that may be awarded by the City. Therefore adoption of the proposed Tender Pre Selection Criteria Policy will not have any direct financial implications.

Long-term Financial Plan Implications

The proposed policy and delegations to the CEO do not have any long term financial implications.

STRATEGIC COMMUNITY OBJECTIVES

The proposed Tender Pre Selection Criteria Policy and delegations to the CEO align with Strategic Community Objective 6.2 which requires for the City's governance systems to deliver responsible, ethical and accountable decision making.

RISK ASSESSMENT

Authorising the CEO to make a preliminary selection of prospective tenderers pursuant to regulations 21 and 23 of the Tender Regulations and adopting the Tender Pre Selection Criteria Policy for that purpose will allow for implementation of a relatively straight forward administrative process with limited scope for the exercise of discretion and is therefore considered low risk with no risks identified as "low" or greater.

CONSULTATION

Not applicable as the proposed delegations and policy relate to internal administrative processes only.

OFFICER COMMENT

In terms of the Tender Regulations Council may decide to seek expressions of interest from prospective tenderers before inviting tenders for the supply of specific goods or services. The aim of this preliminary selection process is to improve purchasing and tendering practices and procedures of local governments as it may, under certain circumstances, be advantageous to a local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services. These circumstances include instances where making a preliminary selection could result in significant cost savings for the City by not having to incur unnecessary costs and resources in relation to preparing and providing plans, specifications and other information to and/or assessing tender submissions from a large number of prospective tenderers who may not have the experience or capacity to satisfactorily deliver the goods or services required.

It is recommended that Council delegate its power to make a preliminary selection pursuant regulation 21 and Council's function to decide in accordance with regulation 23 which of the prospective tenderers to shortlist as acceptable tenderers, to the CEO. It is considered that such delegations will improve the City's administration and functionality and optimise staff resources. The proposed delegations will provide the CEO with limited scope for the exercise of discretion as the preliminary selection process is only a precursor to the tender process and involves to a large extent

a relatively straight forward administrative process of assessing submissions in accordance with the Tender Regulations and the proposed Tender Pre Selection Criteria Policy.

It is also recommended that Council adopt the Tender Pre Selection Criteria Policy to determine the acceptable evaluation methodology and criteria to be applied by the Chief Executive Officer when making a preliminary selection from among prospective tenderers under delegated authority. It is proposed that the Tender Pre Selection Criteria Policy should, for purposes of assessing expressions of interest pursuant to regulation 23 of the Tender Regulations, provide for:

- An evaluation methodology in terms of which:
 - Prospective tenderers' expressions of interest will be evaluated using information provided in the prescribed response form and attachments thereto. The evaluation methodology will include:
 - An evaluation panel will be appointed for the purpose of assessing and evaluating expressions of interest and making a recommendation to the CEO.
 - Expressions of interest will be checked for completeness and compliance.
 - Prospective tenderers may be required to clarify their expressions of interest, make a presentation, demonstrate the product/solution offered and/or open premises for inspection. Referees may also be contacted prior to shortlisting acceptable tenderers.
 - Prospective tenderers whose expressions of interest have not been rejected and are considered to be capable of satisfactorily supplying the goods or services may be short listed as acceptable tenderers.
- Compliance criteria which confirm the following statutory requirements:
 - An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
 - An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.
- The following qualitative criteria for assessing expression of interest in order to determine which, if any, of the respondents are to be considered acceptable tenderers:
 - Relevant experience in successfully undertaking and completing projects similar to the relevant project;
 - Employment/engagement of personnel with relevant experience and skills to undertake and successfully complete the relevant project;
 - Capacity and resources to successfully undertake and complete the relevant project; and
 - Demonstrate a required level of understanding of what is required to successfully deliver the relevant project.

CONCLUSION

To make a preliminary selection from among prospective tenderers and to decide which of the prospective tenderers are considered to be able successfully deliver the relevant project will streamline City operations and improve efficiency without compromising statutory compliance or impacting on achieving best value for money.

OPTIONS

Council may resolve not delegate to the CEO Council's powers/functions under regulations 21 and 23 of the Tender Regulations. For the reasons mentioned in this report this option is not recommended.

Council may consider a range of possible changes to the proposed Tender Pre Selection Criteria Policy. Note however that the proposed policy is based on an evaluation methodology and selection criteria which have successfully been used by the City for other major projects.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Tender Pre Selection Criteria Policy and recommended delegations will be effective immediately upon adoption by Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Adopts the Tender Pre Selection Criteria Policy:

<i>[insert policy no]</i>	<i>Tender Pre Selection Criteria Policy</i>	<i>V1 Current</i>
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1. PURPOSE

If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services. Expressions of interest that have not been rejected under the Local Government (Functions and General) Regulations 1996 (Tender Regulations) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.

This policy sets out the City of Busselton's acceptable evaluation methodology and criteria to be applied by the Chief Executive Officer when making a decision under delegated authority to decide which, if any, of those expressions of interest that are received, are from persons who he thinks to be capable of satisfactorily supplying the goods and services required for this purpose.

2. SCOPE

This policy applies to all decisions to be made by the Chief Executive Officer under delegated authority to decide whether expressions of interest received from prospective tenderers pursuant to a preliminary selection process under the Tender Regulations, are considered to be from a person capable of satisfactorily supplying the goods or services.

3. POLICY CONTENT

The evaluation methodology and standard selection criteria established for the purposes of regulation 23 of the Tender Regulations are as follows:

Evaluation Methodology

Respondents' expressions of interest (**EOI**) will be evaluated using information provided in the prescribed Response Form and attachments thereto and on the Respondents' response to the Selection Criteria. Such other information as is necessary in order to determine whether Respondents are acceptable tenderers may also be requested and taken into account.

The following evaluation methodology will be used:

- (a) An Evaluation Panel for the purpose of assessing and evaluating EOIs and making a recommendation to the Chief Executive Officer will be appointed.
- (b) EOIs will be checked for completeness and compliance.
- (c) EOIs that are not submitted at the place, or by the delivery method and within the time specified in the public notice inviting expressions of interest, will be rejected.
- (d) EOIs that are submitted at a place and within the time specified in the public notice, but fail to satisfy the Compliance Criteria, may be rejected by the without considering its merits.
- (e) EOIs which have not been rejected under paragraphs (c) and (d) will be assessed against the Selection Criteria.
- (f) Respondents may be required to clarify their EOI, make a presentation, demonstrate the product/solution offered and/or open premises for inspection. Referees may also be contacted prior to the shortlisting of Respondents.
- (g) Respondents whose EOI's have not been rejected and are considered to be capable of satisfactorily supplying the goods or services may be short listed as acceptable tenderers.

Compliance Criteria

- (a) An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.
- (b) An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.

Qualitative Criteria

Subject to the Conditions of Responding, EOI'S will be assessed by the City against some or all of the following Qualitative Criteria:

A. Relevant Experience

The Respondent to describe:

1. The Respondent's experience, competency and proven track record in undertaking and

successfully completing projects similar to the Project, with the CEO to specify the details of such similar projects [which may include the scope, number, value and location of such similar projects and any other requirements/detail relevant to the Project] (**Relevant Projects**);

2. The Respondent's role in relation to the Relevant Projects; and
3. How the Respondent exercised sound judgment and discretion in identifying and resolving issues that arose during Relevant Projects and demonstrating how these were managed by the Respondent.

Supply details and provide this information in an attachment labelled "**Relevant Experience**".

B. Key Personnel skills and experience

Respondents to provide information regarding their employment/engagement of personnel with relevant experience and skills to undertake and successfully complete the Project, such as:

1. The personnel engaged and their curriculum vitae;
2. Their proposed role in the performance of the Project;
3. Their membership to any professional or business associations;
4. Their qualifications and experience, with particular emphasis on their experience with projects similar to the Project; and
5. Any additional information which may be relevant to the Project.

Supply details and provide this information in an attachment labelled "**Key Personnel Skills and Experience**".

C. Respondents' Capacity and Resources

Respondents to provide:

1. Information to demonstrate their ability to supply, manage and sustain:
 - (a) plant and equipment required for undertaking and completing the Project within the proposed timeframe;
 - (b) contingency measures or back up of resources (including personnel) which may be required in event of an emergency/special circumstances; and
 - (c) financial resources to successfully manage the cash flow requirements of the Project or such other cash flow requirements as specified.
2. A current commitment schedule and plant/equipment schedule.

Supply details and provide this information in an attachment labelled "**Respondent's Capacity and Resources**".

D. Demonstrated Understanding

Respondents to demonstrate their understanding of what is required to complete the Project. Areas which should be covered include (if applicable):

1. Demonstrated understanding of the scope of work;
2. The process/methodology which the Respondent proposes/intends to use to successfully

deliver the Project;

3. A project schedule/timeline;
4. Suppliers/manufacturers from whom/where goods/materials/products will be sourced; and
5. Contract management, training and quality assurance processes.

Supply details and provide an outline in an attachment labelled “**Demonstrated Understanding**”.

Policy Background

Policy Reference No. [insert no]

Owner Unit – Contracts and Tendering

Originator – Director, Finance and Corporate Services

Policy approved by – Council

Date Approved – [insert date]

Review Frequency – As required

Related Documents –

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Delegation to CEO to :

- *decide to make a preliminary selection from amongst prospective tenderers and seek expressions of interest with respect to the supply of the goods or services;*
- *determine the selection criteria in accordance with Policy XXX **Tender Pre Selection Criteria Policy**; and*
- *decide which, if any, of those expressions of interest are from persons who he thinks would be capable of satisfactorily supplying the goods or services.*

Background/History - Initiated [insert date] to streamline tender processes and procedures

History

Council Resolution	Date	Information
C		

2. Delegates to the Chief Executive Officer the exercise of Council’s powers and discharge of its duties under regulation 21 of the *Local Government (Functions and General) Regulations 1996* to make a preliminary selection from amongst prospective tenderers, utilising the evaluation methodology and selection criteria under the *Tender Pre Selection Criteria Policy*; and
3. Delegates to the Chief Executive Officer the exercise of Council’s powers and discharge of its duties under regulation 23(3) of the *Local Government (Functions and General) Regulations 1996* to decide in accordance with the *Tender Pre Selection Criteria Policy* which, if any, of those expressions of interest received from prospective tenderers are from persons who he thinks would be capable of satisfactorily supplying the goods or services.

10.2 Policy and Legislation Committee - 26/05/2016 - STATUTORY REVIEW OF DELEGATIONS

SUBJECT INDEX:	Authorised Delegation of Power / Authority
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Support
REPORTING OFFICER:	Manager, Governance Services - Lynley Rich Ranger and Emergency Services Coordinator - Dean Freeman
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Delegations for Review

This item was considered by the Policy and Legislation Committee at its meeting on 26 May 2016, the recommendations from which have been included in this report.

PRÉCIS

The *Local Government Act 1995* requires delegations made under that Act to be reviewed by the delegator at least once each financial year. This review is to fulfil that requirement for the 2015/2016 financial year. Additionally, delegations made under the *Cat Act 2011* and the *Dog Act 1976* are required to be reviewed once every financial year.

BACKGROUND

Council has the ability to delegate the exercise of powers and discharge of duties to its Chief Executive Officer or to Committees. These delegations are required to be reviewed by the delegator (in this case the Council) at least once every financial year.

STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* provides the Council with the ability to delegate powers and duties to its CEO. This review is to comply with the requirements of Section 5.46 of the Act. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an absolute majority decision of the Council.

Section 5.16 of the Act provides the ability for powers and duties to be delegated to Committees. This review is to comply with the requirements of Section 5.18 of the Act.

The delegations must be contained in a register. Wherever a decision is made under delegated authority, records of the decision must be kept in accordance with the *Local Government (Administration) Regulations 1996*.

Section 44 of the *Cat Act 2011* provides the power for Council to delegate the exercise of its functions and discharge of its duties to the CEO. Section 47(2) of that Act requires the delegator to review delegations at least once every financial year.

Section 10AA of the *Dog Act 1976* provides Council with the ability to delegate powers and duties to its CEO. In accordance with Section 10AB(2) of that Act, the delegations must be reviewed at least once every financial year.

RELEVANT PLANS AND POLICIES

There are no plans or policies directly applicable to the review of delegations, while noting that several of the powers and duties delegated need to be carried out in accordance with applicable policy provisions.

FINANCIAL IMPLICATIONS

Nil, other than utilising delegated authority creates organisational efficiencies. Without a system of delegated authority in place, a significant number of day-to-day local government decisions would have to be referred to the Council as agenda reports.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

Delegations enable officers to carry out some of the powers and duties of the local government (the Council) which reduces the volume of matters being referred to Council for a decision. This can effectively reduce the turnaround time for some matters and enables the Council to use its time to undertake its more strategic role.

This contributes to the Strategic Community Objective of Governance systems that deliver responsible, ethical and accountable decision-making. It also provides for efficient and effective decision-making practices leading to a better use of limited resources.

RISK ASSESSMENT

Not required for a review undertaken in accordance with statutory requirements.

CONSULTATION

The current delegations were developed with reference to the Department of Local Government's Delegations guidelines.

OFFICER COMMENT

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the *Local Government Act 1995*. These are largely recommended to continue unchanged, with the exception of updates as identified in the table below. The table provides an overview of the current delegations and an explanation of the powers exercised by the CEO.

Delegations to the CEO

3A	Legislative Function To determine applications received by the City in accordance with any Local Law and to enforce the provisions of Local Laws.	The related documents in this delegation have been updated to reflect Local Laws made or repealed.
3B	Executive Function To determine applications received by the City to access, use or otherwise conduct activities on land or property.	This delegation is recommended for revocation as it is not required due to the power being covered either by the CEO's functions or by delegation 3A and the

		Property Local Law.
3D	Notices Requiring Things to be Done To exercise the powers and discharge the duties of the local government under Section 3.25(1), 3.26(2) and 3.26(3).	This provides for the ability to require actions from an owner or occupier relating to unsightly land, overgrown vegetation, rubbish etc.
3E	General Procedure for Entering Property To authorise persons on behalf of the local government for the purposes of discharging the duties under Section 3.31(2).	A person requires authorisation in order to enter property. This enables the CEO to authorise others instead of requiring Council approval.
3F	Power to Remove and Impound To authorise employees on behalf of the local government for the purposes of discharging the duties under Section 3.39 and 3.40A(1).	A person requires authorisation in order to impound vehicles etc. This enables the CEO to authorise others instead of requiring Council approval.
3G	Disposing of Uncollected Goods To exercise the powers and discharge the duties of the local government under Section 3.47(2) and 3.47(2a).	Enables the CEO to dispose of impounded goods when not collected in a specified time, including vehicles.
3H	Thoroughfare Closure To exercise the powers and discharge the duties of the local government under Section 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A.	Enables the CEO to require the closure of roads.
3J	Inviting and Awarding Tenders To publicly invite tenders by determining the written criteria for deciding which tender should be accepted and to award tenders with a contract value up to \$350,000, subject to conditions.	It is recommended that the contract value is increased to \$500,000 for the reasons discussed later in this report. The information contained in the delegation from the Functions and General Regulations has also been updated.
3K	Acquiring and Disposing of Property To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) and acquire property on the local government's behalf. The value of the property shall not exceed \$100,000.	Enables the CEO to dispose of property of the local government and may include goods surplus to requirements, such as plant, office furniture etc.
3L	Airport Redevelopment Project - Inviting Tenders and Awarding Tenders To publicly invite tenders by determining the written criteria for deciding which tender should be accepted and to award tenders with a contract value up to \$1,000,000 subject to agreement from the CEO of the SWDC.	Due to the nature and scope of the airport redevelopment project a specific tender delegation to be exercised with agreement from the SWDC CEO was put in place by the Council. The information contained in the delegation from the Functions and General Regulations has also been updated.
5A	Provision of Urgent Legal Services To provide authorisation in accordance with Council policy "Legal Representation for Council members and employees" for urgent legal services to a maximum value of \$10,000.	
5B	Directions Regarding Unauthorised Development To give directions in relation to unauthorised	

	development and to authorise any action available to the responsible authority under the Planning and Development Act 2005.	
6A	Payments from Municipal Fund and Trust Fund To exercise the powers and discharge the duties of the local government in accordance with regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .	Enables the payment of creditors without specific Council approval. All payments made must be reported to Council which is undertaken with a monthly report via the Finance Committee.
6B	Power to Defer, Grant Discounts, Waive or Write Off Debts To exercise the powers and discharge the duties of the local government under Sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the <i>Local Government Act 1995</i> .	Enables the CEO to deal with minor fee waivers, concessions and debt write-off requirements.
6C	Rates and Service Charges To exercise the powers and discharge the duties of the local government under Section 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), schedule 6.2 clause 1(1) and schedule 6.3 clauses 1(4) and 4(1).	Enables the CEO to determine due dates for rates and to take recovery action for unpaid rates.
6D	Investment To invest surplus funds in accordance with the Direct Investments section of the Council's investment policy.	Enables funds to be invested by the CEO as set out in the Council policy.
6E	Payments from Sponsorship and Donations Fund To determine the allocation of donations and sponsorships from the fund established for this purpose.	This delegation currently requires that individual payments do not generally exceed \$1,000.
9A	Appointment of Authorised Persons To authorise persons, or classes of persons, on behalf of the local government for the purposes of performing particular functions in accordance with Section 9.10(1) and 9.10(2) of the <i>Local Government Act 1995</i> .	A person requires authorisation in order to take enforcement action. This enables the CEO to authorise others instead of requiring Council approval.
9B	Authorising Common Seal To authorise the affixing of the Common Seal of the City to a document that needs the City's Common Seal to be legally effective.	The CEO can authorise the affixing of the Common Seal so specific Council approval of each document is not required. It is also necessary for the document to be signed by the Mayor.
10A	Claims Against the Local Government To consider claims against the local government for damage to property and either accept or deny liability.	Intended only for minor claims within the City's insurance excess and there is a \$500 limit on the delegation.

Delegations from the Council to the CEO made in accordance with Section 5.42 of the *Local Government Act* have been utilised to enable the CEO to carry out powers and duties of the local government. Where a power or duty in the Act identifies the Council, the Council itself must carry out that function. It is noted that this does not prevent the local government from performing any of

its functions by acting through a person other than the CEO, nor from a CEO from performing any of his or her functions by acting through another person.

The delegation relating to awarding tenders is proposed for an increase in the amount above which a tender cannot be determined under delegation. The tender threshold was recently increased to \$150,000 from \$100,000. Typically, operational contracts that need to be tendered are of three years duration and an increase would more readily enable award of a new contract. The current limit is \$350,000, but with the increase of the tender threshold it is considered that an increase to \$500,000 is warranted. \$350,000 equates to \$50,000 above \$100,000 per year, and \$500,000 is representative of \$50,000 above \$150,000 per year. Additionally, an examination of upcoming contracts would indicate that some of the contracts associated with the City's foreshore works (concrete and aggregate footpaths for example) then may be able to be determined under delegation, while the more significant building contracts would still require full Council consideration.

Committee delegations

3I	Meelup Regional Park Management Committee When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park, subject to conditions.
6F	Busselton Settlement Art Project Steering Committee To approve the disbursement of funds as approved by the Council in its annual budget for the purpose of raising funds for the project.
7A	Audit Committee To meet with the auditor on behalf of the local government in accordance with the requirements of Section 7.12A(2).

While a delegation was provided to the Busselton Settlement Art Project Steering Committee, it has not been utilised as the budget has been implemented by the City in consultation with the Committee. It is therefore recommended for revocation and for a review of the Committee's terms of reference to be undertaken to allow it to operate in a less formal manner.

Dog Act and Cat Act

CA1	Administration of the Cat Act Authority to exercise the functions in relation to the administration of the <i>Cat Act 2011</i> .
DA1	Appointment of Authorised Persons and Registration Officers To appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by that Act and to authorise persons to effect the registration of dogs.

The delegations to the CEO under the *Cat Act 2011* and the *Dog Act 1976* are recommended to continue unchanged.

CONCLUSION

The existing delegations have served the organisation well and provide a sufficient level of authority to enable timely consideration of day to day local government matters as well as specific authority whereby the Council has recognised circumstances such as the nature of the airport redevelopment project.

OPTIONS

The Council may decide that it requires changes to the powers and duties delegated to the CEO or Committees, or that it wishes to place conditions on any of the delegations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any determinations on the delegations will be effective immediately the Council's decision is made.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council, having conducted the statutory annual review of delegations made under the *Local Government Act 1995*, *Cat Act 2011* and *Dog Act 1976*:

1. delegates to the CEO of the City of Busselton in accordance with Section 5.42(1)(a) and (b) of the *Local Government Act 1995* the following powers and duties:

3A	Legislative Function To determine applications received by the City in accordance with a Local Law made by the City of Busselton in accordance with Subdivision 2 of Division 2 of Part 3 of the <i>Local Government Act 1995</i> and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.
3D	Notices Requiring Things to be Done To exercise the powers and discharge the duties of the local government under Section 3.25(1), 3.26(2) and 3.26(3) of the <i>Local Government Act 1995</i> .
3E	General Procedure for Entering Property To authorise persons on behalf of the local government for the purposes of discharging the duties under Section 3.31(2) of the <i>Local Government Act 1995</i> .
3F	Power to Remove and Impound To authorise employees on behalf of the local government for the purposes of discharging the duties under Section 3.39 and 3.40A(1) of the <i>Local Government Act 1995</i> .
3G	Disposing of Uncollected Goods To exercise the powers and discharge the duties of the local government under Section 3.47(2) and 3.47(2a) of the <i>Local Government Act 1995</i> .
3H	Thoroughfare Closure To exercise the powers and discharge the duties of the local government under Section 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A of the <i>Local Government Act 1995</i> and regulation 6(3) of the <i>Local Government (Functions and General) Regulations 1996</i> .
3J	Inviting Tenders and Choice of Tender To exercise the powers and discharge the duties of the local government under Regulation 14 of the <i>Local Government (Functions and General) Regulations</i> to publicly invite tenders by determining the written criteria for deciding which tender should be accepted. To exercise the powers and discharge the duties of the local government under Regulation 18 of the <i>Local Government (Functions and General) Regulations</i> relating to Choice of Tender. Conditions The delegation is subject to: <ol style="list-style-type: none"> Utilising the standard selection criteria as per Policy 031; Following the City's operational practice utilising tender evaluation processes and documentation developed by WALGA; Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; and Acceptance of a tender is not to exceed a contract value of \$500,000.
3K	Acquiring and Disposing of Property

	<p>To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) of the <i>Local Government Act 1995</i>, and further to acquire property on the local government's behalf.</p> <p>Conditions</p> <p>The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the <i>Local Government Act 1995</i>.</p>
3I	<p>Airport Redevelopment Project - Inviting Tenders and Choice of Tender</p> <p>To exercise the powers and discharge the duties of the local government under Regulation 14 of the <i>Local Government (Functions and General) Regulations</i> to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.</p> <p>To exercise the powers and discharge the duties of the local government under Regulation 18 of the <i>Local Government (Functions and General) Regulations</i> relating to choice of tender.</p> <p>To approve variations to contracts awarded under this delegation.</p> <p>Conditions</p> <p>The delegation is subject to:</p> <ul style="list-style-type: none"> a) Following the City's operational practice utilising tender evaluation processes and documentation; b) Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; c) Acceptance of a tender is not to exceed a contract value of \$1,000,000; d) Any contract variation is not to exceed 10% of the contract value; and e) The delegation to accept a tender can only be exercised with agreement from the CEO of the South West Development Commission.
5A	<p>Provision of Urgent Legal Services</p> <p>To provide authorisation in accordance with Council policy "Legal Representation for Council members and employees" for urgent legal services to a maximum of \$10,000.</p> <p>Conditions</p> <p>The determination must be made in accordance with the provisions of the Council policy "Legal Representation for Council members and employees".</p>
5B	<p>Directions Regarding Unauthorised Development</p> <p>To give directions in relation to unauthorised development and to authorise any action available to the responsible authority under the Planning and Development Act 2005 incidental to such written direction.</p>
6A	<p>Payments from Municipal Fund and Trust Fund</p> <p>To exercise the powers and discharge the duties of the local government in accordance with regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i>, in relation to Section 6.10 of the <i>Local Government Act 1995</i>.</p>
6B	<p>Power to Defer, Grant Discounts, Waive or Write Off Debts</p> <p>To exercise the powers and discharge the duties of the local government under Sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the <i>Local Government Act 1995</i>.</p> <p>Conditions</p> <p>Any waiver or granting of a concession shall only be for up to \$2000 and considered solely on its merits; and any debt write off approved shall be less than \$1000 if it is more than 12 months old or less than \$200 if it is between 90 days and 12 months old.</p>
6C	<p>Rates and Service Charges</p> <p>To exercise the powers and discharge the duties of the local government under Section 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), schedule 6.2 clause 1(1) and schedule 6.3 clauses 1(4) and 4(1) of the <i>Local Government Act 1995</i>.</p> <p>Conditions</p>

	The delegation shall be exercised within the limitations identified in delegation LGA 3K regarding the value of property.
6D	<p>Investment To invest surplus funds in accordance with the Direct Investments section of the Council's investment policy.</p> <p>Conditions Council approval is required for any investment in Managed Investments.</p>
6E	<p>Payments from Sponsorship and Donations Fund To determine the allocation of donations and sponsorships from the fund established for this purpose in accordance with the Council's tiered funding scheme.</p> <p>Conditions Individual payments from this fund are not to exceed \$1,000 unless consultation with the Finance Committee has first occurred.</p>
9A	<p>Appointment of Authorised Persons To authorise persons, or classes of persons, on behalf of the local government for the purposes of performing particular functions in accordance with Section 9.10(1) and 9.10(2) of the <i>Local Government Act 1995</i>.</p>
9B	<p>Authorising Common Seal To authorise the affixing of the Common Seal of the City to a document that needs the City's Common Seal to be legally effective and that is in one or more of the following categories -</p> <ol style="list-style-type: none"> documents required to satisfy conditions of subdivision and/or development approval; documents required to effect the transfer of land as part of a settlement transaction (sale and purchase); documents required to secure the repayment of a loan granted by the City, a loan granted to the City by a third party and/or to secure the pre-funding of infrastructure works by the City; documents required to effect the grant of leasehold interests in the land either by the City to a third party, or by a third party to the City; documents required to effect the grant of a licence either by the City to a third party, or by a third party to the City; documents required to effect the subdivision of land, including the strata titling of land; documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law. <p>Conditions The document must not be inconsistent with a Council policy or resolution. While the CEO can authorise the affixing of the Common Seal to a document as classified, it is noted that it is also necessary for the document to be signed by both the Mayor and the CEO (or a senior employee authorised by the CEO).</p>
10A	<p>Claims Against the Local Government To consider claims against the local government for damage to property and either accept or deny liability.</p> <p>Conditions The claim shall not exceed \$500. Payment up to \$500 is able to be made upon receipt of a release form.</p>

2. revokes delegation 3B Executive Function;
3. delegates to the CEO of the City of Busselton in accordance with Section 44 of the *Cat Act*

2011 the following powers and duties:

CA1	Administration of the Cat Act Authority to exercise the functions in relation to the administration of the <i>Cat Act 2011</i> .
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4. delegates to the CEO of the City of Busselton in accordance with Section 10AA(1) of the *Dog Act 1976* the following powers and duties:

DA1	Appointment of Authorised Persons and Registration Officers To appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by that Act and to authorise persons to effect the registration of dogs.
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5. revokes delegation 6F to the Busselton Settlement Art Project Steering Committee;
6. delegates to Committees in accordance with Section 5.16 of the *Local Government Act 1995* the following powers and duties:

3I	Meelup Regional Park Management Committee When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park. <u>Conditions</u> The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
7A	Audit Committee To meet with the auditor on behalf of the local government in accordance with the requirements of Section 7.12A(2) of the <i>Local Government Act 1995</i> .



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3A	Subdivision 2 of Division 2 of Part 3	Chief Executive Officer	Legislative Function - Determining Applications Under Local Laws and Enforcement of Local Law Provisions

Delegator

Council.

Power/Duty

To determine applications received by the City in accordance with a Local Law made by the City of Busselton (Shire of Busselton) in accordance with Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and to enforce the provisions of those local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in any local law made in accordance with Part 3 of the *Local Government Act 1995*.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Related Documents

For the purposes of this delegation, related documents include:

Activities in Thoroughfares and Public Places and Trading Local Law

Busselton Regional Airport Local Law

Keeping and Control of Cats Local Law

Cemeteries Local Law

Depositing and Removal of Refuse Local Law

Dogs Local Law

Dust and Building Waste Control Local Law

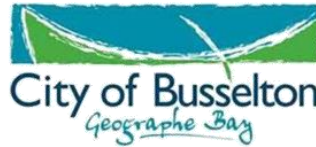
~~Eating Areas in Streets and Other Public Places Local Law~~

Health Local Law

Holiday Homes Local Law
~~Jetties Local Law~~
Local Government Property Local Law
Parking Local Law
~~Removal of Obstructing Vehicles and Animals Local Law~~
~~Signs Local Law~~
Standing Orders Local Law
~~Street Lawns and Gardens Local Law~~
~~Trading in Public Places Local Law~~
~~Use of Public Jetty Local Law~~

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995* and new title for local law.



INSTRUMENT OF DELEGATION

Ref No	Act Ref	Delegate	Delegation Subject
3B	Division 3 of Part 3	Chief Executive Officer	Executive Function - Determining Applications in Relation to the Access or Use of City Property

Delegator

Council.

Power/Duty

To determine applications received by the City to access, use or otherwise conduct activities on land or property that is owned by or vested with the City of Busselton.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in Division 3 of Part 3 of the *Local Government Act 1995*.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation)

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3D	3.25(1) 3.26(2) 3.26(3)	Chief Executive Officer	Notices Requiring Certain Things to be Done by Owner or Occupier of Land and Additional Powers When Notice is Given

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Section 3.25(1), 3.26(2) and 3.26(3) of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 3.25(1), 3.26(2) and 3.26(3) of the *Local Government Act 1995*.

Section 3.25(1)

A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —

- (a) is prescribed in Schedule 3.1, Division 1; or*
- (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.*

Explanatory note only

Schedule 3.1, Division 1

Things a notice may require to be done

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4.
 - (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —

	(a)	is suitably enclosed to separate it from the public place; and
	(b)	where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.
5.	(2)	The notice cannot be given to an occupier who is not an owner.
	(1)	Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.
	(2)	In this item —
		“unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.
	(3)	The notice cannot be given to an occupier who is not an owner.
5A.	(1)	Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.
	(2)	In this item —
		“disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.
6.		Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land.
7.		Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8.		Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.
9.		Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10.		Take specified measures for preventing or minimizing —
	(a)	danger to the public; or
	(b)	damage to property, which might result from cyclonic activity.
11.		Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12.		Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13.		Take specific measures to prevent —
	(a)	artificial light being emitted from the land; or
	(b)	natural or artificial light being reflected from something on the land, creating a nuisance.
14.	(1)	Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised.
	(2)	In this item —
		“private thoroughfare” has the same meaning as in Schedule 9.1 clause 7(1).
Explanatory note only		
Schedule 3.1, Division 2		
<u>Provisions contraventions of which may lead to a notice requiring things to be done</u>		
1.		Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
1A.		Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
2.		Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
2A.		Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that —
	(a)	prohibit a person from constructing a crossing; or
	(b)	by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
3.		Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
4.		Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
5.		Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
6.		Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).

Section 3.26(2)

If the person who is given the notice ("notice recipient") fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

Section 3.26(3)

The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3E	3.31(2)	Chief Executive Officer	General Procedure for Entering Property

Delegator

Council.

Power/Duty

To authorise persons on behalf of the local government for the purposes of discharging the duties under Section 3.31(2) of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Section 3.31(2)

If notice has been given under section 3.32, a person authorised by the local government to do so may lawfully enter the land, premises or thing without the consent of the owner or occupier unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.

Explanatory note only

Section 3.32

- (1) A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered.
- (2) The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.
- (3) The notice is to be given not less than 24 hours before the power of entry is exercised.
- (4) Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3F	3.39 3.40A(1)	Chief Executive Officer	Power to Remove and Impound Goods or Abandoned Vehicle Wrecks

Delegator

Council.

Power/Duty

To authorise employees on behalf of the local government for the purposes of discharging the duties under Section 3.39 and 3.40A(1) of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Section 3.39

- (1) *An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.*
- (2) *A person may use reasonable force to exercise the power given by subsection (1).*

Section 3.40A(1)

An employee authorised by a local government for the purpose may remove and impound a vehicle that, in the opinion of the local government, is an abandoned vehicle wreck.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3G	3.47(2) 3.47(2a)	Chief Executive Officer	Disposing of Uncollected Goods

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Section 3.47(2) and 3.47(2a) of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 3.47(2) or 3.47(2a) of the *Local Government Act 1995*.

Section 3.47(2)

The local government may sell or otherwise dispose of any vehicle that has not been collected within —

- (a) 2 months of a notice having been given under section 3.40(3); or
- (b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.

Explanatory note only

Section 3.40(3)

If the person entitled to resume control of the vehicle is not present when the goods are unloaded or fails to resume control of the vehicle, the local government is to give notice to the person who is the holder of the requisite vehicle licence or permit under the Road Traffic Act 1974 in respect of the vehicle, advising that the vehicle may be collected from a place specified during such hours as are specified.

Explanatory note only

Section 3.40A(4)

If —

- (a) after 7 days from the removal of a vehicle under subsection (1), the owner of the vehicle has not been identified; or
- (b) after 7 days from being given notice under subsection (2), the owner of the vehicle has not collected the vehicle,

the local government may declare that the vehicle is an abandoned vehicle wreck.

Section 3.47(2a) <i>The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —</i> (a) <i>a notice having been given under section 3.42(1)(b) or 3.44; or</i> (b) <i>being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.</i>
Explanatory note only Section 3.47(2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is — (a) for perishable goods — 3 days; (b) for animals — 7 days; and (c) for other non-perishable goods — 2 months.
Explanatory note only Section 3.42(1)(b) requires the giving of a notice to the alleged offender that the goods may be collected from a place specified during such hours as are specified.
Explanatory note only Section 3.44 Where non-perishable goods have been removed and impounded under section 3.39 and a prosecution is instituted, if the alleged offender — (a) is not convicted; or (b) is convicted but the court does not order that the goods be confiscated, the local government is required to give the alleged offender notice that the goods may be collected from a place specified during such hours as are specified.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

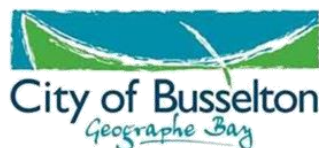
25 June, 2008 (implementation).

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3H	3.50(1) 3.50(1a) 3.50(4) 3.50(6) 3.50A FG Reg 6(3)	Chief Executive Officer	Closing Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Section 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A of the *Local Government Act 1995* and regulation 6(3) of the *Local Government (Functions and General) Regulations 1996*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 3.50(1), 3.50(1a), 3.50(4), 3.50(6) and 3.50A of the *Local Government Act 1995* and regulation 6(3) of the *Local Government (Functions and General) Regulations 1996*.

Section 3.50(1)

A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

Section 3.50(1a)

A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

Section 3.50(4)

Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
- (b) give written notice to each person who —*
 - (i) is prescribed for the purposes of this section; or*
 - (ii) owns land that is prescribed for the purposes of this section;**and*
- (c) allow a reasonable time for submissions to be made and consider any submissions made.*

Section 3.50(6)

An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

Section 3.50A

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) is for the purpose of carrying out repairs or maintenance; and*
- (b) is unlikely to have a significant adverse effect on users of the thoroughfare.*

Functions and General Regulation 6(3)

The local government may, by local public notice, order that the closure be revoked or that it be varied in such a way as to be less restrictive.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

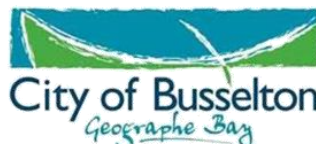
25 June, 2008 (implementation).

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3J	3.57 F and G Regs <u>11</u> , 14 and 18	Chief Executive Officer	Inviting Tenders and Rejecting and <u>Accepting Tenders</u>

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Regulation 14 of the *Local Government (Functions and General) Regulations* to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.

To exercise the powers and discharge the duties of the local government under Regulation 18 of the *Local Government (Functions and General) Regulations* relating to ~~choice-rejecting and~~
accepting of tenders.

Conditions

The delegation is subject to:

- Utilising the standard selection criteria as per Policy 031;
- Following the City's operational practice utilising tender evaluation processes and documentation developed by WALGA;
- Compliance with the requirements of the City's Purchasing Policy as it relates to tendering; and
- Acceptance of a tender is not to exceed a contract value of \$~~350~~500,000.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in section 3.57 of the *Local Government Act 1995* and part of Regulation 14 and Regulation 18 of the *Local Government (Functions and General) Regulations 1996*.

Local Government Act Section 3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed

kind under which another person is to supply goods or services.

- (2) Regulations may make provision about tenders.

Functions and General Regulation 11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this 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 unless subregulation (2) states otherwise.

Functions and General Regulation 14. Requirements for publicly inviting tenders

- (2a) If a local government —
- (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,
- the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Functions and General Regulation 18. Rejecting and accepting tenders

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local

government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

(7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1103/079

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

9 March, 2011 (implementation).

Related Documents

Tender Register.

Notes of Alterations

10/06/2015 – Increase of value to \$350,000

26/06/2013 – Increase of value to \$300,000 and other minor alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3K	3.58(2) 3.58(3)	Chief Executive Officer	Acquiring and Disposing of Property

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) of the *Local Government Act 1995*, and further to acquire property on the local government's behalf.

Conditions

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the *Local Government Act 1995*.

Section 5.43(d)

A local government cannot delegate to a CEO any of the following powers or duties —

.....

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.*

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 3.58(2) and 3.58(3) of the *Local Government Act 1995*.

Section 3.58(2)

Except as stated in this section, a local government can only dispose of property to —

- (a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Section 3.58(3)

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) *it gives local public notice of the proposed disposition —*

- | |
|--|
| <ul style="list-style-type: none">(i) <i>describing the property concerned;</i>(ii) <i>giving details of the proposed disposition; and</i>(iii) <i>inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;</i> <p><i>and</i></p> (b) <i>it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.</i> |
|--|

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

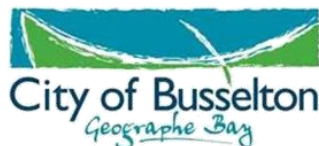
25 June, 2008 (implementation).

Related Documents

Nil.

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3L	3.57 F and G Regs 14 and 18	Chief Executive Officer	Airport Redevelopment Project - Inviting Tenders and Choice of Tenders Rejecting and Accepting Tenders

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Regulation 14 of the *Local Government (Functions and General) Regulations* to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.

To exercise the powers and discharge the duties of the local government under Regulation 18 of the *Local Government (Functions and General) Regulations* relating to ~~choice of tender~~rejecting and accepting tenders.

To approve variations to contracts awarded under this delegation.

Conditions

The delegation is subject to:

- Following the City's operational practice utilising tender evaluation processes and documentation;
- Compliance with the requirements of the City's Purchasing Policy as it relates to tendering;
- Acceptance of a tender is not to exceed a contract value of \$1,000,000;
- Any contract variation is not to exceed 10% of the contract value; and
- The delegation to accept a tender can only be exercised with agreement from the CEO of the South West Development Commission.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in section 3.57 of the *Local Government Act 1995* and part of Regulation 14 and Regulation 18 of the *Local Government (Functions and General) Regulations 1996*.

Local Government Act Section 3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Functions and General Regulation 14. Requirements for publicly inviting tenders

- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Functions and General Regulation 11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this 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 unless subregulation (2) states otherwise.

Functions and General Regulation 18. Rejecting and accepting tenders

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.

(5) The local government may decline to accept any tender.

(6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

(7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

Verification

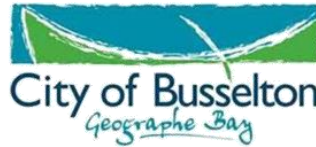
Council Resolution
C1508/219

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

12 August, 2015



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
5A	5.42(1)(a)	Chief Executive Officer	Provision of Urgent Legal Services

Delegator

Council.

Power/Duty

To provide authorisation in accordance with Council policy "Legal Representation for Council members and employees" for urgent legal services to a maximum of \$10,000.

Conditions

The determination must be made in accordance with the provisions of the Council policy "Legal Representation for Council members and employees".

Legal Representation for Council Members and Employees

1.0 PURPOSE

This policy is designed to protect the interests of Council members and employees (including past members and former employees) where they become involved in legal proceedings because of their official functions. In most situations the City of Busselton may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings. In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district.

2.0 SCOPE

The policy applies to any current or former Council member or employee of the City of Busselton, subject to meeting the criteria set out in the policy.

3.0 POLICY CONTENT

3.1 Definitions

approved lawyer is to be –

- (a) a 'certified practitioner' under the *Legal Practice Act 2003*;
- (b) approved in writing by the Council or the CEO under delegated authority.

council member or employee means a current or former Council member or employee of the City of Busselton.

legal proceedings may be civil, criminal or investigative.

legal representation is the provision of legal services, to or on behalf of a Council member or employee, by an approved lawyer.

legal representation costs are the costs, including fees and disbursements, properly incurred in providing legal representation.

legal services includes advice, representation or documentation that is provided by an approved lawyer.

payment by the City of Busselton of legal representation costs may be either by –

- (a) a direct payment to the approved lawyer (or the relevant firm); or
- (b) a reimbursement to the Council member or employee.

3.2 Payment Criteria

There are four major criteria for determining whether the City of Busselton will pay the legal representation costs of a Council member or employee. These are –

- (a) the legal representation costs must relate to a matter that arises from the performance, by the Council member or employee, of his or her functions;
- (b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (c) in performing his or her functions, to which the legal representation relates, the Council member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (d) the legal representation costs do not relate to a matter that is of a personal or private nature.

3.3 Examples of legal representation costs that may be approved

If the criteria in clause 3.2 of this policy are satisfied, the City may approve the payment of legal representation costs –

- (a) where proceedings are brought against a Council member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Council member or employee; or
- (b) to enable proceedings to be commenced and/or maintained by a Council member or employee to permit him or her to carry out his or her functions - for example where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council member or employee; or
- (c) where exceptional circumstances are involved.

The City will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a Council member or employee.

3.4 Application for payment

A Council member or employee who seeks assistance under this policy is to make an application(s), in writing, to the Council or the CEO. The written application for payment of legal representation costs is to give details of –

- (a) the matter for which legal representation is sought;
- (b) how that matter relates to the functions of the Council member or employee making the application;
- (c) the lawyer (or law firm) who is to be asked to provide the legal representation;

- (d) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
- (e) an estimated cost of the legal representation; and
- (f) why it is in the interests of the City for payment to be made.

The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter. As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he or she –

- (a) has read, and understands, the terms of this Policy;
- (b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions and any other conditions to which the approval is subject; and
- (c) undertakes to repay to the City any legal representation costs in accordance with the provisions of clause 3.9 of this policy.

An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate employee.

3.5 Legal representation costs – Limit

The council in approving an application in accordance with this policy shall set a limit on the costs to be paid. A council member or employee may make a further application to the council in respect of the same matter.

3.6 Decision process and conditions

The council may –

- (a) refuse;
- (b) grant; or
- (c) grant subject to conditions

an application for payment of legal representation costs.

Conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

In assessing an application, the Council may have regard to any insurance benefits that may be available to the applicant under the City's Council members' or employees' insurance policy or its equivalent.

3.7 Revocation and variation

The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

The Council may, subject to natural justice principles, determine that a Council member or employee whose application has been approved has, in respect of the matter for which the approval was made –

- (a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - (b) given false or misleading information in respect of the application
- and require the repayment by the Council member or employee the legal representation costs paid by the City.

3.8 Delegation to Chief Executive Officer

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the council, the powers of the council under clause 3.6 to determine the application and set conditions, to a maximum of \$10,000 in respect of each application.

An application approved by the CEO is to be submitted to the next ordinary meeting of the Council. Council may exercise any of its powers under this Policy.

3.9 Repayment of legal representation costs

A Council member or employee whose legal representation costs have been paid by the City is to repay the City –

- (a) all or part of those costs – in accordance with a determination by the Council under clause 3.7;
- (b) as much of those costs as are available to be paid by way of set-off – where the Council member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the City paid legal representation costs.

The City may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/166

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Related Documents

Legal Representation Policy.

Notes of Alterations

27/06/2012 – New policy adopted.

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
5B	5.42(1)(b)	Chief Executive Officer	Directions regarding unauthorised development

Delegator

Council.

Power/Duty

To give directions in relation to unauthorised development and to authorise any action available to the responsible authority under the Planning and Development Act 2005 incidental to such written direction.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(b) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 214(2), 214(3) and 214(5) of the *Planning and Development Act 2005*.

Section 214(2) - Planning and Development Act 2005

- (2) *If a development, or any part of a development, is undertaken in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.*

Section 214(3) - Planning and Development Act 2005

- (3) *If a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development —*
- (a) *to remove, pull down, take up, or alter the development; and*

(b) *to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.*

Section 214(5) - Planning and Development Act 2005

(5) *If it appears to a responsible authority that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, the responsible authority may give a written direction to the person whose duty it is to execute the work to execute that work.*

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Last Review Date

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011 (date of implementation)

Related Documents

Planning and Development Act 2005.

Notes of Alterations



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
6A	FM Reg 12 (6.10)	Chief Executive Officer	Payments From Municipal Fund or Trust Fund

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government in accordance with regulation 12 of the *Local Government (Financial Management) Regulations 1996*, in relation to Section 6.10 of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Section 6.10

Regulations may provide for —

- (d) the general management of, and the authorisation of payments out of —*
 - (i) the municipal fund; and*
 - (ii) the trust fund,*
- of a local government.*

Financial Management Regulation 12

- (1) A payment may only be made from the municipal fund or the trust fund —*

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO.*

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
6B	6.12(1)(b) 6.12(1)(c) 6.12(3)	Chief Executive Officer	Power to Defer, Grant Discounts, Waive or Write Off Debts

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the *Local Government Act 1995*.

Conditions

Any waiver or granting of a concession shall only be for up to \$2000 and considered solely on its merits; and any debt write off approved shall be less than \$1000 if it is more than 12 months old or less than \$200 if it is between 90 days and 12 months old.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the *Local Government Act 1995*.

Section 6.12(1)

Subject to subsection (2) and any other written law, a local government may —

.....

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

which is owed to the local government.

Explanatory note only

Section 6.12(2)

Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

Section 6.12(3)

The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995* and removal of requirement limiting fee waiver or concession to not-for-profit organisations. Increase of waiver or concession limit to \$2000.

23/06/2010 - Requirement for any fee waiver or debt write off to be \$1000 or less included as a condition by the Council.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
6C	6.49 6.50(1) 6.50(2) 6.56(1) 6.60(2) 6.60(3) 6.60(4) 6.64(1) 6.64(3) 6.71(1) 6.74(1) 6.76(4) 6.76(5) Sch 6.2 1(1) Sch 6.3 1(4) Sch 6.3 4(1)	Chief Executive Officer	Rates and Service Charges

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Section 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), schedule 6.2 clause 1(1) and schedule 6.3 clauses 1(4) and 4(1) of the *Local Government Act 1995*.

Conditions

The delegation shall be exercised within the limitations identified in delegation LGA 3K regarding the value of property.

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the Local Government Act 1995.

Section 5.43(d)

A local government cannot delegate to a CEO any of the following powers or duties —

.....

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 6.49, 6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), schedule 6.2 clause 1(1) and schedule 6.3 clauses 1(4) and 4(1) of the *Local Government Act 1995*.

Section 6.49

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Section 6.50(1)

Subject to —

- (a) subsections (2) and (3);*
 - (b) any concession granted under section 6.47; and*
 - (c) the Rates and Charges (Rebates and Deferments) Act 1992,*
- a rate or service charge becomes due and payable on such date as is determined by the local government.*

Explanatory note only

Section 6.50(2)

The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

Explanatory note only

Section 6.50(3)

Where a person elects to pay a rate or service charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

Explanatory note only

Section 6.47

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required.

Section 6.50(2)

The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

Section 6.56(1)

If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

Section 6.60(2)

If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

Section 6.60(3)

The local government is to give to the lessor a copy of the notice with an endorsement that the original of

it has been given to the lessee.

Section 6.60(4)

The local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.

Section 6.64(1)

If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

- (a) from time to time lease the land;*
- (b) sell the land;*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

Section 6.64(3)

Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Section 6.71(1)

If under this Subdivision land is offered for sale but at the expiration of 12 months a contract for the sale of the land has not been entered into by the local government, it may by transfer, where the land is subject to the provisions of the Transfer of Land Act 1893, and by deed, where the land is not subject to the provisions of that Act, transfer or convey the estate in fee simple in the land to —

- (a) the Crown in right of the State; or*
- (b) the local government.*

Section 6.74(1)

If land is —

- (a) rateable land;*
- (b) vacant land; and*
- (c) land in respect of which any rates or service charges have been unpaid for a period of at least 3 years,*

the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land revested in the Crown in right of the State.

Section 6.76(4)

The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.

Section 6.76(5)

The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.

Schedule 6.2, Clause 1(1)

Form of Lease

The local government —

- (a) may lease the land for such term, not exceeding 7 years at one time, as it thinks fit; and*
- (b) may make such reservations and such exceptions, covenants and conditions in the lease, except a*

covenant for renewal of the term of the lease if the renewal would extend the term beyond 7 years, as it thinks fit.

Schedule 6.3, Clause 1(4)

Conditions for Exercise of Power for Sale of Land

The local government is to appoint a time not less than 3 months and not more than 12 months from the service of the notices required by this clause as the time at which the land may be offered for sale by public auction.

Schedule 6.3, Clause 4(1)

Power of local government to transfer or convey land

A local government exercising the power of sale of any land has power —

- (a) by transfer, where the land is under the Transfer of Land Act 1893; and*
 - (b) by deed or transfer, where the land is not under that Act,*
- to transfer or convey to the purchaser an indefeasible estate in fee simple subject only to the encumbrances specified in section 6.75(1)(c), (d) or (e).*

Explanatory note only

Section 6.75(1)

Where, at the expiration of 12 years from the taking of possession of any rateable land by a local government under section 6.64 —

.....

by operation of this section the fee simple in the land is to be transferred to the local government subject to —

- (c) easements in favour of the public which affect the land;*
- (d) the rights of the Crown in right of the State or Commonwealth or a department, agency, or instrumentality of the Crown in right of the State or Commonwealth; and*
- (e) rates and taxes (other than local government rates and service charges) due on the land, but free from other encumbrances.*

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

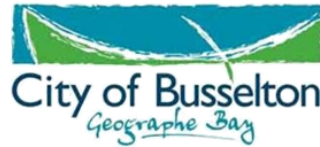
Related Documents

Rates and Charges (Rebates and Deferments) Act 1992

Transfer of Land Act 1893

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
6D	6.14	Chief Executive Officer	Investment of Surplus Funds

Delegator

Council.

Power/Duty

To invest surplus funds in accordance with the Direct Investments section of the Council's investment policy.

Conditions

Council approval is required for any investment in Managed Investments.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1001/021

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

27 January, 2010 (implementation).

Related Documents

City of Busselton Investment Policy

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
6E	6.10	Chief Executive Officer	Payments from Sponsorship and Donations Fund

Delegator

Council.

Power/Duty

To determine the allocation of donations and sponsorships from the fund established for this purpose in accordance with the Council's tiered funding scheme.

Conditions

Individual payments from this fund are not to exceed \$1,000 unless consultation with the Finance Committee has first occurred.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1110/333

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

26 October, 2011 (implementation).

Notes of Alterations

10/06/2015 – Limit increased to \$1,000.

25/06/2014 – Capacity given for payments to exceed \$500 if consultation with the Finance Committee has first occurred.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
9A	9.10(1) 9.10(2)	Chief Executive Officer	Appointment of Authorised Persons

Delegator

Council.

Power/Duty

To authorise persons, or classes of persons, on behalf of the local government for the purposes of performing particular functions in accordance with Section 9.10(1) and 9.10(2) of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Section 9.10(1)

The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Section 9.10(2)

The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

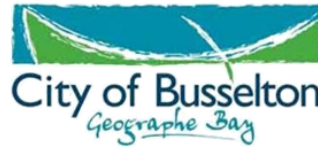
23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
9B	9.49A(2)	Chief Executive Officer	Authorising the Affixing of the Common Seal to Documents

Delegator

Council.

Power/Duty

To authorise the affixing of the Common Seal of the City to a document that needs the City's Common Seal to be legally effective and that is in one or more of the following categories -

1. documents required to satisfy conditions of subdivision and/or development approval;
2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
3. documents required to secure the repayment of a loan granted by the City, a loan granted to the City by a third party and/or to secure the pre-funding of infrastructure works by the City;
4. documents required to effect the grant of leasehold interests in the land either by the City to a third party, or by a third party to the City;
5. documents required to effect the grant of a licence either by the City to a third party, or by a third party to the City;
6. documents required to effect the subdivision of land, including the strata titling of land;
7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and
8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.

Conditions

The document must not be inconsistent with a Council policy or resolution. While the CEO can authorise the affixing of the Common Seal to a document as classified, it is noted that it is also

necessary for the document to be signed by both the Mayor and the CEO (or a senior employee authorised by the CEO).

Section 5.37

A senior employee is an employee who has been appointed in accordance with Section 5.37 of the Local Government Act.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Section 9.49A(2)

The Common Seal of a local government is not to be affixed to any document except as authorised by the local government.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1005/169

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

26 May, 2010 (implementation).

Notes of Alterations

22/06/2011 - Update to refer to the correct section of the *Local Government Act 1995*.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
10A	5.42(1)(a)	Chief Executive Officer	Claims Against the Local Government

Delegator

Council.

Power/Duty

To consider claims against the local government for damage to property and either accept or deny liability.

Conditions

The claim shall not exceed \$500. Payment up to \$500 is able to be made upon receipt of a release form.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

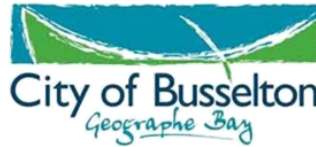
23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Notes of Alterations

25/06/2014 – Increase of the amount up to which a claim can be accepted from \$300 to \$500.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
3I	3.54(1) 5.16 5.17(c)	Meelup Regional Park Management Committee	Reserve Under the Control of the Local Government

Delegator

Council.

Power/Duty

When constituted for a formal meeting is delegated to adopt plans, policies or documents that relate to management of the Park.

Conditions

The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

Council Resolution
C1510/296

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1006/217

Council Resolution
C0906/243

Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Review Dates

14 October, 2015

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

23 June, 2010

24 June, 2009

25 June, 2008 (implementation).

Related Documents

Meelup Regional Park Management Committee's Terms of Reference.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
6F	6.7(2)	Busselton Settlement Art Project Steering Committee	Approval of fundraising activities funding

Delegator

Council.

Power/Duty

To approve the disbursement of funds as approved by the Council in its annual budget for the purpose of raising funds for the project.

Conditions

The budget provided by the Council is to be used for fundraising events and initiatives, including the marketing and promotion of such events and initiatives.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

Council Resolution
C1510/294

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/139

Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Review Dates

14 October, 2015

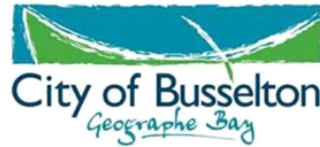
10 June, 2015

25 June, 2014

12 June, 2013 (implementation).

Related Documents

Busselton Settlement Art Project Steering Committee's Terms of Reference.



INSTRUMENT OF DELEGATION

Ref No	LG Act Ref	Delegate	Delegation Subject
7A	7.12A(2)	Audit Committee	Meeting with the Auditor

Delegator

Council.

Power/Duty

To meet with the auditor on behalf of the local government in accordance with the requirements of Section 7.12A(2) of the *Local Government Act 1995*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 5.16 of the *Local Government Act 1995* to delegate to a Committee the discharge of certain powers and duties in accordance with Section 5.17(c).

Verification

Council Resolution
C1506/161

Council Resolution
C1406/161

Council Resolution
C1306/168

Council Resolution
C1206/167

Council Resolution
C1106/199

Council Resolution
C1001/015

Review Requirements

In accordance with the requirements of Section 5.18 of the *Local Government Act 1995*, at least once every financial year.

Review Dates

10 June, 2015

25 June, 2014

26 June, 2013

27 June, 2012

22 June, 2011

27 January, 2010 (implementation).

Related Documents

City of Busselton Audit Committee Terms of Reference.



INSTRUMENT OF DELEGATION

Ref No	Act Ref	Delegate	Delegation Subject
CA1	Cat Act 2011	Chief Executive Officer	Administration of the Cat Act

Delegator

Council.

Power/Duty

Authority to exercise the functions in relation to the administration of the *Cat Act 2011*.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 44 of the *Cat Act 2011*.

Verification

Council Resolution
C1506/161

Council Resolution
C1310/285

Review Requirements

In accordance with the requirements of Section 47 of the *Cat Act 2011*, at least once every financial year.

Review Dates

10 June, 2015

30 October, 2013 (implementation).

Related Documents

Cat Local Law

Notes of Alterations



INSTRUMENT OF DELEGATION

Ref No	Act Ref	Delegate	Delegation Subject
DA1	Dog Act 1976	Chief Executive Officer	Appointment of Authorised Persons and Registration Officers

Delegator

Council.

Power/Duty

To appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by that Act and to authorise persons to effect the registration of dogs.

Conditions

Nil.

Statutory Framework

Council is exercising its power of delegation under Section 10AA(1) of the *Dog Act 1976*.

Verification

Council Resolution
C1506/161

Council Resolution
C1312/328

Review Requirements

In accordance with the requirements of Section 10AB of the *Dog Act 1976*, at least once every financial year.

Review Dates

10 June, 2015

11 December, 2013 (implementation).

Related Documents

Dog Local Law

Notes of Alterations

10.3 Policy and Legislation Committee - 26/05/2016 - REVIEW OF COUNCILLORS' INDUCTION, TRAINING AND DEVELOPMENT POLICY

SUBJECT INDEX:	Councillors
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Support
REPORTING OFFICER:	Manager, Governance Services - Lynley Rich
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Councillors' Induction, Training and Development Policy

This item was considered by the Policy and Legislation Committee at its meeting on 26 May 2016, the recommendations from which have been included in this report.

PRÉCIS

The Council policy relating to Councillors' Induction, Training and Development is presented for review in order to provide an equal allocation of the budget for training adopted by the Council for access by each Councillor and other related matters. It is recommended that the Council adopts the updated Councillors' Induction, Training and Professional Development Policy.

BACKGROUND

The policy was last reviewed in 2012 and this update is to provide for an individual allocation for each Councillor that was not previously included in the policy.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

The Councillors' Induction, Training and Development policy is applied in accordance with the Fees, Allowances and Expenses for Elected Members policy to identify the costs that will be met by the Local Government for this purpose. In addition, there are specific requirements relating to conference attendance where significant travel is involved in accordance with Council policy 013.

FINANCIAL IMPLICATIONS

The draft budget includes an allocation for training and conference requirements for elected members of \$27,000. The policy seeks to provide an allocation of \$3,000 per Councillor for training and professional development purposes.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The Induction, Training and Development policy contributes to governance systems that deliver responsible, ethical and accountable decision-making.

RISK ASSESSMENT

Not required for a review of the policy.

CONSULTATION

The proposed changes to the policy have been discussed as part of the workshops for the development of the draft budget with relevant staff and Councillors.

OFFICER COMMENT

The policy continues to provide for a range of training and development opportunities for the Councillors, however, changes are proposed on the basis of identifying the desire for each Councillor to have an equal allocation of funds for training and conference attendance purposes that are applicable to their role.

In this regard, the Council policy relating to the specific requirements for conference attendance where significant travel is proposed is relevant. That policy provides that training and professional development is to be relevant to the functions of the City, provide scope for the skills acquired to be applied and that there shall be due regard for Committee and representative roles that the individual has been appointed to.

Changes to the policy have been identified in the attachment to the report. It is intended that any Councillor's unspent funds within a biennial election cycle will be carried forward into the following financial year's budget. It is noted that the training and professional development funds will be made available on a pro-rata basis in accordance with that election cycle.

CONCLUSION

The proposed policy is presented for Council's consideration. Should it be adopted, a register of training attendance and associated expenditure for each Councillor will be maintained to ascertain current funding availability for each Councillor.

OPTIONS

The Council could determine that changes to the policy are required or that a policy is not required in relation to this matter.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policy will be effective immediately.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

That the Council:

1. Adopts the updated Councillors' Induction, Training and Professional Development Policy:

098	Councillors' Induction, Training and Professional Development	V3 Draft
-----	---	----------

1. PURPOSE

This policy is to provide a framework within which Councillors can have access to a range of development opportunities that will assist them to undertake their role, including but not limited to pre-election information sessions, induction programs, training programs and development opportunities throughout the elected term of office.

The City of Busselton has a budget allocation for the purpose of enabling Councillors to participate in development opportunities that will assist them to undertake their role and/or develop skills and competencies.

2. SCOPE

The policy provides that all Councillors can participate in development and training opportunities during their elected term of office, noting that where a term of office is less than the usual four-year term, access to a full range of opportunities may not be available within the term.

3. POLICY CONTENT

The City of Busselton will provide an induction, training and development program for Councillors that contributes to the corporate objectives by:

- Assisting prospective and new Councillors assimilate into the role;
- Assisting Councillors meet the demands upon them by developing the necessary skills through recognised training;
- Assisting Councillors achieve excellence in performance; and
- Ensuring Councillors work professionally in a team environment for the betterment of their constituents.

Councillors can attend various programs during their term of office, to assist their professional development and to provide them with enhanced skills to effectively maximise the benefits of the commitment they have given to their elected position.

Pre-election Information Sessions

This policy provides for the Chief Executive Officer to conduct a seminar for aspiring Councillors to be held prior to a Local Government election. The aim of this seminar would be to provide aspirants with an insight to the role of a Councillor and better prepare them for what lays ahead.

Induction Program

Following election, new Councillors will be guided through an in-house induction program, modelled on the Department of Local Government Councillor Induction Checklist, to provide them with all the information relevant to commencing their role as a Councillor. The provision of in-house information and training sessions is also encouraged after the completion of the induction program.

WALGA Training Program

The Western Australian Local Government Association offers a module-based training program that is standardised for WA Local Governments. Progressive participation in this program is encouraged and is considered to be the best opportunity outside of the organisation to develop relevant local

government knowledge, including the opportunity to obtain a Diploma in Local Government by the completion of the course modules.

Local Government Week

Local Government Week is an annual networking and development opportunity for Councillors provided by the Western Australian Local Government Association. This is undertaken in conjunction with the association's Annual General Meeting at which the City of Busselton is entitled to have two delegates. It is usual that this will be the Mayor and Deputy Mayor, however, this may be passed to another Councillor or Councillors when one or both of the Mayor and Deputy Mayor are not in attendance.

In addition to the two delegate participants, opportunity exists for other Councillors and the CEO to attend Local Government Week.

Other Training and Development

Other training and development opportunities are identified from time to time by either an individual Councillor or the organisation, attendance at which may be approved where:

- The course or development opportunity is relevant to the functions of a Councillor; or
- The course or development opportunity is relevant to a Councillor's role of Council approved representative on a Council Committee or external body; and
- There is scope for application of skills acquired by the attendee at the City.

Approval Process

Applications from Councillors will be determined by the Mayor in consultation with the CEO with regard to applicability of the development opportunity to the Councillor's role and budget availability.

The application can only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses in accordance with Council Policy 001 can be accommodated within the approved allowance allocated to the Councillor for this purpose in accordance with the annual budget provision. The annual training budget determined by the Council will be equally allocated to each Councillor on a pro-rata basis in accordance with election dates. An individual's unspent funds can be carried forward for use within the biennial election cycle.

The CEO is to maintain a register of each Councillors' training and professional development expenses.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

Policy Background

Policy Reference No. - 098

Owner Unit – Governance Services

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – 13 June 2012

Review Frequency – As required

Related Documents –

Council Policy 001

Council Policy 013

History

Council Resolution	Date	Information
		Proposal to provide an equal allocation for use by each Councillor on approved training programs and Local Government Week attendance
C1206/138	13 June, 2012	Proposal to consolidate the Elected Member Induction, Training and Development Policy with the Local Government Week policy Version 2
		Version 1

Last updated 13 June 2012

098	Councillors' Induction, Training and Professional Development	V2—Current V3 Draft
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Councillors can attend various programs during their term of office, to assist their professional development and to provide them with enhanced skills to effectively maximise the benefits of the commitment they have given to their elected position.

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Last updated 13 June 2012

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In addition to the two delegate participants, opportunity exists for other Councillors and the CEO to attend Local Government Week in a non-delegate observer capacity. It is intended that all Councillors will be given the opportunity to attend a Local Government Week Convention during their time as an elected member.

Determination of the appropriate number of attendees in any year will be based on:

- The program being offered;
- The number of Councillors interested in attending;
- Previous attendance; and
- Budget availability

It would be usual for up to three non-delegate observers to be considered, which may or may not include the Chief Executive Officer.

Other Training and Development

Other training and development opportunities are identified from time to time by either an individual Councillor or the organisation, attendance at which may be approved where:

- The course or development opportunity is relevant to the functions of a Councillor; or
- The course or development opportunity is relevant to a Councillor's role of Council approved representative on a Council Committee or external body; and
- There is scope for application of skills acquired by the attendee at the City.

Last updated 13 June 2012

Approval Process

Applications from Councillors will be determined by the ~~Mayor~~President and Deputy President in consultation with the CEO with regard to applicability of the development opportunity to the Councillor's role and budget availability. ~~It is intended that the budget allocation for Councillors will be applied in a consistent and fair manner without patronage.~~

The application can only be approved where the costs including professional registration fees, travel, accommodation and an estimation of other expenses in accordance with Council Policy 001 can be accommodated within the approved ~~budget~~ allowance allocated to the Councillor for this purpose in accordance with the annual budget provision. The annual training budget determined by the Council will be equally allocated to each Councillor on a pro-rata basis in accordance with election dates. An individual's unspent funds can be carried forward for use within the biennial election cycle.

The CEO is to maintain a register of each Councillors' training and professional development expenses.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

Policy Background

Policy Reference No. - 098

Owner Unit – Governance Services

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – 13 June 2012

Review Frequency – As required

Related Documents – Council Policy 001N/A

History

Council Resolution	Date	Information
		<u>Proposal to provide an equal allocation for use by each Councillor on approved training programs and Local Government Week attendance</u>
C1206/138	13 June, 2012	Proposal to consolidate the Elected Member Induction, Training and Development Policy with the Local Government Week policy Version 2
		Version 1

11. PLANNING AND DEVELOPMENT SERVICES REPORT**11.1 APPLICATION FOR PLANNING CONSENT FOR A USE NOT LISTED (TELECOMMUNICATION FACILITY AND ANCILLARY EQUIPMENT) AT LOT 470 CAVES ROAD YALLINGUP**

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:	Statutory Planning
REPORTING OFFICER:	Planning Officer - Stephanie Izzard
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan Attachment B Development Plans Attachment C Original Submission (including advertised development plans) Attachment D Summary of Submissions Attachment E Response to Submissions from Applicant Attachment F Photomontage

PRÉCIS

A development application has been received by the City for a proposed telecommunication facility, including a 45 metre high monopole, and ancillary structures.

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

In response to the concerns raised during the consultation period regarding the visual impact of the proposed development the applicant subsequently moved the development 100 metres to the south west of the original location to be located more central to the site.

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

BACKGROUND

The Council is asked to consider a planning application seeking approval for a Use Not Listed (Telecommunication Tower and Ancillary Equipment) at Lot 470 Caves Road, Yallingup. Under the City of Busselton *Local Planning Scheme No. 21* (the Scheme) the site is zoned "Rural Residential" and is located within a "Landscape Value Area." The site is bound by Gunyulgup Valley Drive to the north and private property to the east and south. A Location Plan is provided at Attachment A.

The development includes a 45 metre high monopole with a circular headframe at the top accommodating three panel antennas measuring approximately 1077 mm x 300mm x 115mm. One parabolic dish antenna will also be installed at approximately 42 metres on the monopole and will be 600mm in diameter.

A 2.4m high chain link security fence is proposed around the area of the facility and will create a compound of 16 metres by 11 metres. Within this compound the development also proposes two outdoor cabinets, GPS unit and metering panel.

Following the conclusion of the consultation period the applicant has submitted plans moving the development 100 metres to the south west so that it is more central to the site. The modified development plans are provided at Attachment B with the complete submission of the application, including the original plans which were advertised, provided at Attachment C.

The proposal forms part of the National Broadband Networks and will service 350 properties within the area. At this stage there are no proposals to include mobile phone facilities on the tower however the applicant has advised that there will be opportunities to co-locate facilities in the future.

STATUTORY ENVIRONMENT

The key statutory environment is set out in the Scheme, as modified by the Deemed Provisions set out in Schedule 2 of the *Planning and Development Regulations 2015*. The proposed Telecommunication Facility and Ancillary Equipment does not fall under any use listed in the Scheme and therefore the proposed development has been assessed as a 'Use Not Listed.' A "Use Not Listed" may be approved at the discretion of the City usually following a consultation process as outlined in clause 64 of the Deemed Provisions.

Rural Residential zone

The site is zoned "Rural Residential" under the Scheme. Objectives and Policies of this zone relevant to this application are as follows:

Objectives

- (b) To ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.
- (d) To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.
- (e) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere, and where such purposes would not detrimentally affect the rural residential character of nearby land.

Policies

- (b) To ensure the provision of road, electricity, postal and telephone services and, where appropriate and practical, water services.

Landscape Value Area

The site is located within a Landscape Value Area under the Scheme. A property within a Landscape Value Area is considered to be of a high landscape value and therefore is subject to particular requirements regarding the clearing of vegetation as well as the visual impact of the development with the following requirements:

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

Use not listed

Clause 4.4.2 of the Scheme allows the City to consider a development application for a land use not listed under the zoning table. In this instance it was considered that the use may be consistent with the objectives and policies of the zone and therefore advertising was undertaken in accordance with clause 67 of the Deemed Provisions.

“4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
- (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”

Note that clause 10.4 of the City’s scheme is now superseded by the equivalent and very similar clause 67 of the Deemed Provisions.

Commonage Consolidated Structure Plan

The provisions of the Commonage Consolidated Structure Plan (CCSP) applicable to this development include the maximum building height limit set at 7.5 metres. In addition, the required building setbacks under the CCSP are as follows:

- Minimum building setback of 100 metres from Caves Road;
- Minimum building setbacks of 20 metres from front and rear boundaries; and
- Minimum building setbacks of 15 metres from the side boundaries.

Matters to be considered

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

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

RELEVANT PLANS AND POLICIES

The key policy implications for consideration are set out in the following policy documents:

- *State Planning Policy 6.1 – Leeuwin-Naturalist Ridge Policy*
- *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure;*

- Local Planning Policy 3 – Special Character Areas and Visual Management Policy
 - Reflective Building Materials;
 - Caves Road Visual Management Policy

State Planning Policy 6.1 – Leeuwin-Naturalist Ridge Policy

The State Planning Policy 6.1 - Leeuwin-Naturalist Ridge Policy' provides a clear direction on future land use for the policy area which extends from Cape Naturaliste to Cape Leeuwin and inland to the Bussell Highway. The overall objectives of the policy include:

- *'conserve and enhance the special benefits arising from landscape elements that form the fabric of the region;*
- *respect and conserve its outstanding natural and cultural heritage and environmental values;*
- *cater for population growth while promoting quality and innovation in urban design and built form;*
- *protect agricultural land for its economic, landscape, tourism and social values;*
- *encourage a mix of compatible land uses while separating conflicting land uses;*
- *facilitate a robust, diverse and sustainable economy.'*

Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure*, included as Attachment 3, provides 15 guiding principles for the location, siting and design of telecommunications infrastructure, as well as eight matters to be considered when determining planning applications. These are detailed below and should be considered by Council when making a determination on the matter:

- *Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the State.*
- *Need to ensure continuity of supply of telecommunications services to people and businesses in the local area or region.*
- *Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements.*
- *Effect of the proposal on any place of cultural heritage significance on or near the land.*
- *Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts.*
- *Degree to which the proposal is co-ordinated with other services.*
- *Extent to which the proposal fulfils the requirements of Section 5.3 of this Policy.*
- *Extent to which the proposal adheres to the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure set out in Section 5.1 of this Policy.*

Local Planning Policy 3 – Special Character Areas and Visual Management Policy (LPP3)

The site is located within Policy Area 2 under the LPP3 - Caves Road Visual Management Provisions. Landscapes within this Policy area have a "moderate visual absorption" capacity. Within this Policy area the objectives are that development should result in evident visual alteration of landscapes and shall be in evident from Caves Road. Generally, the height of buildings shall be below the crown/canopy height of remnant vegetation in the immediate vicinity. When assessing a development application within this area the City is required to take into consideration the compliance of the development with the general objectives of the Policy Areas which includes the visibility of the development from Caves Road.

Further to the above, it is noted that under this Policy the location of the development is not within a "major view" corridor.

FINANCIAL IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve the applicant proceeding with the development application to install the telecommunication facility. In this regard, there are no significant risks identified.

CONSULTATION

The proposal was referred for 21 days to all land owners with a 1km radius of the site. 190 properties were consulted with. A notice was also placed on the City's website and in the local paper on 20 January 2016. The consultation period on the application ended on 10 February 2016.

The City received 139 submissions. Of these submissions 90 were broadly opposed to the development, 47 were broadly in support. Of the 139 submissions which were received, 33 were within the original consultation area within 1km of the site, 18 of which were in support of the proposal and 14 were opposed and 1 was indifferent.

A multi-persons petition signed by 89 persons was also submitted as part of the template submission. This template submission was submitted by 24 people. This petition did not comply with normal requirements of a formal petition and therefore has been considered as a submission only.

The summary of these submissions is provided at Attachment D with the key issues raised in these submissions as follows:

- Tower will have an adverse impact upon the amenity of the area;
- The development will have an adverse impact upon tourism to the area;
- The development is not in keeping with the requirements of the Landscape Value Area; and
- Alternative locations should be considered.

The submissions in support of the proposal listed poor internet and mobile phone services as being a critical issue, especially considering the high bushfire risk of the area.

Following the conclusion of the advertising period the applicant was provided with an opportunity to respond to the concerns raised in the submissions. Their response is provided at Attachment E. The applicant also modified the proposed development to move the development more internal to the subject site, increasing the setback of the development so that it will be 151 metres from Gunyulgup Valley Drive and 186 metres from the nearest neighbouring property to the east.

OFFICER COMMENT

The City has assessed the application having regard to the objectives and policies of the Rural Residential zone, the provisions applicable to Landscape Value Areas under the Scheme, State Policy

and Matters to be Considered and in particular consideration of proper and orderly planning as required by the Scheme. The key issues raised in the submission period which are to be considered are:

- Visual impact of the development; and
- Consistency with relevant planning framework.

Visual Impact of the development

Following the conclusion of the consultation period, the applicant modified the development and relocated the Telecommunication facility such that it is to be located more centrally to the site. The new location is approximately 100 metres to the south-west of the original location and results in a setback of 151 metres to Gunyulgup Valley Drive and 186 metres to the nearest property to the east.

The applicant has provided updated photomontages which show two perspectives of the tower taken from the corner of Gunyulgup Valley Drive and Koorabin Drive, and another taken from the corner of Gunyulgup Valley Drive and Kangaroo Parade. These are provided at Attachment F.

From these photomontages it is clear that increasing the setback of the proposed from Gunyulgup Valley Drive decreases the visual impact of the tower as viewed from Gunyulgup Valley Drive.

Consistency with relevant planning framework

The proposal does not fall within any of the use classes listed in the Scheme and therefore is considered to be a "Use not listed." When assessing an application for a "Use not listed" the Council is required to take into consideration the Matters to be Considered prescribed under clause 67 of the regulations, including the Policy and Objectives of the relevant zone and any other applicable provisions under the Scheme or Policies.

It is considered that the proposal is consistent with the Objectives and Policies of the Rural Residential zone in particular policy (b) which states "To ensure the provision of road, electricity, postal and telephone services and, where appropriate and practical, water services." The proposed development will provide improved telecommunication services to over 350 properties within the area and will provide opportunity for mobile phone carriers to co-locate on the tower. Improved internet and mobile phone service to the area is considered to be a critical due to the bushfire prone nature of the area.

All of the relevant planning provisions which relate to this site are centered on alleviating the visual impact of development upon the locality. It is considered that while the development will be visible from some vantage points within the area, the applicant has attempted to minimize these impacts by relocating the development such that it is more central to the site. Existing vegetation within the area will assist in lessening the visual impact of the development by providing screening which will reduce the visual impact of the development. The visual impact of the development from two vantage points along Gunyulgup Valley Drive has been demonstrated within the photomontages provided by the applicant. It is considered that the proposed development will provide a service to the greater community in providing improved internet services to the area with the ability for mobile phone carriers to co-locate on the facility.

CONCLUSION

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

OPTIONS

The Council could:

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

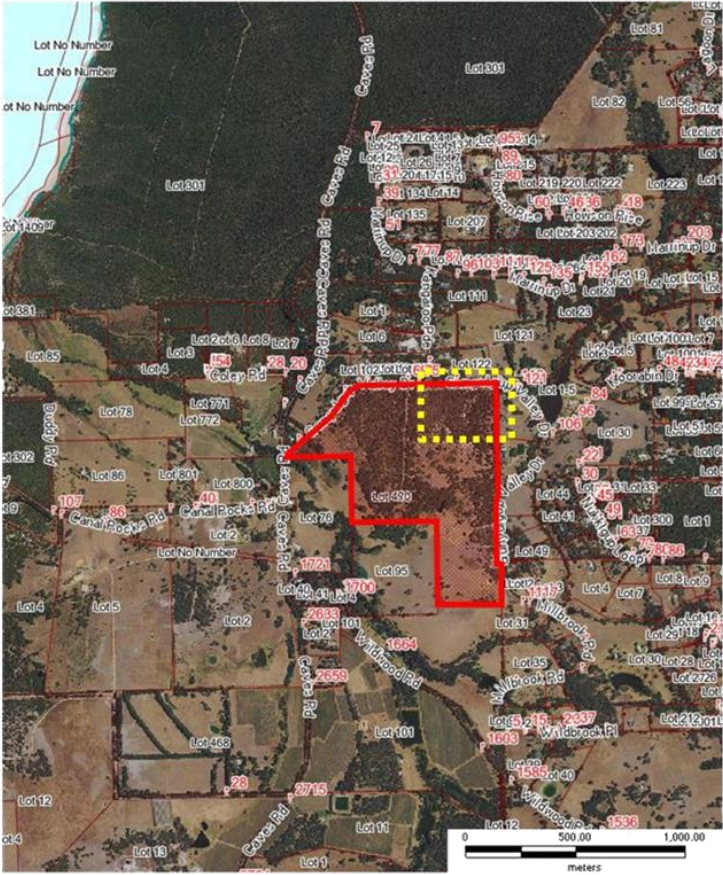
That the Council resolve:

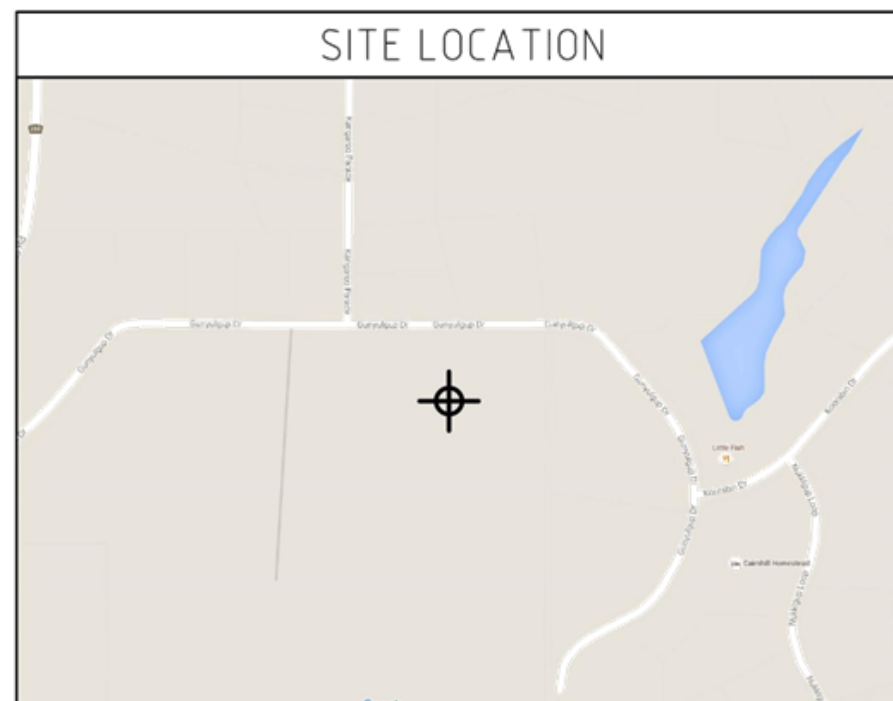
1. That application DA15/0662 submitted for development at Lot 470 Caves Road, Yallingup is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
2. That Development Approval is issued for the proposal referred to in 1. above subject to the following conditions:

GENERAL CONDITIONS:

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

Location Plan





COPYRIGHT © GOOGLE MAPS

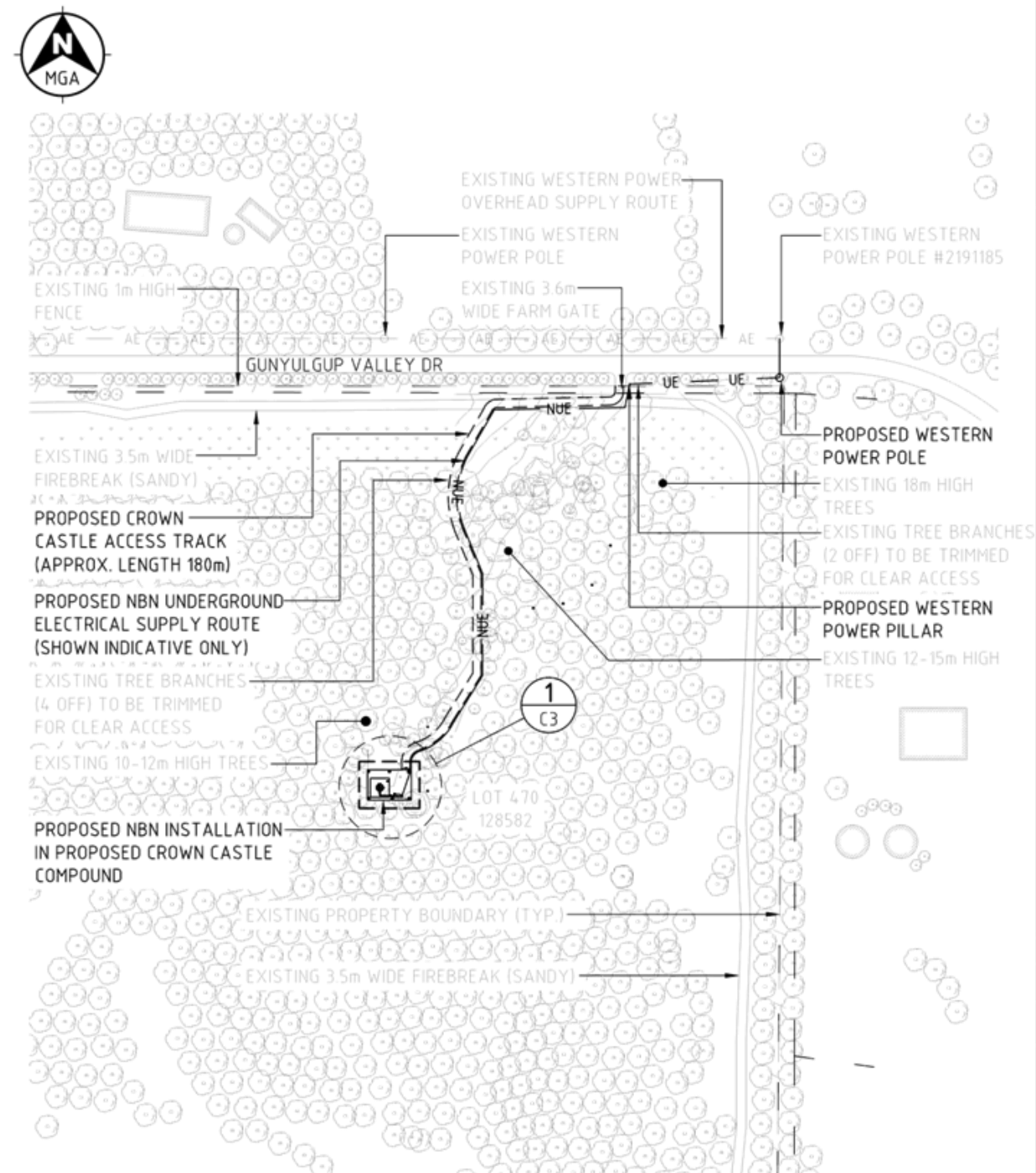
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TOWER	
DATUM: MGA (GDA94)	ZONE: 50
LATITUDE	-33.66619°
LONGITUDE	115.03986°
EASTING	318 267
NORTHING	6 273 131

LEGEND:

— NAE — NAE —	NBN AERIAL ELECTRICAL SUPPLY
— AE — AE —	AERIAL ELECTRICAL SUPPLY
— NUE — NUE —	NBN UNDERGROUND ELECTRICAL SUPPLY
— UE — UE —	UNDERGROUND ELECTRICAL SUPPLY
— / — / —	FENCE LINE
	BUILDING
— — —	BOUNDARY LINE

NOTES:

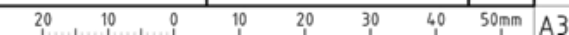
- EXISTING DEAD FALLEN TREES TO BE REMOVED (3 OFF) FROM SITE AND ACCESS.
- EXISTING TREE STRUMP (1 OFF) AND (5 OFF) TREES TO BE REMOVED FROM SITE AND ACCESS.



OVERALL SITE PLAN

SCALE 1:2000

Project: NATIONAL BROADBAND NETWORK SITE No: 6DBG-51-05-YGSL YALLINGUP SIDING LOT 470 CAVES ROAD YALLINGUP WA 6282																									
PRELIMINARY																									
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05	17.05.16	COMPOUND RELOCATED	BRS																						
04	10.09.15	MONOPOLE REPLACED LATTICE TOWER	AB																						
03	07.09.15	PRELIMINARY ISSUE	GP																						
02	12.06.13	MONOPOLE HT. REVISED	ARS																						
01	30.05.13	PRELIMINARY ISSUE	CDB																						
 www.dalyinternational.com																									
DRAFTED BY: CDB CHECKED BY: SH APPROVED BY: WZ																									
Drawing Title: OVERALL SITE PLAN																									
Drawing No. 6DBG-51-05-YGSL-C2	Revision 05																								



NOTES:

1. PROPOSED NBN PANEL ANTENNAS TO BE FACTORY COLOUR (LIGHT GREY).

PROPOSED CROWN CASTLE 45m HIGH
MONOPOLE

PROPOSED NBN FEEDERS RUN INTERNALLY

PROPOSED NBN 300 WIDE CABLE
LADDER WITH LADDER SUPPORTS

PROPOSED NBN GPS UNIT

PROPOSED NBN OUTDOOR CABINET
SSC-02 ON CONCRETE SLAB

FUTURE NBN OUTDOOR CABINET
SSC-02 ON CONCRETE SLAB

PROPOSED NBN PDB/METERING PANEL
ON H-FRAME

PROPOSED CROWN CASTLE 2.4m HIGH
CHAINLINK SECURITY COMPOUND
FENCE WITH 3m WIDE ACCESS GATES

PROPOSED NBN UNDERGROUND ELECTRICAL
SUPPLY ROUTE (SHOWN INDICATIVE ONLY)

NORTH ELEVATION

SCALE 1:200

▽ EL 45.00m

TOP OF PROPOSED MONOPOLE
& PROPOSED NBN PANEL ANTENNAS (3 OFF) ON
CROWN CASTLE HEADFRAME WITH RRU TO BE
FIXED BEHIND EACH PANEL ANTENNA (3 OFF)

▽ EL 43.00m

& PROPOSED NBN CANISTER MOUNTED TO
STEELWORK WITH S/S ADJUSTABLE HOSE CLAMP

▽ EL 42.00m

& PROPOSED NBN Ø600 PARABOLIC ANTENNA
TO DUNSBOROUGH SOUTH

PROPOSED CROWN CASTLE MONOPOLE
ACCESS LADDER AND FALL ARREST

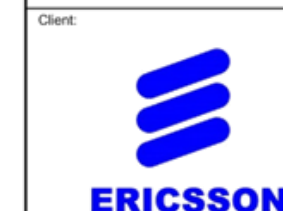
▽ EL 0.00m (REF. ELEVATION)

BOTTOM OF MONOPOLE

▽ EL -0.15m (59.00m AHD)

GROUND LEVEL AT CENTRE OF MONOPOLE

PROPOSED CROWN CASTLE MONOPOLE
FOUNDATION (SIZE TBC)



Project:
**NATIONAL BROADBAND
NETWORK**
SITE No: 6DBG-51-05-YGSL
YALLINGUP SIDING
LOT 470 CAVES ROAD
YALLINGUP
WA 6282

PRELIMINARY

Rev	Date	Revision Details	CAD
06	17.05.16	WEST TO NORTH ELEVATION	BRS
05	17.09.15	PARABOLIC HEIGHT REVISED	BRS
04	10.09.15	MONOPOLE REPLACED LATTICE TOWER	AB
03	07.09.15	PRELIMINARY ISSUE	GP
02	12.06.13	MONOPOLE HT. REVISED	ARS
01	30.05.13	PRELIMINARY ISSUE	CDB



DRAFTED BY: CDB

CHECKED BY: SH

APPROVED BY: WZ





Drawing Title:
**SITE ELEVATION
AND DETAILS**

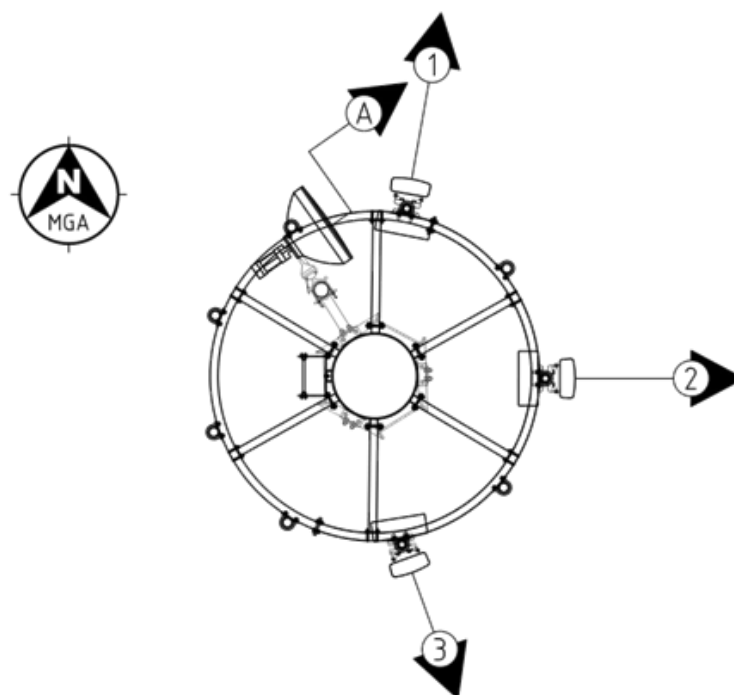
Drawing No.
6DBG-51-05-YGSL-C4

Revision
06

20 10 0 10 20 30 40 50mm A3

ANTENNA CONFIGURATION

ANTENNA DETAIL										MAIN FEEDER DETAIL				RRU DETAIL		RF TAIL	
SECTOR	SYMBOL	TYPE	DIMENSION HxWxD	€ HEIGHT	AZIMUTH (TN)	ELEC TILT	MECH DOWN TILT	DESTINATION	QUANTITY RAU	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	TYPE	LOCATION	TYPE	LENGTH
1		ARGUS LLPX310R	1077x300x115	45.00m	10°	4°	0°			1 x H&S HYBRID MKI 3/3 Ø19.6mm	60m	43m	4.5m	RRUS 61	BEHIND ANTENNA	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m
2		ARGUS LLPX310R	1077x300x115	45.00m	90°	4°	0°						4.5m	RRUS 61	BEHIND ANTENNA	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m
3		ARGUS LLPX310R	1077x300x115	45.00m	160°	4°	0°						4.5m	RRUS 61	BEHIND ANTENNA	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m
A		PARABOLIC	Ø600	42.00m	55°			DUNSBOROUGH SOUTH	1 OFF	ERICSSON 7.6mm	55m						
GPS		KRE 1012082/1	Ø69 x 96	2.50m						ERICSSON 7.6mm	5m						



ANTENNA SETOUT PLAN

SCALE 1:50



Project:
NATIONAL BROADBAND
NETWORK
SITE No: 6DBG-51-05-YGSL
YALLINGUP SIDING
LOT 470 CAVES ROAD
YALLINGUP
WA 6282

PRELIMINARY

04	16.05.16	ANTENNA SETOUT PLAN REVISED	BRS
03	17.09.15	PARABOLIC HEIGHT REVISED	BRS
02	10.09.15	HEADFRAME CHANGED	AB
01	07.09.15	PRELIMINARY ISSUE	GP
Rev	Date	Revision Details	CAD



DRAFTED BY: CDB

CHECKED BY: SH

APPROVED BY: WZ

Drawing Title:
ANTENNA
CONFIGURATION
& SETOUT PLAN

Drawing No.
6DBG-51-05-YGSL-A1

Revision
04

20 10 0 10 20 30 40 50mm A3

SCHEDULE 2



Telephone: (08) 9781 0444
Facsimile: (08) 9752 4958

Address Applications to: Chief Executive Officer
City of Busselton, Locked Bag 1, BUSSELTON WA 6280

CHQ 640 FICOWNER

DA15/10662	665802
CHQ	NK. 640.00
01 DEC 2015	
100039425	

City of Busselton

DEVELOPMENT APPLICATION

DETAILS OF APPLICANT:

NAME: AXICOM C/- DALY INTERNATIONAL (ASTRID MOORE)
POSTAL ADDRESS: LEVEL 10, 601 BOURKE STREET MELBOURNE VIC 3000
TELEPHONE NO: 03 9628 5307 EMAIL: amoores@dalyinternational.com.au SIGNATURE: [Signature]

CONSENT OF OWNER(S): (CONSENT OF ALL OWNERS MUST BE SUBMITTED)

OWNER'S NAME: BETH WALKER
POSTAL ADDRESS: 2575 CAVES RD, YALLINGUP WA 6282
TELEPHONE NO: 97552142 EMAIL: ghem@bigpond.net.au SIGNATURE: [Signature]
attorney for Beth Walker EPA No. N143968

LAND ON WHICH DEVELOPMENT/USE IS PROPOSED:

LOT NO: 470 LOC NO: Lot 470 STREET: CAVES ROAD
PLAN OR DIAGRAM: DP128582 LOCALITY: YALLINGUP
EXISTING BUILDINGS/USE: RURAL RESIDENTIAL
NEAREST INTERSECTING ROAD:

DESCRIPTION OF PROPOSED DEVELOPMENT/USE:

DETAILS OF PROPOSAL: TELECOMMUNICATIONS FACILITY INCLUDING ANCILLARY EQUIPMENT

USE OF ANY EXISTING OR PROPOSED BUILDINGS: NONE

ESTIMATED COST OF DEVELOPMENT (Excluding GST): \$200,000

SERVICES KNOWN TO BE AVAILABLE:	ELECTRICITY:	YES <input type="radio"/>	NO <input type="radio"/>
	SCHEME WATER:	YES <input type="radio"/>	NO <input type="radio"/>
	DEEP SEWER:	YES <input type="radio"/>	NO <input type="radio"/>
	STORMWATER DRAINAGE:	YES <input type="radio"/>	NO <input type="radio"/>
	SEALED ROAD ACCESS:	YES <input type="radio"/>	NO <input type="radio"/>

NOTE: Your application must be completed in full and be accompanied by **FOUR (4) copies**** of the plans and supporting information and the application fees or it will be returned unacted upon. To avoid unnecessary delay and modification of detailed plans, it is recommended that an application for a building licence be made only after receipt of Development Approval and resolution of conditions.

OFFICE USE ONLY:	ASSESSED FEE:	PLANS ATTACHED:	YES <input type="radio"/> NO <input type="radio"/>
	ADVERTISING:		OWNER VERIFIED:
	TOTAL:		RECEIPT NO:
			CHECKED BY:

****It is requested that, where possible, the application be submitted on disc, in which case only TWO (2) hard copies of plans and supporting information are required to be submitted with the application.**



**BUSSELTON CITY COUNCIL - PLANNING & DEVELOPMENT SERVICE DIVISION FEE SCHEDULE
AS PER TOWN PLANNING (Local Government Planning Fees) REGULATIONS 19 DECEMBER, 2000
FEES EFFECTIVE JULY 1, 2011**

DEVELOPMENT APPLICATIONS

(ASSESSED ON BASIS OF ESTIMATED COST OF DEVELOPMENT AS SET BY DIRECTOR, LIFESTYLE DEVELOPMENT)

< \$50,000	Minimum fee \$139
More than \$50,000 but not more than \$500,000	0.32% of estimated cost
More than \$500,000 but not more than \$2.5million	\$1,600 + 0.257% for every \$1 in excess of \$500,000
More than \$2.5 million but not more than \$5 million	\$6,740 + 0.206% for every \$1 in excess of \$2.5 million
More than \$5 million but not more than \$21.5 million	\$11,890 + 0.123% for every \$1 in excess of \$5 million
More than \$21.5 million	\$32,185

MISCELLANEOUS PLANNING CONSENT APPLICATIONS

(AS DETERMINED IN ACCORDANCE WITH THE ABOVE REGULATIONS)

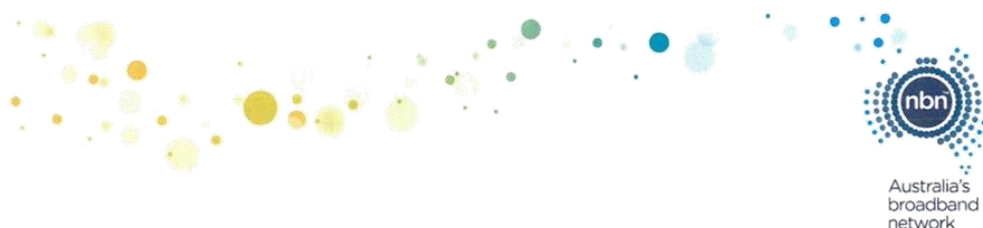
** Denotes Requires Advertising

♦ Includes GST

Extractive Industry **	\$696
Residential Enterprise **	\$209
Cottage Industry – Agriculture; Viticulture/Tourism; Tourist; and Rural Landscape Zones	\$209
Cottage Industry – Rural Residential and Conservation Zones **	\$209
Bed & Breakfast **	\$278
Bed & Breakfast - Tourist Zone	\$278
Use of Reflective Building Materials	In Accordance with General Fees
Overheight Dwelling	In Accordance with General Fees
Setback Variation (Referral Fee of \$120 (< 20 referrals) OR \$250 (> 20 referrals) should also be submitted)	In Accordance with General Fees
Relocation Building Envelope (Referral Fee of \$120 OR \$250 should also be submitted)	\$275
Construction of a Dam	In Accordance with General Fees
2 nd Dwelling House in Agriculture or Viticulture/Tourism Zones	In Accordance with General Fees
Change of Use Approval (i.e. Shop to Office, Office to Restaurant, etc)	\$278
Penalty Fee for Development Commenced or Carried Out Prior to Planning Consent	Double the Application Fee Plus Application Fee (Total 3 Times Ordinary Fee)
Planning Enquiry (Written Advice)	♦\$75.90
Advertising Fee	♦ \$320

PROCESSING SUBDIVISIONAL CLEARANCE

Processing Sub divisional / Strata Clearance (per Lot) - Not more than 5 Lots	\$69/Lot
More than 5 Lots, but not more than 195 Lots	\$69/Lot for first 5 Lots, then \$35/Lot
More than 195 Lots	\$6,959



30 November 2015

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



Dear Sir/Madam,

Planning Permit Application for a Proposed NBN Fixed Wireless (Telecommunications) Facility located at Lot 470 Caves Road Yallingup (Lot 470 on Deposited Plan 128582)

Axicom (Formally Crown Castle Australia) has engaged Daly International to act on its behalf in relation to the establishment of a proposed telecommunications facility. The tower will be constructed by Axicom to accommodate **nbn**[™] ancillary equipment including antennas and an equipment shelter.

The **nbn** is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet and landline phone services. **nbn**[™] plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To enable the provision of these services to the local community, a thorough analysis of potential site alternatives was undertaken and during this process the most appropriate site was selected. Factors such as the ability to meet the required coverage and technical objectives, opportunities for co-location, the surrounding landscape and community needs have all been carefully considered as part of this selection process.

Based on this assessment, Axicom determined that the above address would be the most appropriate location to establish a facility so as to provide high speed wireless broadband coverage to the area to the south of Yallingup & Yallingup Siding.

Please find enclosed an application for a planning permit and supporting information for a proposed telecommunications facility comprising a 45 metre high monopole (Axicom) along with ancillary components (**nbn**) at the above address.



DALY INTERNATIONAL Pty Ltd, A.C.N. 054 002 461
Level 10, 601 Bourke Street Melbourne VIC 3000
Telephone: 03 9628 5300 Facsimile: 03 9628 5399
www.dalyinternational.com

The application is accompanied by:

- Duly completed planning permit application form and planning checklist;
- Planning Report detailing compliance with the City of Busselton Planning Scheme;
- A recent copy of title;
- Site Photos;
- Four (4) copies of the preliminary drawing pack; and
- The prescribed application fee.

We trust that you have all the necessary information to commence your assessment of this application. Should you require any additional information regarding this application, please do not hesitate to contact the undersigned.

Yours Sincerely,



Astrid Moore
Property Consultant
DALY INTERNATIONAL
P: 03 9628 5307
M: 0412 208 259
E: amoore@dalyinternational.com.au

Development Application Requirements

General Application



- ☒ A completed Schedule 2 Development Application form.

Please ensure that ALL owners of the property sign the form. In instances where the property is in the ownership of a company please state the signatory's name and position held within that company.

- ☒ The correct Development Application fee

- ☒ A copy of the Certificate of Title

- ☒ Details of the use proposed for the land or buildings

Submission of 3 sets of plans consisting of:

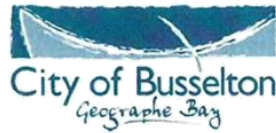
Please note: where plans are larger than A3, plans or accompanying information are bound and/or there are 10 plans or greater in a set you are required to provide an addition copy in a digital format (CD).

- ☒ Site plan;

Site plans should be to a scale of not less than 1:200 and show:

- street names, lot number(s) north point and the dimensions/contours of the site;
- the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
- the existing and proposed means of access for pedestrians and vehicles to and from the site;
- the location, number, dimensions and layout of all car parking spaces intended to be provided;
- the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop same;
- building materials, including specification of roof colours;
- the location of on-site remnant vegetation, in particular mature trees;
- finished floor levels and natural ground levels;
- boundary fencing treatments;
- comments from adjoining landowner should a parapet wall be proposed; and
- the location of any underground services lines.

Development Application Requirements
General Application



- ☒ Elevations and sections of any building proposed to be erected or altered and of any building intended to be retained;
- ☐ Floor plan; *N/A*
- ☐ Landscape plan *N/A*
- ☐ Drainage plan *N/A*

The subject application will not be accepted if the above supporting information is not supplied. Failure to submit the required information may lead to the incomplete application being returned.

To avoid unnecessary delay and modification of detailed plans, it is recommended that an application for a Building Licence be made only after receipt of Development Approval and resolution of conditions.

Please note that the City may, at its discretion, waive any particular requirement of an application for Planning Consent if, in its opinion, that particular requirement does not have relevance to the proposals of the application. The City also reserves the right to request further information when required.



Development Application

Proposed Telecommunications Facility

**Lot 470 Caves Road, Yallingup WA 6282
Lot 470 on Deposited Plan 128582**

For Axicom (Previously Crown Castle Australia)

**November 2015
Project No: 6DBG-51-05-YGSL**

**Daly International,
Level 10,
601 Bourke Street,
Melbourne VIC 3000
Tel: (03) 9628 5300
Fax: (03) 9628 5399**



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Executive Summary

Proposal	<p>Axicom propose to install a new fixed wireless facility comprised of the following:</p> <ul style="list-style-type: none"> ▪ 45m Monopole; ▪ 3x panel antennas; ▪ 1x parabolic dish antennas; ▪ 2x outdoor cabinets at ground level; ▪ 2.4m high chain-link security compound fencing; and ▪ ancillary equipment associated with operation of the facility, including 300mm wide cable tray, cabling, safe access methods, bird proofing, earthing, electrical works and air-conditioning equipment. 	
Purposes	<p>The proposed facility is necessary to provide nbnTM fixed wireless coverage to the area to the south of Yallingup & Yallingup Siding.</p>	
Property Details	<p><i>Lot & Plan No:</i> Lot 470 on Deposited Plan 128582 <i>Street Address:</i> Lot 470 Caves Road Yallingup WA 6282 <i>Overall Site Area:</i> 56.14ha <i>Property Owner:</i> Beth Walker</p>	
Town Planning Scheme	<p><i>Council:</i> City of Busselton <i>Zones:</i> Rural Residential <i>Use Definition:</i> Undefined</p>	
Applicable Planning Policies	Relevant State & Local Planning Policies	Complies
	<i>State Planning Policy 5.2 Telecommunications Infrastructure</i>	Yes
Application	<p>Use and development of the land for the purposes of construction & operation of Telecommunications Infrastructure (Fixed Wireless facility)</p>	
Applicant	<p>Axicom (Previously Crown Castle) c/- Daly International Level 10, 601 Bourke Street MELBOURNE VIC 3000 Contact: Astrid Moore Our Ref: 6DBG-51-05-YGSL</p>	

1 INTRODUCTION

Axicom (Previously Crown Castle) is currently investigating opportunities to establish a telecommunications facility in the area to the south of Yallingup & Yallingup Siding given a general lack of mobile and wireless broadband coverage in the area.

Axicom is the leading provider of independent wireless communications infrastructure and services in Australia. Axicom commenced operations in Australia (under the name of Crown Castle) in March 2000 and now owns and operates over 1800 communications facilities. The current network of communications facilities provides extensive coverage and telecommunications services to most parts of Australia. Axicom is focused on enabling the provision of shared communications infrastructure and services to all areas across Australia and to as many people as possible through Australia.

Axicom's customers include major wireless broadband service providers such as **nbn**TM and vividwireless; mobile telecommunications carriers such as Optus, Telstra and Vodafone Hutchison Australia; and key emergency service network providers. In this instance **nbn**TM requested Axicom to undertake investigations for a facility in the area to the south of Yallingup & Yallingup Siding.

Community Benefits of Axicom infrastructure include:

- Reduced environmental impact through co-location of facilities;
- Purpose built co-location facilities which are consistent with Government policy;
- Shared infrastructure minimises both planning and visual impacts; and
- Meets community expectations in co-ordinating a responsible approach to wireless infrastructure.

An in-depth site selection process was undertaken in the area prior to confirming the site as the preferred location. This process matched potential candidates against four key factors, namely:

- Town planning considerations (such as zoning, surrounding land uses, environmental significance and visual impact);
- The ability of the site to provide acceptable coverage levels to the area;
- Construction feasibility; and
- The ability for Axicom to secure a lease agreement with the landowner.

This application seeks planning consent for:

- a 45 metre high monopole; including radio transmission equipment; and ancillary equipment cabinets.
- Located at Lot 470 Caves Road Yallingup (Lot 470 on Deposited Plan 128582).

This submission will provide assessment in respect of the relevant planning guidelines, and demonstrates suitable site selection on the basis of:

- The site is designed so as to be appropriately located and sited so as to minimise visual impact on the immediate & surrounding area;
- The site is designed to achieve the required coverage objectives for the area;
- The proposal is designed to operate within the regulatory framework of Commonwealth, State and Local Government; and
- The facility is designed to operate within all current and relevant standards and is regulated by the Australian Communications and Media Authority.

2 BACKGROUND

2.1 nbn and the National Broadband Network

nbnTM is the organisation responsible for overseeing the upgrade of Australia's existing telecommunications network and for providing wholesale services to retail service providers. The **nbn**TM is designed to provide Australians with access to fast, affordable and reliable internet services.

nbnTM plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

The **nbn**TM's fixed wireless network will use cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business, which is pointed directly towards the fixed wireless facility.

nbnTM's fixed wireless network is designed to offer service providers with wholesale access speeds of up to 25Mbps for downloads and 5Mbps for uploads.¹

2.2 What is Fixed Wireless and how is it different to Mobile Broadband?

The **nbn**TM's fixed wireless network, which uses advanced technology commonly referred to as LTE or 4G, is engineered to deliver services to a fixed number of premises within each coverage area. This means that the bandwidth per household is designed to be more consistent than mobile wireless, even in peak times of use.

Unlike a mobile wireless service where speeds can be affected by the number of people moving into and out of the area, the speed available in a fixed wireless network is designed to remain relatively steady.

2.3 The Fixed Wireless Network – Interdependencies

Although fixed wireless facilities are submitted to Council as standalone developments from a planning perspective, they are highly interdependent. Each fixed wireless facility is connected to another to form a chain of facilities that link back to the fibre network. This is called the 'transmission network'.

The transmission network requires line of sight from facility to facility until it reaches the fibre network. The fixed wireless network will remain unconnected without the transmission network and a break in this chain can have flow on effects to multiple communities. The proposed Fixed Wireless facility at Yallingup Siding is a transmission end site (refer to **Figure 1**). A terminal site is proposed to provide fixed wireless internet services in the local area.

¹ **nbn** is designing the **nbn**TM to provide these speeds to our wholesale customers, telephone and internet service providers. End user experience including the speeds actually achieved over the **nbn**TM depends on some factors outside **nbn**'s control like equipment quality, software, broadband plans and how the end user's service provider designs its network.

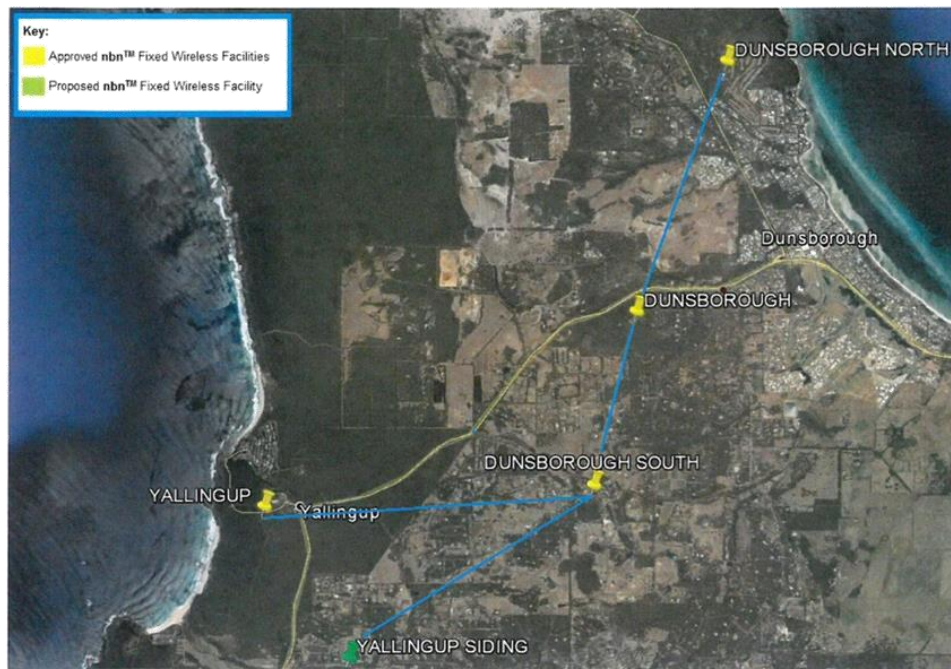


Figure 1- Transmission Links Map

A typical fixed wireless facility will include three antennas mounted above the surrounding area. Each antenna is designed to cover a set area to maximise signal strength. These network antennas communicate to a small antenna installed on the roof of each customer's home or business. The character of the Fixed Wireless network is visually demonstrated through **Figure 2** below.

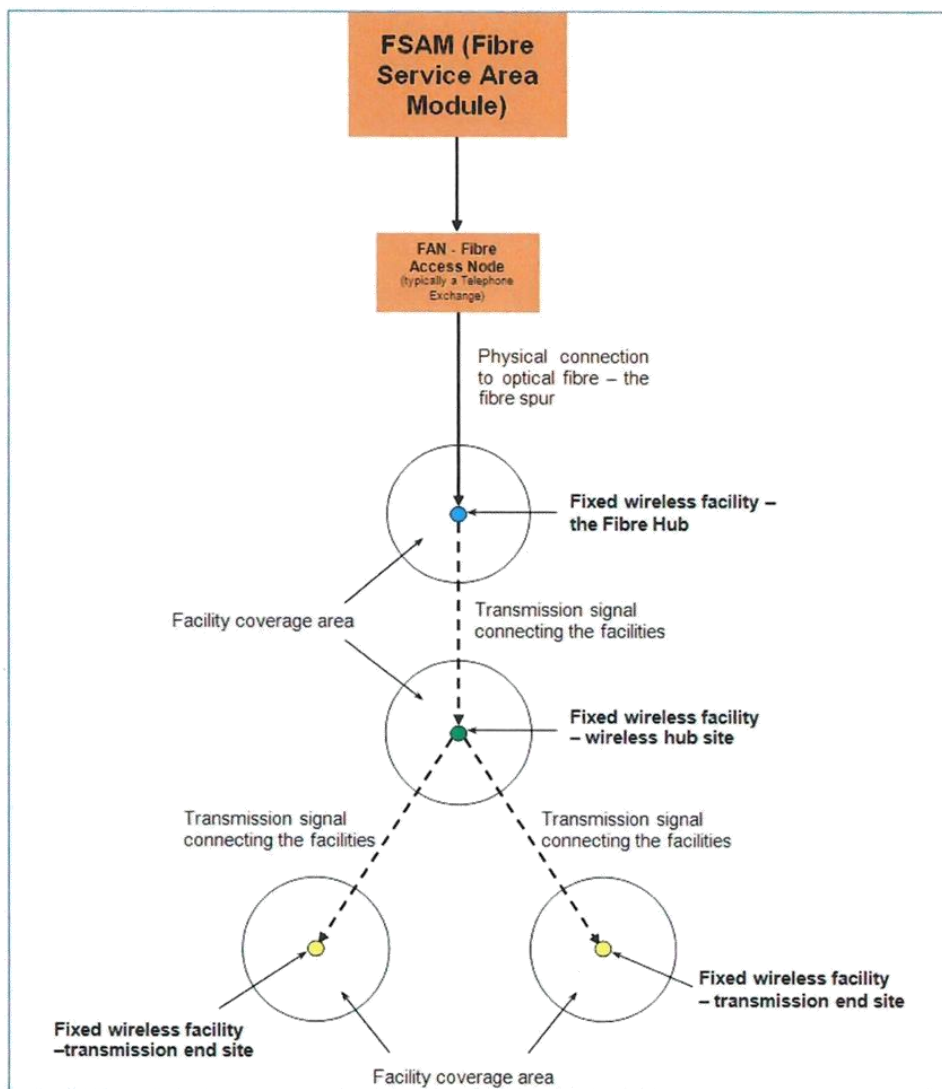


Figure 2 – The fixed wireless network

2.4 Candidate Sites

The scoping stage involves the identification of area where the requirement for a Fixed Wireless facility would be highest, a 'search area.' A preliminary investigation of the area is then generally undertaken, in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations to establish a facility.

Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other issues that influence network design, which have to be resolved in parallel.

Axicom has applied the Precautionary Approach in the selection and design of the proposed site in accordance with Sections 4.1 and 4.2 of the *Communications Alliance Industry Code C564:2011 for Mobile Phone Base Station Deployment*.

In selecting this site, Axicom has used industry best practice to assess potential candidate sites, taking into account technical and non-technical criteria including:

- service objectives;
- topographical constraints affecting network line of site;
- potential co-locate at an existing telecommunications facility or building structure;
- visual impact on the surrounding area;
- the need to obtain relevant planning approvals;
- the proximity to community-sensitive locations;
- the proximity to areas of environmental or heritage significance;
- the availability of secure tenure;
- the availability of public utilities, such as power;
- construction issues (including structural and loading feasibility and access for maintenance purposes);
- occupational health and safety; and
- other cost factors.

The number, type and height of facilities required to complete the Fixed Wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the available search area within which a facility can be established to provide Fixed Wireless internet services to a local community.

Following the identification of the search area, a number of candidate sites were examined. Each candidate was assessed based on the ability to meet the coverage objectives and site considerations detailed above. A total of thirteen (13) candidates were selected for in-depth investigation, as per **Figure 3** on the following page.

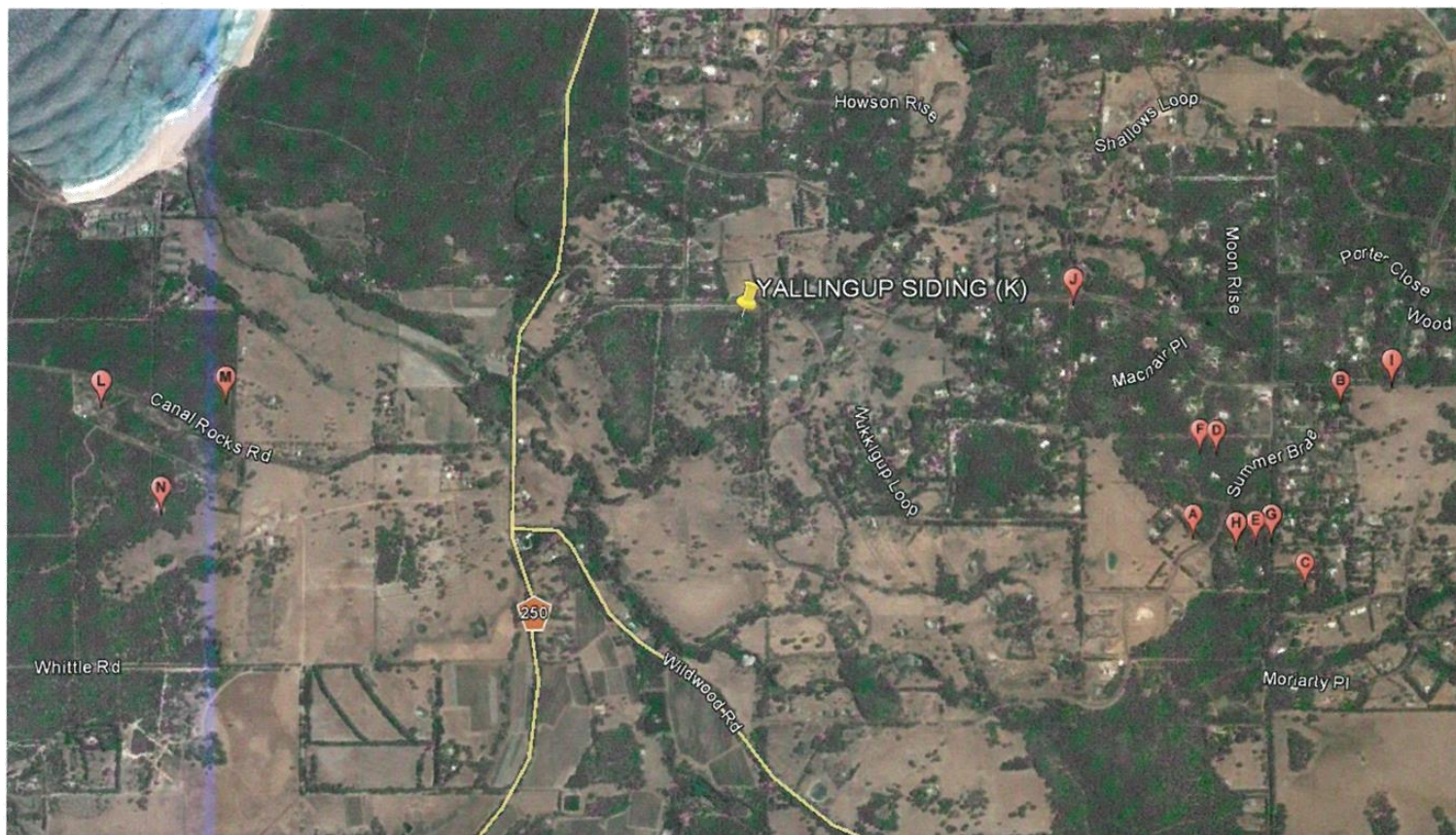


Figure 3 – nbn™ Candidate Sites (from Google Earth)

A summary of the candidates that were proposed is set out below, including a description of the opportunities and constraints that each site afforded.

Candidate	Address and Lot Number	Facility Type	Description
A	11 Autumn Rise, Yallingup WA 6282 (Lot 500 On Plan 38217)	New 40 m monopole	Land tenure was unable to be obtained.
B	7 Summer Brae, Yallingup WA 6282 (Lot 116 On Plan 24226)	New 40 m monopole	Insufficient coverage at maximum height available
C	36 Annie Lysle Place, Yallingup, WA 6282 (Lot 48 On Plan 21027)	New 40 m monopole	Insufficient coverage at maximum height available
D	58 Summer Brae, Yallingup WA 6282 (Lot 204 On Plan 38217)	New 40 m monopole	Land tenure was unable to be obtained.
E	73 Summer Brae, Yallingup WA 6282 (Lot 207 On Plan 38217)	New 40 m monopole	Land tenure was unable to be obtained.
F	10 Autumn Rise, Yallingup WA 6282 (Lot 203 On Plan 38217)	New 40 m monopole	Land tenure was unable to be obtained.
G	75 Summer Brae, Yallingup WA 6282 (Lot 208 On Plan 38217)	New 40 m monopole	Insufficient coverage at maximum height available
H	77 Summer Brae, Yallingup WA 6282 (Lot 209 On Plan 38217)	New 40 m monopole	Insufficient coverage at maximum height available
I	590 Marrinup Drive Yallingup WA 6282 (Lot 117 On Diagram 99692)	New 40 m monopole	Insufficient coverage at maximum height available
J	3 Koorabin Drive, Yallingup WA 6282 (Lot 12 On Plan 28198)	New 45 m monopole	Land tenure was unable to be obtained.
K	Lot 470 Caves Road Yallingup WA 6282 (Lot 470 On Plan 128582)	New 45 m monopole	Tenure has been secured and this is the subject site.
L	153 Canal Rocks Road Yallingup WA 6282 (Lot 8 On Plan 29519)	New 60 m lattice tower	Land tenure was unable to be obtained.
M	Lot 302 Injidup Spring Road Yallingup WA 6282 (Lot 302 on Plan 49921, Reserve 8428)	New 60 m lattice tower	Land tenure was unable to be obtained. Environmentally significant area.
N	103 Canal Rocks Road Yallingup WA 6282 (Lot 4 On Diagram 58408)	New 60 m lattice tower	Land tenure was unable to be obtained.

2.5 Site Selection

This section has provided an overview of the process and particulars relating to site selection. Lot 470 Caves Road, Yallingup (Lot 470 on Deposited Plan 128582) is considered the ideal candidate site for the location of the proposed **nbn**TM fixed wireless facility for the following reasons:

- The proposed site will provide the optimal required quality of service as required by **nbn**TM for the area to the south of Yallingup & Yallingup Siding;
- The proposed facility is located on a portion of the site that has vegetation to screen the facility, and the subject site is surrounded predominantly by sites that are in the rural residential zone. These sites are low-density in nature;
- The site provides sufficient spatial separation from sensitive land uses with the nearest dwellings located approximately 80 metres; and 112 metres from the proposed site;
- The viewsheds from Caves Road and Gunyulgup Drive have vegetation traversing both sides of the road, effectively screening the facility from these travel routes.

3 SUBJECT SITE & SURROUNDS

The telecommunications facility is proposed to be located at Lot 470 Caves Road. The land is formally described as Lot 470 on Deposited Plan 128582. A copy of the Certificate of Title has been attached for information purposes (**Appendix A – Copy of Title**).

The site is irregular in shape and has a total area of approximately 56.14 hectares. Access to the property is via Gunyulgup Drive (Please refer to the Proposal Plans contained in **Appendix 3- Proposed Plans**).

The subject site is zoned as a Rural Residential (Please refer to the Zoning Map in **Section 6.3.1** of this report). The surrounding area consists predominantly of Rural Residential (North; South; East & West), with some land zoned Recreation to the West. The nearest dwellings are setback 112 metres (to the east) and 146 metres (to the south-east). **Figure 4** on the following page depicts the subject site in the context of the surrounding area. This image shows the low-density rural residential character of the locale.



Figure 4 – Aerial Photo of subject site, illustrating surrounding context (Courtesy of Google Maps)

Figure 5 below depicts the proposed location of the **nbn™** Fixed wireless facility within the site, and the view from the proposed location looking towards Gynyulgup Drive. More site photos are included in **Appendix 2- Site Photographs**, and include a Photomontage illustrating the proposed facility as it would appear in the landscape.



Figure 5 – Proposed location of the nbn™ Wireless Facility looking towards Gynyulgup Drive

4 THE PROPOSAL

4.1 Facility and Equipment Details

4.1.1 Equipment to be Installed

Approval is sought for the development of a telecommunications facility, comprising a forty-five metre high monopole and associated radio transmission telecommunications equipment including an outdoor cabinet enclosed within a secure compound which measures approximately 176m² in area.

The proposed monopole will feature a circular headframe at the top of the monopole accommodating three (3) x panel antennas measuring approximately 1077 mm x 300mm x 115mm. One (1) parabolic dish antenna will also be installed at approximately 42 metres on the monopole and will be 600mm in diameter. (Please refer to **Appendix 3 – Proposed Plans** for further details.)

4.1.2 Access and Construction Details

The proposed compound will be accessed via existing access gate off Gunyulgup Drive, and once on the site via a proposed access track approximately 100 m long (Please refer to **Appendix 3 – Proposed Plans** for further details). It is planned to provide independent 24 hour access to the proposed facility.

Axicom considers the site access to be appropriate given the facility will not be a significant generator of traffic. Once operational, the facility should require once annual maintenance visits, but would remain unattended at all other times.

During the construction phase, it is planned that a truck will be used to deliver the equipment and a crane will be utilised to lift most of the equipment into place. Any traffic impacts associated with construction are expected to be of a short-term duration and are not anticipated to adversely impact on the surrounding road network.

The facility and all ancillary components are proposed to be constructed over the one title. A copy of title is provided as **Appendix 1**. Plans indicating the details of the proposal form part of the documentation of this application. Additional photos of the site and proposed development plans are provided as **Appendices 2 & 3** respectively.

A total construction period of approximately ten weeks (including Civil works and network integration and equipment commissioning) is anticipated. Construction activities will involve four basic stages:

- Stage 1 (Week 1) – Site preparation works, including field testing, excavation and construction of foundations;
- Stage 2 (Weeks 2, 3 and 4) – Construction of the monopole;
- Stage 3 (Weeks 5 and 6) – Construction of the equipment shelter and fences;
- Stage 4 (Weeks 7 – 10) – Installation of antennas and radio equipment, as well as equipment testing.

Once operational, the facility is designed to function on a continuously unstaffed basis and will typically only require maintenance works a few times a year.

4.1.3 Utility Service Details

The facility will be powered by a proposed underground power route from existing Western Power transformer (exact co-ordinates to be confirmed by Western Power at the Building Application stage).

4.1.4 Construction and Noise

Noise and vibration emissions associated with the proposed facility are expected to be limited to the construction phase outlined above. Noise generated during the construction phase is anticipated to be of short duration and accord with the standards outlined in the relevant EPA guidelines. Construction works are planned only to occur between the hours of 7.00am and 6.00pm.

There is expected to be some low level noise from the ongoing operation of air conditioning equipment associated with the equipment shelter, once installed. Noise emanating from the air conditioning equipment is expected to be at a comparable level to a domestic air conditioning installation, and should generally accord with the background noise levels prescribed by relevant guidelines.

6 CURRENT PLANNING CONTROLS

6.1 Commonwealth Legislation – The Telecommunications Act

Schedule 3 of the *Telecommunications Act 1997* (Cth) empowers carriers to install low-impact facilities without participating in the planning approval process. The *Telecommunications (Low Impact Facilities) Determination 1997* (Cth) defines which facilities are low-impact facilities. As the proposed tower is not a low-impact facility, the Commonwealth power does not apply. As such, unless a State or Territory exemption applies, a planning permit is required. **Section 6.2** and **Section 6.3** assess the proposal against the relevant State and Local Government planning provisions.

6.2 State Legislation

6.2.1 Planning and Development Act 2005

The proposal is subject to the provisions of the *Planning and Development Act 2005*. This Act controls development within Western Australia through the application of environmental planning instruments. It is those instruments that document whether or not development is permissible, either with or without development consent, or prohibited.

6.2.2 State Planning Policy 5.2 Telecommunications Infrastructure

The new State Planning Policy 5.2, prepared under Part Three of the *Planning and Development Act 2005*, was released in September 2015. The policy applies to all telecommunications infrastructure except that exempted by the *Telecommunications (Low Impact Facilities) Determination 1997*. The objectives of the policy are to:

- Facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- Manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- Ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
- Promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

The new State Policy provides directions that telecommunications infrastructure should not be prohibited in any zone in the zoning table and that, subject to guidance within a planning scheme, be designated as a permitted use in some zones. Furthermore, the State Policy acknowledges that telecommunications carriers are required to comply with the Australian Radiation and Nuclear Protection Safety Agency (ARPANSA) Electromagnetic Radiation - Human Exposure Standard such that buffer zones and/or setback distances are not to be included in planning schemes or local planning policies. The **nbn™** is now also referenced in the State Policy.

Further to reiterating recent State Administrative Tribunal rulings that health and safety matters are not a planning consideration, the State Policy defines policy measures for local government to consider when determining development applications for

telecommunications infrastructure. A response to the specific policy measures is provided below.

Policy Measure 1: Telecommunications infrastructure should be sited and designed to minimise visual impact	
<p>The proposal involves the erection of a new facility incorporating a 45 metre high monopole and associated ground level equipment. The height and design of the proposed tower is considered to be the minimum required to achieve reasonable transmission objectives. Axicom considers that the proposed new facility will have minimal visual impact on the existing landscape setting as seen by local residents and people passing through the area.</p>	
Specific Policy Measures	Comment
a) Telecommunications Infrastructure should be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.	The proposal is appropriately located in Rural Residential area far away as possible from sensitive land uses. In order for the facility to provide fixed wireless broadband to the area, a height of 45 m is required. Axicom have sought to minimise the visual bulk of the facility through the use of a monopole structure. The proposed monopole is a structure that has a small profile and is considered the least visually intrusive design option for a new base station and minimises the visual impact of a telecommunications structure in this area. Further, existing vegetation and trees will screen the base of the tower and compound area from the street.
b) Telecommunications Infrastructure should be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or panorama, whether viewed from public or private land.	The facility is designed so as not to compromise any significant views or places of significance or local landmarks. Additionally, the subject site is located a long distance from existing residential development and community sensitive land uses.
c) Telecommunications Infrastructure should not be located where environmental, cultural heritage, social and visual landscape values may be compromised.	The construction area and overall compound area of the facility is designed to have minimal disturbance to the environmental characteristics of the site. A desktop study of this site indicated that the area is not subject to any natural conservation or places of heritage significance.
d) Telecommunications Infrastructure should display design features,	To minimise the visual impact of the facility Axicom has proposed the use of a monopole

including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.	<p>and selected a site that is located away from residential areas and other sensitive land uses. The proposed monopole is a structure that has a small profile and is considered the least visually intrusive design option for a new base station.</p> <p>Furthermore, the pole will remain unpainted (galvanised steel), which over time has been demonstrated to most successfully blend with the uniform colours of the site's rural setting.</p> <p>No landscaping is proposed due to proposed facility will be sited amongst existing mature vegetation which will aid in screening the facility and will reduce the visual impact of the facility.</p>
Policy Measure 2: Telecommunications Facilities should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.	
The proposed facility seeks to provide fixed wireless broadband coverage to the area to the south of Yallingup & Yallingup Siding.	
Policy Measure 3: Telecommunications cables should be co-located whenever possible.	
Co-location of facilities have been investigated. There are no structures within the surrounding area that could facilitate the infrastructure. Where co-location is not viable, there is a need to provide a purpose built structure. Other carriers can utilise the structure for co-location purposes when the facility is built.	
Specific Policy Measures	Comment
a) Cables and lines should be located within an existing underground conduit or duct.	This guideline is not applicable. There is no overhead cabling proposed.
b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.	There are no structures or buildings of sufficient height within the surrounding area that could facilitate the infrastructure. The structure is proposed to be situated behind existing vegetation which will screen the base of the tower and the secure compound.

With respect to the above policy measures this proposal through its siting, design and location has addressed the provisions as far as practical.

6.2.3 Guidelines for the Location, Siting and Design of Telecommunications Infrastructure

The Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure (Guiding Principles) is published by the Western Australian Planning

Commission (WAPC) to underpin State Planning Policy 5.2. The Guiding Principles philosophy is also reiterated in Part Three of Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design which was also prepared by the WAPC. The guidelines were taken into consideration when selecting the site.

6.2.4 Visual Landscape Planning in Western Australia

The Visual Landscape Planning Manual for Western Australia provides advice to state agencies, local governments, developers and the community on techniques for incorporating visual landscape planning into the planning system. The manual has been developed by the Department for Planning and Infrastructure with the assistance of a working group including the Department of Parks and Wildlife (DPaW) and Main Roads WA. The manual provides visual landscape planning methods: explains the techniques of visual landscape evaluation and visual impact assessment in detail. Part 3 of the manual provides guidelines for location, siting and design: considers land uses and developments that may give rise to potential impacts on different landscapes and measures to address these impacts.

An assessment of the report against these guidelines follows to assist council planners in their assessment of this application.

Guideline

1. Location

- a. Assess the potential location of the tower and comply with management standards for the area.*
- b. When locating and siting telecommunication towers avoid significant features, travel routes and recreation areas where possible.*
- c. Locate towers where there is similar infrastructure in the surrounding landscape and proposed construction area.*
- d. High points in the landscape vary in their prominence as viewed from different locations. Where possible choose higher points that appear less prominent from key views and/or travel routes.*
- e. To reduce impacts on key views, there are two options: locating further up a slope is better for short distance views, and for long distance views choose locations back from the top of the ridge or further down the slope (Figure 3.24)*

Response:

An area was identified where the requirement for a fixed wireless broadband facility would be highest (a 'search area') and a preliminary investigation was undertaken in conjunction with planning and property consultants, radiofrequency engineers and designers in order to identify possible locations and options to locate a facility. Generally speaking, new sites must be located within, or immediately adjacent to, the identified search area in order to be feasible. However, while the operational and geographical aspects of deploying new facilities are primary factors, there are also many other critical issues that influence network design, and these have to be resolved in parallel. Some of the issues which need to be considered are visual amenity, potential co-location opportunities, the availability and suitability of land and a landowner willing to lease land, construction issues (including structural and loading feasibility and access for maintenance purposes), topographical constraints, legislative policy constraints, environmental impacts and cost implications. The number, type and height of facilities required to complete the fixed wireless network are largely determined by the above operational, geographical and other factors discussed that influence final network design. These compounding factors often severely restrict the

available search area within which a facility can be established. The chosen location for the site has been selected after careful consideration of thirteen (13) candidate sites.

In order to achieve coverage objectives for the area and considering the willingness of land owners, the chosen site was the best possible location for the siting of the facility. Corridors of vegetation protect the existing viewsheds from Caves Road; Gunyulgup Drive and other local roads in the network.

To provide council with a clearer understanding of the proposal, **Appendix 2- Site Photographs** includes photomontages as a visual representation of the proposed facility taken from viewpoints along Gunyulgup Drive at the intersections of Kangaroo Parade as well as Koorabin Drive. The photomontage demonstrates that the location of this facility does not significantly detract from the current visual amenity.

Guideline

2. Siting

- a. *Avoid siting towers directly on a focal area (ie the focus of the view), particularly where they are in line with travel route line-of-sight.*
- b. *Keeping the towers away from potential focal areas will reduce the overall visual impact*
- c. *Towers that are sited sufficiently away from travel routes can be completely screened from view. This is possible and is the most desirable option.*
- d. *Minimise the height of the tower by assessing the local topography or height of buildings for the proposed area. Choose the site that minimises the height of the tower most effectively.*
- e. *Siting telecommunication towers close to objects of a similar scale (whether they are natural, such as trees, or built features such as other infrastructure) will reduce their prominence and hence their potential visual impact.*
- f. *Siting towers on existing buildings; there are many designs and strategies to site towers on existing buildings to reduce the overall visual impact.*

Response:

The chosen location for the site has been selected after careful consideration of thirteen (13) candidate sites as discussed in the preceding response. The proposed site is not in direct line of site of main travel routes, and is largely screened by existing vegetation. There are no existing structures or buildings that could be used for co-location. However the proposed facility has the capacity for the co-location of further facilities. Please refer to **Appendix 2- Site Photographs** for a visual representation of the proposed facility.

Guideline

3. Design

- a. *Use an appropriate colour scheme to harmonise with the surrounding landscape in any given situation (natural, rural, built areas).*
- b. *Using colour will reduce glare and reflectivity. If the towers are not painted, the steel is more reflective in the light and will draw more attention.*
- c. *Avoid clutter on individual towers. Combine all additional elements in the most streamlined way possible.*
- d. *Combine several towers that are in the same location. This avoids duplication and consolidating the facilities on to one tower reduces the overall visual impact on multiple towers in one location.*
- e. *Reduce the visible bulk of the entire structure. Lattice web towers are usually less intrusive than solid towers. This applies with wide to slim design tower regards to the overall design of telecommunication towers, check height requirements in the proposed construction area. Towers can often come in standard sizes and may be taller in height than necessary. Minimise height wherever possible.*
- f. *Camouflage towers: this technique is popular, and if designed sensitively can be very effective in reducing potential visual impact.*

Response:

The materials and colours used have been chosen to remain complimentary to the surrounding landscape. The steel pole, upon delivery, is a factory grey colour and which has over time been demonstrated to most successfully blend with the uniform colours of the site's rural setting and skyline better than a painted pole. An unpainted pole is generally less visually intrusive than a painted pole. This facility has the possibility for co-location in the future and any co-location will be designed to minimise a cluttered

appearance. Any such co-location would be dependent on structural capabilities and other operators coverage objectives.

The development application has considered the Visual Landscape Planning Guidelines for Telecommunications Infrastructure and it is considered that the proposal remains consistent with the provisions for location; siting and design.

6.2.5 State Planning Policy 6.1 Leeuwin-Naturaliste Ridge Policy

The State Planning Policy 6.1 'Leeuwin-Naturaliste Ridge Policy' provides a clear direction on future land use for the policy area which extends from Cape Naturaliste to Cape Leeuwin and inland to the Bussell Highway. The overall objectives of the policy include:

- 'conserve and enhance the special benefits arising from landscape elements that form the fabric of the region;
- respect and conserve its outstanding natural and cultural heritage and environmental values;
- cater for population growth while promoting quality and innovation in urban design and built form;
- protect agricultural land for its economic, landscape, tourism and social values;
- encourage a mix of compatible land uses while separating conflicting land uses;
- facilitate a robust, diverse and sustainable economy.'

Main land use issues which have a significant impact on the Leeuwin-Naturaliste Ridge policy area include 'Nature Conservation' and 'Landscape'. 'Nature Conservation' values will be conserved through 'protecting and maintaining remnant vegetation'. A 'Landscape Classes Map' is part of the policy to protect the natural character of the Leeuwin-Naturaliste Ridge.

The proposed facility is located in the 'Rural Landscape Significance' & 'Travel route Corridors with Landscape Significance' (**Figure 6**) Class and the character unit 'Plateau' of the policy.

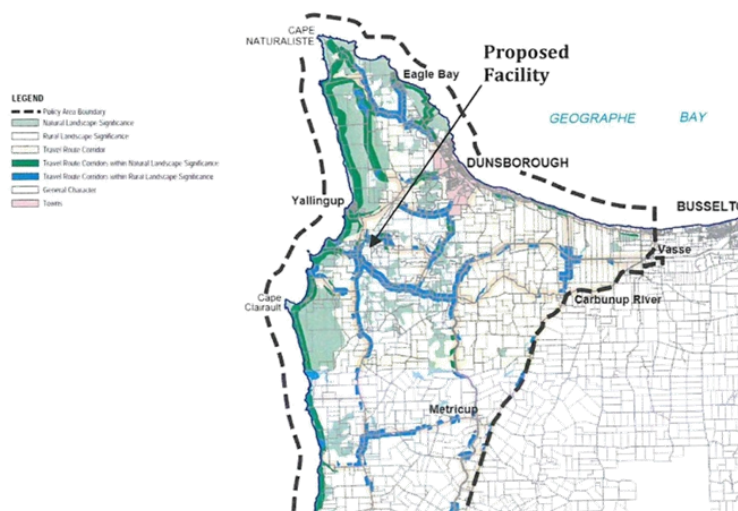


Figure 6: State Planning Policy 6.1 Landscape Classes Map

4.3 Landscape

Statement of Intent

This is an extraordinary landscape which is part of the nation's heritage. Its unique values will be conserved by land use strategies and development assessment processes, having particular regard for—

- protection of the natural character of the Leeuwin-Naturaliste Ridge, including the coastal and marine interfaces and areas of remnant vegetation;*
- maintenance of the mosaic of land uses evident in existing agricultural areas, while providing for change in agricultural land uses; and*
- recognition of the role and importance of human activity and its contribution to cultural landscape.*

Policies

PS 3.1 The Landscape Classes map (Figure 3) and the Landscape Character Units map (Figure 4) form part of this LNRSP.

PS 3.2 Development must be responsive to local values, and be compatible with the natural characteristics and traditional settlement patterns of the area.

PS 3.3 Development will have due regard for the landscape integrity and value of Ridge backdrops when viewed from the coastline, bays or Travel Route Corridors.

PS 3.4 In areas of Natural Landscape Significance, including where they are in Travel Route Corridors, the significant natural characteristics will be protected and provide adequate development setbacks. In these areas development will be screened from Travel Route Corridors except public recreation or safety facilities which may be seen in the foreground.

PS 3.5 The environmental integrity and natural landscape values of the Western Coastal and Eastern Slopes of the Leeuwin-Naturaliste Ridge as identified in Figure 4 and near-shore waters will be given high priority in land use decisions.

PS 3.6 In areas of Rural Landscape Significance, as identified in Figure 3, development or change of use should protect the rural character of the land.

PS 3.7 In areas of General Character, as identified in Figure 3, development or change of use should protect the rural character and conform with policies and guidelines for Travel Route Corridors.

PS 3.8 Where the LNRSP identifies development opportunities on the Ridge, such development will—

- maintain the natural character where this exists;*
- utilise sites of least visual impact;*
- conform with a sustainable bushfire plan;*
- maintain the values of adjacent conservation reserves;*
- avoid the steeper and higher slopes; and*
- avoid impacts on significant flora and fauna communities.*

This proposal provides an opportunity for current agri-tourism, agricultural, eco-tourism and other economic uses associated with the area to be enhanced through improved access to telecommunications services. The proposal does not fragment land use, nor does it significantly affect remnant vegetation. As discussed in **Section 6.2.4**, the proposal has acknowledged local travel routes and considered the location of the facility on the subject site to utilise existing vegetation for screening whilst still complying with setbacks.

6.3 Local Legislation

The proposed facility is subject to the requirements of the *City of Busselton Local Town Planning Scheme No. 21* (from herein referred to as the scheme).

6.3.1 Zoning

The scheme identifies the site for the proposed facility at Lot 470 Caves Road Yallingup in the Rural Residential Zone. **Figure 7** below provides the planning scheme map and legend identifying the zone type.

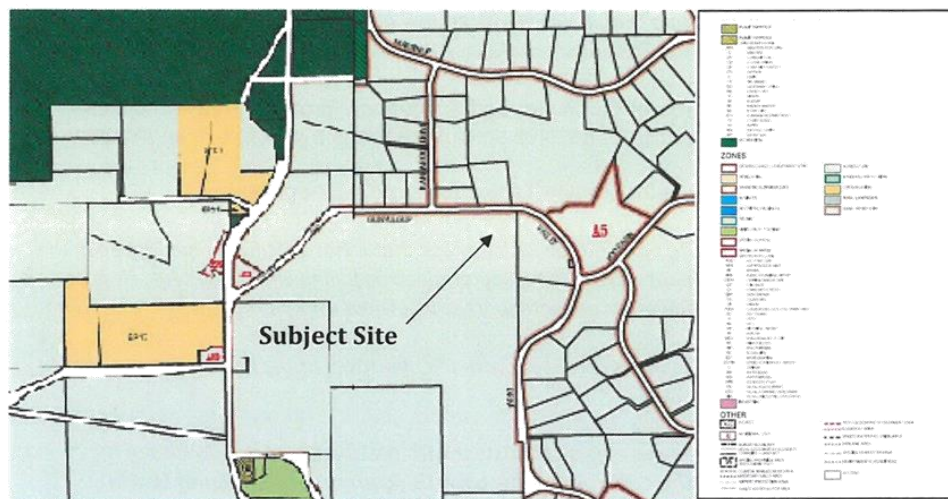


Figure 7 – City of Busselton Local Town Planning Scheme No. 1 Map 12 (Courtesy of City of Busselton)

Under the scheme, telecommunications infrastructure is undefined, though the scheme does make reference to public authority or Council communications infrastructure being included under the 'Public Utility' designation.

Section 4.4.2 of the scheme allows for uses not specifically mentioned in the zoning table, stating that:

- 4.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
 - (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or City of Busselton Local Planning Scheme No. 21
 - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Section 4.5 of the scheme further delineates exceptions to the zoning table:

- 4.5.3 Notwithstanding the provisions of clause 4.3 and Table 1, the following development shall be deemed an "X" use -
- (a) within the Rural Residential zone on any lot less than 4,000 m² in area, any purpose other than a single house (including any incidental development), recreation agriculture, home business, home office, home occupation, bed and breakfast, public utility or recreation area;

- (b) within the Rural Residential zone on any lot less than 1 hectare in area, the keeping or rearing of stock;*
- (c) within the Rural Residential zone on any lot less than 4 hectares in area, unless specified on a Development Guide Plan, the keeping and rearing of stock, except for domestic purposes and, in such case, shall not exceed one horse or one cow or two sheep;*
- (d) intensive agriculture within the Rural Residential zone, unless identified for rural or primary production on a Development Guide Plan.*

The subject site has an area of 56.14 Ha, and accordingly provisions (a)-(c) inclusive are not applicable. Further no form of intensive agriculture forms a part of this application.

As the use is not specified in the Zoning Table, section 4.4.2 applies:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 in considering an application for planning approval; or City of Busselton Local Planning Scheme No. 21*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

Preliminary advice from council was that the application would be subject to advertising for a period of 21 days in accordance with clause 10.4. It is noted that if the application were to be considered under the public utility definition, this use is zoned D in the zoning table and would still be subject to the discretion of the council.

6.3.2 Objectives and Policies of the Rural Residential Zone

The scheme provides objectives and policies to guide the nature of development in each zone. These are re-iterated below with a response outlining how the proposal supports the intention of the rural residential zone.

Objectives

- (a) To encourage development for the purpose of closer rural settlement on land which is suitable for such a purpose, and is in reasonable proximity to existing urban areas.*
- (b) To ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.*
- (c) To enable a range of activities and land uses associated with the residential occupation of land.*
- (d) To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.*
- (e) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere, and where such purposes would not detrimentally affect the rural residential character of nearby land.*

- (f) To direct and control the form rural residential subdivision takes to prevent a demand for the unreasonable and uneconomic provision or extension of services and facilities.*
- (g) To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values.*
- (h) To discourage ribbon development along Caves Road and other roads and to maintain the rural and natural ambience of transport corridors generally*

Response:

The proposed telecommunications facility supports and upholds the Objectives of the rural residential zone. The proposed facility will enable existing and any future approved development in the zone to have access to a reliable broadband network service. The facility is appropriately screened at the base of the tower and the compound by existing mature vegetation. Further the monopole design coupled with the fading of the grey metal over time, provides further measures for the protection of the existing residential amenity. There is no further subdivision proposed as a part of this application.

Policies of the Rural Residential Zone

- (a) To encourage rural residential subdivision by permitting a range of lot sizes in conventional subdivision subject to a general minimum lot area of 1 hectare with an average minimum lot area of approximately 2 hectares ; and providing greater flexibility for lots created within appropriate cluster subdivisions or by strata or survey strata subdivision, dependent upon the special physical characteristics of the land.*
- (b) To ensure the provision of road, electricity, postal and telephone services and, where appropriate and practical, water services.*
- (c) To ensure the provision of community facilities and emergency services in the vicinity of rural residential developments.*
- (d) To ensure that services, facilities and recreation areas are centrally located.*
- (e) To encourage generally, and require specifically in rural residential subdivision, the provision of vegetation and fauna corridors and the revegetation of the land.*
- (f) To adequately protect any areas or sites of conservation value within the design of any subdivision and development.*
- (g) To provide flexibility for the development of appropriately located and scaled tourist facilities consistent with preservation of residential amenity.*
- (h) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy , adopted by local government and endorsed by the Commission.*
- (i) To provide opportunities for small - scale agriculture on cleared land of a type that will not lead to land use conflicts with the rural residential use of adjoining land.*

Response:

This vital infrastructure will provide essential communications facilities in the area. Initially reliable broadband internet coverage will be provided, with the opportunity for other carriers to locate on this tower- subject to planning controls. The size of the proposed compound occupies a small portion of the subject site. In this way, the proposed use will remain complimentary to the existing use on the site, and any surrounding land uses.

6.3.3 Fire Management in Rural Areas

Section 5.29.1 of the scheme dictates that any subdivision in the rural residential zone must have an approved Fire Management Plan. There is no further subdivision proposed as a part of this application, and the proposed land use is non-habitable. Accordingly, a Fire Management Plan is considered unnecessary.

6.3.4 Building Envelopes in Rural Area

Section 5.32 of the scheme dictates that any incidental development in the rural residential zone must be located within an approved building envelope. Item 5.32.2 states that where no building envelope is specified, then a rectangular square of 2000m² is the maximum. The compound area of the proposed facility is 176 m², thus remaining compliant with this specification.

6.3.5 Special Provisions relating to the Rural Residential Zone

This section dictates a number of special provisions pertaining to development on the site. The only applicable provision is 5.37.2:

- On any lot in the Rural Residential zone, unless specified otherwise on a Development Guide Plan, buildings shall not be located -*
- (a) within 100 metres of Caves Road, Commonage Road, Wildwood Road, Biddle Road or Hayes Road*
 - (b) within 20 metres of any other road or a front or rear boundary;*
 - (c) within 15 metres of a side boundary.*

The proposed facility is setback approximately 830 metres from Caves Road, 67 metres from Gunyulgup Drive; and 92 metres to the adjoining lot to the east; and over 950 metres to the southern boundary, therefore remaining compliant with the setback requirements.

6.3.6 Landscape Value Area

The site is designated as being within the 'The Landscape Value Area' (LVA). These provisions are excerpted below:

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

- (a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;*
- (b) whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and*
- (c) disturbance to the natural environment, including -*
 - (i) visual effects of clearing for development;*
 - (ii) maintenance of rural character; and*
 - (iii) habitat disturbance.*

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

6.4.3 Before granting planning approval for the erection of a building on land within the Landscape Value area, the local government shall make an assessment as to whether it should impose conditions relating to -

- (a) the siting of the proposed building;*
- (b) the use of prescribed materials on the external surfaces of the building; and*
- (c) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site.*

The development proposal remains compliant with these provisions based on the following:

- The proposal protects the amenity of the character of the area through the retention of vegetation to screen the facility. Further the design (monopole) of a dull grey metal colour is the most appropriate design outcome for this type of infrastructure.
- Relevant environmental searches were undertaken. There are no identified wildlife refuge; wetlands; coastal environments or aboriginal heritage mapped over the site.
- Please refer to **Attachment 2- Site Plans** which delineate the number of trees for removal. It is proposed that three (3) dead trees; one (1) existing tree stump; and five (5) medium trees are to be removed from the compound area and for access. The compound area requires the clearing of two (2) dead trees. Whilst there are trees proposed to be removed, the significant amount of vegetation on the site will still screen the facility and maintain the rural character.

7 OTHER ENVIRONMENTAL CONSTRAINTS AND OPPORTUNITIES

7.1 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers:

- World Heritage Properties
- National Environment register
- Vegetation
- Aboriginal Heritage
- Native Title

No items of significance were found within the site.

7.2 Erosion, Sedimentation Control and Waste Management

All erosion and sediment control mitigation measures will be detailed in construction plans and will be designed to comply with the Building Code of Australia and local Council standards. In addition, Axicom's contractors will be informed that they must comply with the 'nbn™ Construction Specification' that requires contractors to undertake the necessary erosion and sediment control measures in order to protect the surrounding environment. On completion of the installation, Axicom intends to restore and reinstate the site to an appropriate standard. No waste which requires collection or disposal should be generated by the operation of the facility.

7.3 Flora and Fauna Study

In order to determine any possible natural Flora and Fauna significance associated with the site, an EPBC Act Protected Matters search was conducted. This report assesses a large area surrounding the site and the report identified that there may be threatened and migratory species of mammals and birds within the vicinity of the site. It is considered that the proposed facility is negligible in size and will not significantly impact on the habitat of the fauna identified as possibly being in the area. A more extensive and localized analysis of the flora was undertaken using the native vegetation map viewer and the site is not considered an environmentally sensitive area.

7.4 Social and Economic Impacts

Access to fast internet is an essential service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but internet services have now been embraced by the general public. Usage of internet services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development should provide significantly enhanced fixed wireless internet coverage to the area to the south of Yallingup & Yallingup Siding. This is expected to be of particular benefit for residential dwellings in the locality.

The facility is designed to provide the community with access to fast and reliable internet services. A reliable internet service is important to help promote the economic growth of communities, and the facility is anticipated to have significant social and economic benefits for the local community.

7.5 Public Safety

7.5.1 Radiofrequency Emissions

In relation to public safety and specifically Electromagnetic Emissions (EME) and public health, Axicom operates within the operational standards set by the Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency incorporated under the Health and Ageing portfolio and is charged with the responsibility for protecting the health and safety of both people and the environment from the harmful effects of radiation (ionising and non-ionising).

All installations are designed and certified by qualified professionals in accordance with all relevant Australian Standards. This helps to ensure that the facility does not result in any increase in the level of risk to the public.

This facility is to be operated in compliance with the mandatory standard for human exposure to EME – currently the Radio communications (Electromagnetic Radiation Human Exposure) Standard 2003. The EME Report associated with this site is attached in Appendix 4. The report shows that the maximum predicted EME will equate to 0.016% of the maximum exposure limit. This is substantially less than 1% of the maximum allowable exposure limit (where 100% of the limit is still considered to be safe).

Moreover, all **nbn**[™] equipment has the following features, all of which help to minimise the amounts of energy used and emitted:

- Dynamic/Adaptive Power Control is a network feature that automatically adjusts the power and hence minimises EME from the facility.
- Varying the facility's transmit power to the minimal required level, minimising EME from the network, and
- Discontinuous transmission, a feature that reduces EME emissions by automatically switching the transmitter off when no data is being sent.

7.5.2 Access

The proposed facility will have restrictions aimed at preventing public access, including a secured compound fence with a locked gate and warning signs placed around the facility.

7.6 The Public Interest and the Benefits of Telecommunications

The proposed facility is expected to have significant benefit for residents in the area to the south of Yallingup & Yallingup Siding. Axicom believes that the public interest would be served by approval of the proposal, given benefits for enhanced internet coverage in the area. The facility is expected to have benefits for local residents and businesses within the district.

7.6.1 Other Benefits of Reliable Broadband Services

There are numerous other benefits of telecommunications connectivity, as follows:²

- There are many potential educational benefits justifying the implementation of the **nbn**TM. Curriculum and data sharing, increased availability and accessibility of research materials, and virtual classroom environments are good examples. Such elements are particularly beneficial within a tertiary education context.
- Businesses can, through internet usage, increase efficiency through time, resource and monetary savings. Improved internet services effectively remove physical distance and travel time as a barrier to business.
- Improvements to internet services may also be of benefit for local employees, by enabling telecommuting and home business. The telecommuting trend is heavily reliant on access to fast internet services, and is anticipated to continually increase in popularity.

The public benefits of access to fast internet have been widely acknowledged for many years. Reliable internet access is now more than ever an integral component of daily life, so much so that its absence is considered a social disadvantage.

7.7 Aviation Safety

The Civil Aviation Safety Authority (CASA) has been contacted and at this stage has no specific requirements for the proposal. The structure will be Registered as a Tall Structure with the RAAF in accordance with CAAP 92-1 at the time of Building Licence.

² End user experience including the speeds actually achieved over the NBN depends on some factors outside NBN Co's control like the end user's equipment quality, software, broadband plans and how the end user's service providers designs its network.

8 CONCLUSION

The proposed Axicom telecommunications facility, comprising a 45 metre high monopole with antennas and associated equipment, relating to **nbn**TM infrastructure, is situated in the most appropriate location whilst ensuring adequate coverage is achieved for **nbn**TM.

The proposed Axicom facility, accommodating **nbn**TM infrastructure, will have significant benefit for residents and businesses in the area to the south of Yallingup & Yallingup Siding. Access to the **nbn**TM will provide a wide range of services to meet the need of the community and local businesses.

The facility has been strategically sited and designed to minimise visibility within the surrounding environment as much as practicable. In this regard the proposal satisfies the provisions of the City of Busselton Planning Scheme whilst also addressing coverage requirements within the local area. The proposal is particularly consistent with the principles relating to telecommunications facilities. In this regard the proposal satisfies the provisions of the City of Busselton Planning Scheme and we are of the opinion that the proposal has sufficient merit to warrant Development Plan Consent.

9 APPENDICES

Appendix 1 – Copy of Title

REGISTER NUMBER 470/DP128582	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

WESTERN  AUSTRALIA

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2069** FOLIO **845**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 470 ON DEPOSITED PLAN 128582

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

BETH WALKER OF CAVES ROAD, YALLINGUP

(A G128307) REGISTERED 18 MARCH 1996

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 2069-845 (470/DP128582).
PREVIOUS TITLE: 2017-494.
PROPERTY STREET ADDRESS: LOT 470 CAVES RD, YALLINGUP.
LOCAL GOVERNMENT AREA: CITY OF BUSSELTON.

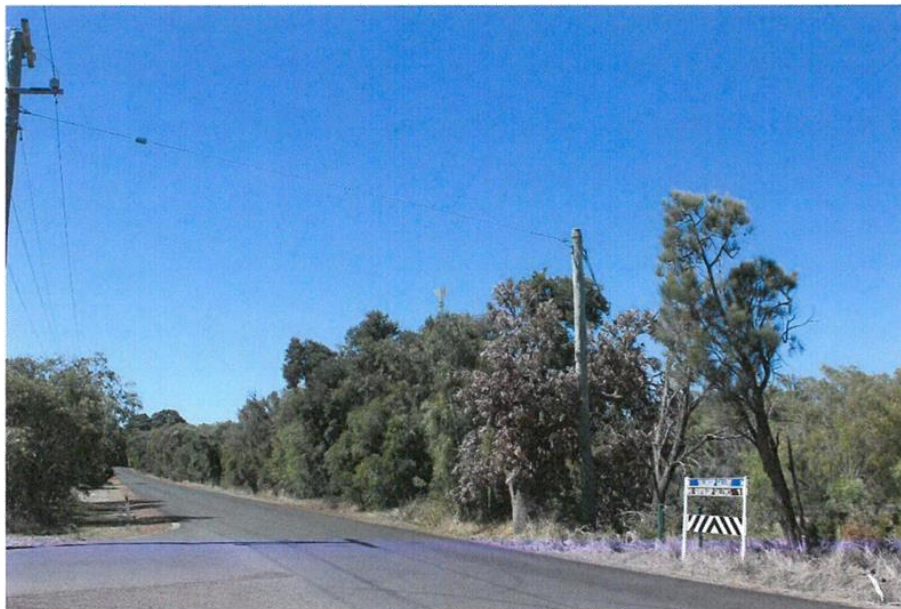
- NOTE 1: A000001A LAND PARCEL IDENTIFIER OF SUSSEX LOCATION 470 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 470 ON DEPOSITED PLAN 128582 ON 25-SEP-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
- NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.

Appendix 3 – Proposed Plans

Appendix 2 – Site Photographs



Photomontage: depicting proposed facility taken from the corner of Gunyulgup Drive & Koorabin Drive



Photomontage: depicting proposed facility taken from the corner of Gunyulgup Drive & Kangaroo Parade

Appendix 4 – ARPANSA EME Report



Environmental EME Report Yallingup Siding Lot 470 Caves Road, YALLINGUP WA 6282

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 9/9/2015

RFNSA Site No. 6282006

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Yallingup Siding Lot 470 Caves Road YALLINGUP WA 6282. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.016% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the proposed systems at this site is 0.54 V/m; equivalent to 0.77 mW/m² or 0.016% of the public exposure limit.

Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
NBN Co	LTE2300 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at Yallingup Siding Lot 470 Caves Road in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m				0.27	0.19	0.0041%
50m to 100m				0.54	0.77	0.016%
100m to 200m				0.44	0.52	0.011%
200m to 300m				0.36	0.35	0.0073%
300m to 400m				0.34	0.3	0.0063%
400m to 500m				0.43	0.48	0.01%
Maximum EME level				0.54	0.77	0.016
				65.34 m from the antennas at Yallingup Siding Lot 470 Caves Road		

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
No locations identified				

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (μW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 μW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 μW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 μW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 μW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 μW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

		06.06.13	12.06.13	07.09.15	10.09.15	17.09.15			
DATE OF ISSUE									
DRAWING PACKAGE VERSION		1	2	3	4	5			
GENERAL									
6DBG-51-05-YGSL-T1	COVER SHEET	01	02	03	04	05			
6DBG-51-05-YGSL-C1	SITE SPECIFIC NOTES	01	02	03	04	05			
6DBG-51-05-YGSL-C2	OVERALL SITE PLAN	01	02	03	04	04			
6DBG-51-05-YGSL-C3	SITE SETOUT PLAN	01	02	03	04	05			
6DBG-51-05-YGSL-C4	SITE ELEVATION AND DETAILS	01	02	03	04	05			
ELECTRICAL									
RF AND TX CONFIGURATIONS AND EME ZONES									
6DBG-51-05-YGSL-A1	ANTENNA CONFIGURATION & SETOUT PLAN	-	-	01	02	03			
STRUCTURAL									
CIVIL									
MONOPOLE/TOWER DESIGN									
LEASE/LICENSE									
DISTRIBUTION									
ERICSSON	CARLY FERGUSON	1	1	1	1	1			
CROWN CASTLE	SCOTT ROBSON	-	-	1	1	1			
CROWN CASTLE	ANDREW MARTIN	1	1	-	-	-			

SITE No: 6DBG-51-05-YGSL

YALLINGUP SIDING

LOT 470 CAVES ROAD

YALLINGUP

WA 6281

CROWN CASTLE

SITE No: 3400229



Australia's
broadband
network

PROJECT SUMMARY

PROPOSED CROWN CASTLE GREENFIELD WITH 45m HIGH MONOPOLE
PROPOSED NBN OUTDOOR CABINETS ON CONCRETE SLAB ON GROUND

Client:



Australia's
broadband
network

Client:



ERICSSON

Client:



CROWN
CASTLE

Project:

NATIONAL BROADBAND
NETWORK
SITE No: 6DBG-51-05-YGSL
YALLINGUP SIDING
LOT 470 CAVES ROAD
YALLINGUP
WA 6281

PRELIMINARY

05	17.09.15	COVER SHEET UPDATED	BR
04	10.09.15	COVER SHEET UPDATED	AB
03	07.09.15	PRELIMINARY ISSUE	GP
02	12.06.13	MONOPOLE HT. REVISED	ARS
01	31.05.13	PRELIMINARY ISSUE	CDB
Rev	Date	Revision Details	CAD



DALY
INTERNATIONAL
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DRAFTED BY:	CDB
CHECKED BY:	SH
APPROVED BY:	WZ
Drawing Title: COVER SHEET	
Drawing No: 6DBG-51-05-YGSL-T1	Revision: 05

CAD File: O:\NBN Wireless\WA\Clusters\MAZ-Katanning\MAZ-6DBG-51-05-YGSL-Yallingup Siding\11 Greenfield Sheet 6 CAD (Secure)\6DBG-51-05-YGSL-Yallingup Siding_11 Greenfield Sheet 6.dwg Date: 17/09/2015, 3:40 PM Login: bse

20 10 0 10 20 30 40 50mm

3

SITE INFORMATION:**1. SITE ADDRESS**

LOT 470 CAVES ROAD, YALLINGUP, WA 6281

2. GENERAL

THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT CROWN CASTLE AND NBN CONSTRUCTION STANDARDS, CURRENT AUSTRALIAN STANDARDS AND SPECIFICATIONS.

3. SITE ACCESS

WITHIN THE TOWNSHIP OF YALLINGUP, TRAVEL SOUTH EAST ON CAVES ROAD FROM THE INTERSECTION WITH YALLINGUP BEACH ROAD. TRAVEL APPROX. 2.44km SOUTH ON CAVES ROAD AND TAKE A LEFT TURN ONTO GUNYULGUP DRIVE. AFTER 1km TURN RIGHT ONTO DIRT TRACK WITH A 3.6m WIDE FARM GATE. TURN RIGHT ONTO DIRT FIREBREAK TRACK AND TRAVEL APPROX. 35m. PROCEED LEFT ONTO PROPOSED NBN ACCESS TRACK FOR APPROX. 50m TO PROPOSED CROWN CASTLE COMPOUND.

4. EQUIPMENT

PROPOSED NBN OUTDOOR CABINETS TO BE INSTALLED WITHIN CROWN CASTLE COMPOUND.

ALL ANTENNAS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.

5. STRUCTURE

PROPOSED CROWN CASTLE 45m HIGH MONOPOLE.

6. ANTENNA ACCESS

ANTENNA ACCESS VIA LADDER AND FALL ARREST OR EWP (BY QUALIFIED RIGGER PERSONNEL ONLY).

7. EXISTING SERVICES

THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.

8. EXISTING SITE HAZARDS

THE FOLLOWING HAZARDS ARE PRESENT ON SITE:

- | | |
|------------------------|----------------------|
| - SLIP, TRIP AND FALLS | - ELECTRICAL HAZARDS |
| - WEATHER / LIGHTNING | - FALLEN DEAD TREES |
| - WORKING AT HEIGHTS | - TREE BRANCHES |
| - MANUAL HANDLING | - TREE STUMPS |
| - SUN EXPOSURE | |

9. ELECTRICAL SUPPLY

TO BE CONFIRMED.

10. TRANSMISSION LINK

REFER TO ANTENNA TABLE ON DRG. 6DBG-51-05-YGSL-A1.

11. SITE SPECIFIC INFORMATION

- NBN CONTRACTOR SHALL SUPPLY AND INSTALL A NEW COMMON METER PANEL/ MAIN SWITCHBOARD.
- PRIOR TO THE COMMENCEMENT OF WORKS, THE NBN CONTRACTOR SHALL CONFIRM ACCESS IS SUITABLE FOR CONSTRUCTION WORKS, INCLUDING IN WET CONDITIONS.
- HIGH VOLTAGE NETWORK AUGMENTATION REQUIRED.
- VEGETATION REMOVAL FOR ASSET PROTECTION ZONE REQUIRED
- 1No. Ø50mm ORANGE HD ELECTRICAL CONDUIT SHALL BE INSTALLED UNDER ODC SLAB TO ACCOMMODATE EARTHING CABLE. INLET RISER SHALL SUIT THE SITE SPECIFIC CONDITIONS. REFER TO ERICSSON "ALERT TECHNICAL: 14-014 MISSING EARTHING CONDUIT" FOR FURTHER DETAILS.
- INSTALL RRU'S ON MONOPOLE HEADFRAME MOUNTING POLES AS PER ERICSSON "ALERT TECHNICAL AT:14-015 RRU LOCATION"
- BUILD CONTRACTOR TO PERFORM INSPECTION FOR UNDERGROUND DRAINAGE SYSTEMS PRIOR TO EXCAVATION.

12. SITE SIGNAGE REQUIREMENTS

- GENERIC SITE SIGNAGE. REFER TO SECTION 15.4 OF NBN RAN MANUAL.
- EME SIGNAGE. REFER TO DRG. NBN-STD-0025.

13. DIAL BEFORE YOU DIG

DBYD JOB NUMBER - 9595796

ENQUIRY DATE: 27/08/2015

CONTRACTOR SHALL REVALIDATE AND VERIFY AT THE TIME OF CONSTRUCTION.

14. NOT LIMITED PARTY SCOPE OUTLINES

CROWN CASTLE SCOPE

- SITE CLEARING AS REQUIRED/ACCESS TRACK MAINTENANCE FOR CONSTRUCTION ACCESS.
- SUPPLY AND INSTALL MONOPOLE FOOTING.
- SUPPLY AND INSTALL MONOPOLE.
- SUPPLY AND INSTALL COMPOUND FENCING, GATES AND FINISHES.
- SITE EARTHING (FENCE, GATES, POLE AND EXTERIOR TAPE, EXTERIOR TAPE, EXCLUDING NBN EARTHING).
- SUPPLY AND INSTALL WEED MAT GRAVEL.
- VEGETATION REMOVAL/ RELOCATION AND TRIMMING OF TREE BRANCHES.

NBN SCOPE

- SUPPLY AND INSTALL HEADFRAME.
- SUPPLY AND INSTALL PARABOLIC MOUNT.
- SUPPLY AND INSTALL CONCRETE SLAB FOR SSC-02 ODC INCLUDING EARTHING AND CONDUITS.
- SUPPLY AND INSTALL SSC-02 CABINET.
- SUPPLY AND INSTALL NBN H-FRAME AND DISTRIBUTION BOARD.
- SUPPLY AND INSTALL NBN ANTENNAS AND FEEDERS.
- SUPPLY AND INSTALL CONSUMER AND NBN SUBMAINS SUPPLY AND INSTALL NEW SITE METER BOX.
- SUPPLY AND INSTALL CONNECTIONS OF EARTHING TO ALL NBN EQUIPMENT.
- ALL WORKS ASSOCIATED WITH PANNING, CONNECTION AND COMMISSIONING OF NBN EQUIPMENT.

15. WIND PARAMETER

SITE TOPOGRAPHIC DATA								
REGION = A1								
	N	NE	E	SE	S	SW	W	NW
H (m)	6.94	-	17.79	18	37.48	40.55	38.89	15.57
Lu (m)	100	-	300	200	1000	700	700	400
X (m)	-	-	-	-	-	-	-	-
Tc	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5

Application No	Receipt No
CIG ID	
01 DEC 2015	
Project ID	Doc ID
Revision A	

SUPERSEDED

Client:



Client:



Project:

NATIONAL BROADBAND
NETWORK
SITE No: 6DBG-51-05-YGSL
YALLINGUP SIDING
LOT 470 CAVES ROAD
YALLINGUP
WA 6281

PRELIMINARY

05	17.09.15	NOTE 11 REVISED	BRS
04	10.09.15	NOTES AMENDED	AB
03	07.09.15	PRELIMINARY ISSUE	GP
02	12.06.13	MONOPOLE HT. REVISED	ARS
01	30.05.13	PRELIMINARY ISSUE	CDB
Rev	Date	Revision Details	CAD



DRAFTED BY: CDB

CHECKED BY: SH

APPROVED BY: WZ

Drawing Title:

**SITE SPECIFIC
NOTES**

Drawing No.

6DBG-51-05-YGSL-C1

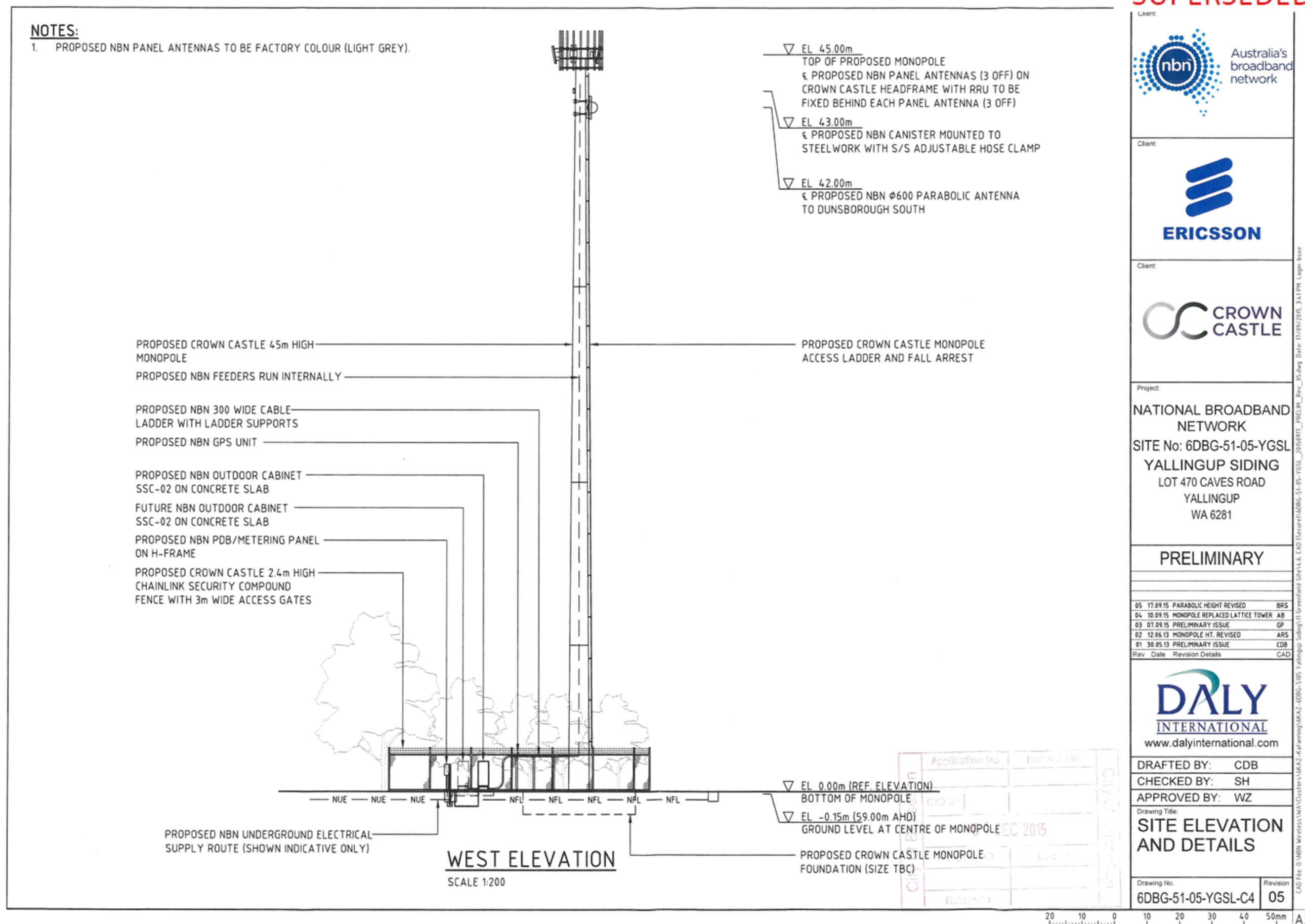
Revision

05

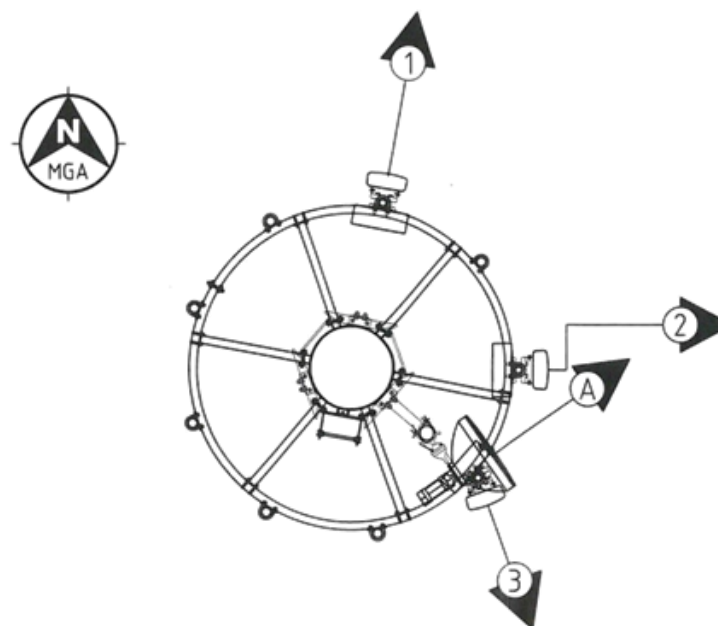
20 10 0 10 20 30 40 50mm A 2







ANTENNA CONFIGURATION																	
ANTENNA DETAIL										MAIN FEEDER DETAIL				RRU DETAIL		RF TAIL	
SECTOR	SYMBOL	TYPE	DIMENSION HxWxD	HEIGHT	AZIMUTH (TN)	ELEC TILT	MECH DOWN TILT	DESTINATION	QUANTITY RAU	TYPE	OVERALL LENGTH	CANISTER HEIGHT	CANISTER TO RRU LENGTH	TYPE	LOCATION	TYPE	LENGTH
1		ARGUS LLPX310R	1077x300x115	45.00m	10°	4°	0°			H&S HYBRID Ø24.4mm	60m	43m	4.5m	RRUS 61	BEHIND ANTENNA	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m
2		ARGUS LLPX310R	1077x300x115	45.00m	90°	4°	0°						4.5m	RRUS 61	BEHIND ANTENNA	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m
3		ARGUS LLPX310R	1077x300x115	45.00m	160°	4°	0°						4.5m	RRUS 61	BEHIND ANTENNA	H&S 1/2" BIRD PROOF LISCA CABLE	1.5m
A		PARABOLIC	Ø600	42.00m	55°			DUNSBOROUGH SOUTH	1 OFF	ERICSSON 7.6mm	55m						
GPS		KRE 1012082/1	Ø69 x 96	2.50m						ERICSSON 7.6mm	5m						

**ANTENNA SETOUT PLAN**

SCALE 1:50

Application No.	Ref. No.
01 DEC 2015	
City of Busselton	City of Busselton

SUPERSEDED

Client:

**ERICSSON**

Client:



Project:

NATIONAL BROADBAND
NETWORK
SITE No: 6DBG-51-05-YGSL
YALLINGUP SIDING
LOT 470 CAVES ROAD
YALLINGUP
WA 6281

PRELIMINARY

03	17.09.15	PARABOLIC HEIGHT REVISED	BRS
02	10.09.15	HEADFRAME CHANGED	AB
01	07.09.15	PRELIMINARY ISSUE	GP
Rev	Date	Revision Details	CAD



www.dalyinternational.com

DRAFTED BY: CDB

CHECKED BY: SH

APPROVED BY: WZ

Drawing Title:

**ANTENNA
CONFIGURATION
& SETOUT PLAN**

Drawing No.

6DBG-51-05-YGSL-A1

Revision

03

20 10 0 10 20 30 40 50mm

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
	AGENCY				
	Main Roads	N/A	No Objection	No comments provided	Noted
COMMUNITY					
	R J Paterson	9 Koorabin Drive YALLINGUP WA 6282	Objection	<p>The original developer of the estate went to great lengths to preserve the natural beauty of the area. Underground power was install to preserve the view down the valley. There is currently other communication infrastructure within the area. The tower is located within a special character area which aims to "protect the amenity of residential living environments by controlling the use of reflective building materials" and "to preserve the visual amenity and rural / scenic character of areas of landscape value". Home owners will be required to install large aerials on their roofs to receive the transmission which will have further negative impact upon amenity. The tower will obstruct their view down the valley to the sea. Current internet service to the area is sufficient. Confusion amongst residents regarding the location of the tower as it has been referred to as "Yallingup Siding" however it is in "Yallingup." Alternative sites should be considered. There are alternative technologies available. The tower will not improve mobile phone reception within the area despite claims from others that it will.</p>	<p>Refer to Council report for assessment against relevant planning controls and visual impact. The applicant considered alternative locations within the area prior to lodging the development application for this site. Details of these alternative locations are provided within the applicant's submission however none of the other locations were considered to be viable or tenure was not able to be obtained. The City is required to assess the application based on the site proposed by the applicant. The tower is only proposed to provide national broadband service (internet) to the area. The tower does however provide opportunity for other service providers to co-locate their facilities.</p>
	Rod Taylor	112 Gonyulgup Valley Drive YALLINGUP 6282	Objection	<p>The photomontages provided by the applicant are inaccurate. Concerns regards raditation from the tower. Development is incosistent with the planning reuirements for the area. Tower will have a negative detrimental visual impact upon the area. The development will have an adverse impact upon tourism to the area.</p>	<p>The photomontages provided by the applicant have been prepared on behalf of the applicant by a company based in the eastern states who prepare photomontages for a number of telecommunication companies. There are strict guidelines within the eastern states which these companies are required to comply with.</p>

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
	Tim Tudor-Owen	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission: Development not consistent with planning controls, concerns regarding visual impact of tower and impact this will have upon local businesses and tourism industry, impact of tower on the visual amenity of residential homes within the vicinity, concerns regarding the perceived negative health effects from Electromagnetic Emissions (EME)	Refer to Council report for assessment against relevant planning controls and visual impact. Electromagnetic emissions (EME) is not a valid planning consideration and is not controlled or regulated by the Local Government. The development will be required to comply with the requirements of the Australian Radiation Protection and Nuclear Safety Agency.
	Nicola Dawn Smith	32 Seascape Rise YALLINGUP 6282	Support	Tower is to be located in a functional location with no removal of wildlife habitat. Some of the images being circulated showing the tower within the setting are in fact manipulated and do not accurately reflect the tower within the landscape.	Noted.
	Lee Taylor	112 Gunyulgup Valley Drive YALLINGUP 6282	Objection	Template submission - see submission 3 above. Additional concerns expressed regarding EME, Visual impact of development not in keeping with overall vision of the area.	See response to submission 3 above. Concerns regarding EME and visual impact addressed above.
	Aaron Day	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
	Dale Weston	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
	David Moir	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
	Denis Skillen	Not on City's records as being a property owner with the City of Busselton	Objection	Concerns regarding visual impact of tower and impact upon views within the area.	Concerns regarding visual impact addressed above.
0	Greg Weston - Arnold	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
1	John Mokrzycki	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
2	Stuart Watts	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
3	Wayne Loxley	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
4	Robert Michael Walter	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
5	Paul Sonntag	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above. Alternative location likely to be more suitable	See response to submission 3 above.
6	Patricia Barfield	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above.
7	Michael Slade	Not on City's records as being a property owner with the City of Busselton	Objection	Location has been chosen for cost efficiency and commercial viability above all other environmental and community consideration. Proposal will have a negative visual impact of tower and impact upon views within the area. Concerns regarding EME and believe the tower should not be located within close proximity to families. Other location should be considered	Concerns regarding alternative location and EME have been addressed above.
8	Kim Byfield	Not on City's records as being a property owner with the City of Busselton	Objection	Negative impact upon the visual amenity of the area and will negatively affect the businesses within the area. Alternative locations would be more suitable.	Concerns regarding alternative location and EME have been addressed above.
9	Janet Elizabeth Walter	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
0	Jane and Michael Gladwin-Grove	28 Jones Road QUEDJINUP WA 6281	Objection	Template submission - see submission 3 above.	See response to submission 3 above
1	Richard Perrett	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
2	Helen Moore	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
3	Chris Wallace-Harrison	Not on City's records as being a property owner with the City of Busselton	Objection	Proposal will have negative visual impact upon amenity and views within the area. Proposal will negatively impact upon tourism within the area. Alternative location recommended.	Concerns regarding alternative location and EME have been addressed above.
4	Bill & Di Mitchell	PO Box 304 YALLINGUP WA 6282	Objection	Proposal is in conflict to the development and environmental guidelines applicable to tourist and residential development within the area. The proposal will detract from the natural landscape and environmental values of the area. Structure will detract from tranquillity and natural beauty of the area and will result in financial losses for business within the area. Alternatively location recommended	Concerns regarding compliance with planning requirements, alternative location and EME have been addressed above.
5	Blair Taylor	Not on City's records as being a property owner with the City of Busselton	Objection	Proposal will result in unknown radiation risks to occupiers of adjoining dwelling. Visual impact will be disgusting.	Concerns regarding visual impact and EME have been addressed above.
6	Michelle Taylor	Not provided	Objection	Template submission - see submission 3 above.	See response to submission 3 above
7	Tom Van Leeuwin	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
8	Luke Fort	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above. Residents have endeavoured to find alternative solutions for infrastructure that do not negatively impact upon the environment.	See response to submission 3 above
9	Greg Burke	Not on City's records as being a property owner with the City of Busselton	Objection	Recommends an alternative location be considered which would be less obtrusive. The tower will be in full view of diners at Little Fish restaurant.	See response to submission 15 above. Following the conclusion of the advertising period the applicant relocated the development 100m to the south west of the original proposed location. It is considered that the new location will assist in minimising the visual impact of the tower from Little Fish.
0	Kerrie and Peter McMillan	Not provided	Objection	Template submission - see submission 3 above.	See response to submission 3 above
1	Nelly Newall	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
2	Carol Robson	Not on City's records as being a property owner with the City of Busselton	Objection	Concerns regarding visual impact of tower and impact upon views within the area. Development is not consistent with the planning requirements for the area (i.e. within Rural Residential zone and Landscape Value Area). The tower exceeds the building height limits under the scheme. Non-compliance with the EPA noise requirements as a result of the required air conditioning cooling facilities which are proposed. Negative impact upon visual amenity of the area as well as the tourism industry and local business within the area. Concerns regarding EME and impacts on health. Negative impacts on property values.	Concerns regarding compliance with relevant planning controls, visual impact and EME have been addressed above. In relation to noise from the air conditioning units, the development will be 186 metres from the nearest residential property and will be required to comply with the <i>Environmental Protection (noise) Regulations 1997</i> . It is not considered that this will not be an issue or cause any detrimental impact upon the adjoining properties.
3	Anthony Barton	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above	See response to submission 32 above.
4	Eloyse Braskic	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above	See response to submission 32 above.
5	Deborah Ireson & Stephen Wright	Lot 122 Gunyulgup Valley Drive YALLINGUP	Objection	Template submission - see submission 32 above	See response to submission 32 above.
6	Kevin Merifield	70 Millbrook Road YALLINGUP WA 6282	Objection	Concerns regarding this visual amenity of the tower on the Gunyulgup Valley area, proximity of the tower to residential properties, impact upon the visual amenity of popular tower precinct including restaurant. More suitable site should be considered.	Concerns regarding alternative location and visual impact addressed above.
7	Christopher Gale	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above. Submission included a copy of a multiple person petition	See response to submission 32 above.
8	Julia Schortinghuis	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above	See response to submission 32 above.
9	Gary Wyatt and Anne Stewart	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 32 above.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
0	Mary Bibby	Not on City's records as being a property owner with the City of Busselton	Objection	Alternative locations have only been dismissed due to lack of consent from land owners. Alternative locations (including the ridge of the Leeuwin - Naturaliste Nation Park which overlooks the Gunyulgup Valley) should be considered as it is further away from rural residential subdivision and would have less visual impact. Proposal is not consistent with section 4.2.8 of the Scheme and will result in a massive detrimental impact on the rural character and amenity of the area. Proposal is not consistent with State Planning Policy 5.2 Telecommunication Infrastructure	Concerns regarding alternative location and visual impact addressed above.
1	John Allen	Not on City's records as being a property owner with the City of Busselton	Objection	No comments provided	Noted.
2	Robin and Ian Miller	Not on City's records as being a property owner with the City of Busselton	Objection	Development will conflict with the development and environmental guidelines within the area. Development will have an adverse impact upon the amenity of the area. Tower will result in a negative impact upon tourism and business within the region	Concerns regarding compliance with planning requirements and visual impact addressed above.
3	Michael Brown	Unable to be confirmed	Objection	Inconsistent with planning laws. Proposal will have a detrimental impact upon amenity of the area and will negatively impact business within the area. Proposal should be located away from tourist, business and residential uses. Potential to increase technology attached to the tower resulting in EME risks. Should be located in the middle of the near by National Park	Concerns regarding compliance with planning requirement, visual impact and EME addressed above. The tower is required to be located within this area as it is one of the last areas to be serviced by the NBN.
4	Gary Pearce	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
5	Michael Wishart	Not provided	Objection	Proposal is in conflict to the development and environmental guidelines within the area applicable to tourist and residential development within the area. Proposal is extremely close to residential properties as well as commercial gallery within the area and will detract from the beauty of the natural environment and will result in negative financial impacts for business within the area and will decrease property values.	Concerns regarding visual impact addressed above. Property values is not a valid planning consideration.
6	Brooke & Brendon Bleakley	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
7	Rob Webley	Not provided	Support	An upgrade to internet service within the area is greatly needed. Where ever the tower is located it will attract opposition. It is therefore considered best to locate the tower where it will service the needs or majority of the residents	Noted.
8	Mike Bibby	39 Bruce Road NATURALISTE WA 6281	Objection	As per submission 40	See response to submission 32 above.
9	John & Zelinda Adams	Not provided	Objection	Template submission - see submission 3 above.	See response to submission 3 above
0	Peter and Diane Rowe	18 Hammond Road YALLINGUP WA	Objection	Structure will detract from the rural outlook of the area.	Concerns regarding visual impact addressed above.
1	Ian and Jennifer Kent	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
2	Bronwyn York	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
3	Rex Growden	Not provided	Objection	Alternative location should be considered	Concerns regarding alternative location addressed above.
4	Justin Bennett	Not on City's records as being a property owner with the City of Busselton	Objection	Long time visitor to the area and believes that the tower will ruin the natural beauty of the area. Concerns regarding radiation caused by tower. Tower is too close to residents, visitors, children and fauna. Alternative location should be considered.	Concerns regarding alternative location and EME addressed above.
5	Greg and Athena Bennett	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above. Submission included a copy of a multiple person petition	See response to submission 32 above.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
6	Lynda and Peter Merritt	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above.	See response to submission 32 above.
7	Geoff Potter	Not on City's records as being a property owner with the City of Busselton	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
8	Philip and Judith Priest	26/67 Smiths Beach Road YALLINGUP WA 6282	Objection	Template submission - see submission 3 above.	See response to submission 3 above
9	Janine Lauder	176 Gunyulgup Valley Drive YALLINGUP WA 6282	Objection	Author of template submission 32. Submission included petition.	See response to submission 32 above.
0	Stephen Lauder	176 Gunyulgup Valley Drive YALLINGUP WA 6282	Objection	See submission 59	See response to submission 32 above.
1	Kingsley James Kalaf	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
2	Andrew Bon	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 3 above.	See response to submission 3 above
3	Sharyn Houghton	Not on City's records as being a property owner with the City of Busselton	Objection	Modified version of template submission - see submission 3 above.	See response to submission 3 above
4	Conal Evans	Not on City's records as being a property owner with the City of Busselton	Objection	Negative impact upon the visual amenity of the area	Concerns regarding visual impact addressed above.
5	Danita Walter	Not on City's records as being a property owner with the City of Busselton	Objection	Negative impact upon the visual amenity of the area. Negative impact upon business within the area.	Concerns regarding visual impact addressed above.
6	Vivienne and Jim Duggin	60 Nukklgup Loop, Yallingup	Support	Building a house locally and support the improved internet access to the area	Noted.
7	Peter Agostino	Not on City's records as being a property owner with the City of Busselton	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
8	David van der Walt atf Aries Family Trust	758 Commonage Road YALLINGUP WA 6282	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
9	Peter Mapstone	58 Siesta Park Road SIESTA PARK WA 6280	Objection	Negative impact upon the visual amenity of the area. Negative impact upon tourism industry	Concerns regarding visual impact addressed above.
0	Ian Murray White	69 Gunyulgup Valley Drive Yallingup 6282	Objection	Template Submission - see submission 32 above	See response to submission 32 above.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
1	Kim White	69 Gunyulgup Valley Drive Yallingup 6282	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
2	Bart Northam	67 Karli Rise YALLINGUP WA	Support	Location is considered to be an excellent choice. Need to improved connectively in the area is extreme.	Noted.
3	Jane Page and Mike Gilmore	5 Koorabin Drive YALLINGUP WA 6282	Support	Improved mobile phone reception is required in the area. Location of tower seems to fit the locational requirements	Noted.
4	Peter McGann	11 Bushland Close DUNSBOROUGH WA 6281	Objection	Tower will detract from the ambience of the area and will reduce tourist activity to the area. Towers should not be located in such close proximity to tourist areas.	Concerns regarding visual impact and location addressed above.
5	R. Hawkins	Unable to be confirmed	Support	Lives in Dunsborough with very poor internet service. Is in support of the proposal which provides better internet service to the region	Noted.
6	Rob MacDonald	Unable to be confirmed	Objection	Template Submission - see submission 32 above. Property owner within the area and believes that the proposal would be inconsistent with environmental compliance standards	See response to submission 32 above.
7	Brendon Nazar	Not on City's records as being a property owner with the City of Busselton	Objection	Template Submission - see submission 32 above.	See response to submission 32 above.
8	Shane and Susan Pallier	93 Gunyulgup Valley Drive YALLINGUP WA 6282	Objection	Template Submission - see submission 32 above.	See response to submission 32 above.
9	Lisa Dwyer	94 Injidup Spring Road YALLINGUP WA 6282	Support	In support due to the safety reasons for having internet and mobile phone coverage improved within the area.	Noted.
0	Bay and Gilly Collison	86 Canal Rocks Road YALLINGUP WA 6282	Support	No comments provided	Noted.
1	Charlotte Louis Stopford Sackville	16 Dress Circle YALLINGUP WA 6282	Support	No comments provided	Noted.
2	Michael Young	43 Nukklgup Loop YALLINGUP WA 2828	Support	Poor internet and phone reception at their property within Yallingup. Access to internet is an essential service. The tower itself will have minimum impact on views of the valley.	Noted.
3	Joanna Boston	53 Coulls Road YALLINGUP SIDING WA 6282	Support	Currently we do not have internet coverage at their property and support the proposal as it will significantly increase the chance of the property getting reception	Noted.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
4	Nick & Julie Trendos	117 Millbrook Road YALLINGUP WA 6282	Support	Support the proposal as they currently do not have mobile phone signal at their property. Improved internet service will be very welcome.	Noted.
5	Martie Kuhn	Not on City's records as being a property owner with the City of Busselton	Objection	Does not live in the area but is a visitor to the area. Template Submission - see submission 32 above	See response to submission 32 above.
6	Emma Morris	17 Kangaroo Parade YALLINGUP WA 6282	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
7	Joshua Brejnak	17 Kangaroo Parade YALLINGUP WA 6282	Objection	Disapprove of the proposal	Noted.
8	Greg King	Not on City's records as being a property owner with the City of Busselton	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
9	Gerald and Penelope Hutton	72 Nukklgup Loop YALLINGUP WA 6282	Support	Tower is urgently needed in the area. While there will be a visual impact from the tower it is a solution of a communication problem, and will provide benefit to the near by residents. Important service for bushfire safety	Noted.
0	Des and Shelley De Klerk - Little Fish	106 Koorabin Drive YALLINGUP WA 6282	Objection	Their business attracts visitors from all over the world who love the natural beauty and ambience of the area. Alternative spot should be considered. Template submission - See submission 32 above.	Concerns regarding alternative location and visual impact addressed above.
1	Graeme Missen	60 Brushwood Brook Drive YALLINGUP WA 6282	Support	Role as a volunteer firefighter, SES and ambulances officer relies on improved telecommunication services to the area. Improved broadband will give them much quicker access to emergency information. Tourism is likely to benefit from the improved broadband services.	Noted.
2	Trevor and Jennifer Keeley	206 Marrinup Drive YALLINGUP WA 6282	Support	Telecommunication towers are a part of everyday living. The area is prone to bushfires. Other towers near other tourist accommodation has not detracted visitors from these areas.	Noted

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
3	Christine Pidgeon	154 Hayes Road QUINDALUP WA 6281	Support	Local resident who has struggled with internet and phone connectivity. Tower site is visually acceptable surrounded by trees, fire safety is currently compromised as a result of poor telecommunications within the area. Unable to run business from home due to lack of internet services. House is currently rented out as holiday accommodation and guests are unable to book restaurants and accommodation and the owner is unable to contact them due to lack of internet.	Noted.
4	Roger and Jill Cornes	8 Seascape Rise YALLINGUP WA 6282	Support	Bushfire ready street coordinator for Seascape Rise and internet is a critical in the distribution of safety information. Current internet service is really slow and is not reliable.	Noted.
5	David Gabrielli	152 Hayes Road QUINDALUP WA 6281	Support	Other towers have been approved within the area without consultation why is this one different. Visual impact of tower is acceptable and will be screen by trees. Internet service is slow and unacceptable. Fire safety information is compromised. Tourist expect modern communication. Local and small businesses required the internet. over time the major providers will co-locate their facilities improving safety in the area. Telecommunication tower will provide benefit to the community	Noted.
6	Peter and Anne Isbister	26 Corymbia Close YALLINGUP WA 6282	Support	Visually unaffected by the tower as they live over 1km away however the benefits from the tower are overdue. Mobile phone usage within the area is terrible and dangerous in a fire.	Noted.
7	Stephen and Yvonne Butterly	1442 Wildwood Road YALLINGUP WA 6282	Support	Lack of communication and services impacts on emergency calls for fire, elderly, sickness and accidents. Need the service for the business which has been affected by non communication. Will be able to see tower from their property	Noted.
8	Ian Bassett Scarfe	30 Nukkligup loop YALLINGUP WA 6282	Indifferent	Due to the controversy surrounding the location of the tower the City should appoint an independent broadcast engineer to assess the application in particular in relation to a more suitable site.	Noted.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
9	John and Margaret Hancock	78 Nukklgup Loop YALLINGUP WA 6282	Support	Fast internet service is important to conduct business. Currently have no mobile phone reception at their property which is of concerns during the bushfire risk months.	Noted.
00	Sue Elscot	PO Box 601 Dunsborough WA 6281	Support	Current internet is appalling. This affect ability to run a business from home and for children to complete their online school work. Reliable internet is a matter of safety in bushfire conditions. During previous fires within the area unable to log on to DFES website.	Noted.
01	Andrew Jones	2659 Caves Road YALLINGUP WA 6282	Objection	There are many other locations that the tower can be located on public/government land.	Concerns regarding alternative location addressed above.
02	Rebecca & Matt Muir	75 Gunyulgup Valley Drive YALLINGUP WA 6282	Objection	Template Submission - see submission 32 above	See response to submission 32 above.
03	Dawn Taylor	Not provided	Support	There is a need for good access to communication for all residents. Currently many households are affected by bad coverage	Noted.
04	David Hunt	40 Canal Rocks Rd Yallingup WA 6282	Support	Currently experiences poor internet services within the area. Concerns regarding access to information during an emergency situations. The top of the tower will have little visual impact upon the amenity of the area.	Noted.
05	James Cross	37 Gibson Drive DUNSBOROUGH WA 6281	Support	Internet access at property in Cape Rise is worst than in a third world country. The location chosen by the NBN is most likely the best place to get the best coverage.	Noted.
06	Graeme Davies	80 O'Byrne Road QUINDALUP WA 6281	Support	Communication in the area is vital with most communication done online including fire safety advice to residents. Tourist visiting the area expect online facilities to make bookings. People within the area require internet to run businesses from home and for children's education. Those opposing the tower don't live within the area and enjoy internet where they live. Other telecommunication towers are likely to co-locate facilities and improve telecommunications within the area.	Noted.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
07	David & Beth Jasper	79 Seascape Rise YALLINGUP WA 6282	Support	Currently have poor telecommunication services at the property. Disappointed specific information regarding the coverage has not been provided. Support the co-location of mobile telephone services at the tower.	Noted.
08	Terry Sweet	13 Annie Lysle Place YALLINGUP WA	Support	Currently experiences very poor internet and mobile phone reception. In this area there is a fire risk and good communication is vital. We rely on internet for many daily services and without reasonable service we are at a significant disadvantage.	Noted.
09	Kailas Edwards	25 Kangaroo Parade YALLINGUP WA 6282	Support	Live within the area and have considered moving the office to town because internet service is very unstable and at one point was inoperable.	Noted.
10	Duncan Gardner	144 Glover Road YALLINGUP WA	Objection	Proposed tower will not provide a satisfactory solution to the internet. No information regarding the coverage area of the tower has been provided. No information regarding how the tower will work with other towers in the area. An integrated approach should be considered. Poor internet service will mean I am unable to carry out business from home.	The proposed tower is part of the roll out of the Nation Broadband Network. The proposed tower will service 350 properties and it is one of the last location within the area which is yet to be serviced.
11	Alastair Bennett	94 Hayes Road QUINDALUP WA 6281	Support	Currently live within a black spot with no internet or mobile phone coverage. Business within the area have lost productive because for poor internet. Tower will provide opportunity for improve mobile phone reception in the area. Children are unable to do online home work.	Noted.
12	Darren Haunold - Wills Domain	57 Brash Road YALLINGUP WA 6282	Support	Template Submission - see submission 95 above	Noted.
13	Marshall Bennett	126 O'Byrne Road QUINDALUP WA 6281	Support	There is an increasing anxiety by people who live in 'blank' areas, and there are daily frustrations about inadequate connections for bush-fire alerts and children who do not have access to their homework which is increasingly being delivered by internet.	Noted.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
14	Peter Campbell	71 Brushwood Brook Drive YALLINGUP WA 6282	Support	The tower will be in the public interest in providing internet service to the greater community. This is necessary for essential services and emergency situations. Development appears to comply with all the relevant requirements. Tower will be predominately screened by existing vegetation.	Noted.
15	Judy & Warren McRae	38 Annie Lysle Place YALLINGUP WA 6282	Support	Reside in Perth but use the house as often as we can. Operate a contract business which relies on phone and internet connection. Have concerns regarding poor service at their home. Downloading emails and making phone calls is impossible most of the time. Unable to check DFES updates.	Noted.
16	Ernie and Pat Evans	19 Saunders Street MOSMAN PARK WA 6012	Support	In favour of improve communication in the area. More important to improve mobile phone reception within the area and urge mobile phone providers to take this opportunity to co-locate facilities.	Noted.
17	Janie Saggars	21 Nukklgup Loop YALLINGUP WA 6282	Support	It is imperative that all homes in our area have good internet and phone coverage as a safety issue in the event of a natural disaster like bush fire.	Noted.
18	Robert & Pia Pickard	182 Brushwood Brook Drive YALLINGUP WA 6282	Support	Concerns regarding poor internet at our property and no internet reception. Slow internet causes issue when conducting day to day business.	Noted.
19	Caroline Herrick	144 Hayes Road QUINDALUP WA 6281	Support	Reside in the area and experience very poor internet survive within the area. Children are unable to do homework. No land line phone and therefore improved service is required for bushfire and DFES updates.	Noted.
20	Grant Girdler	134 Hayes Road QUINDALUP WA 6281	Support	Other towers have not gone through such an extensive consultation period. Minimal visual impact of the tower and tower will blend in to the scenery. Improved service is necessary to improve safety. There will be numerous benefits from the tower - business, tourism, education, lifestyle, entertainment, health.	Noted.
21	Neil Mellis	63 Howson Rise YALLINGUP WA 6282	Indifferent	Discrepancy in information provided regarding speeds of internet service to be provided.	Noted.
22	Lester and Linda McGown	75 Seascape Rise YALLINGUP WA 6282	Support	Property is located within a bushfire prone area and easily accessible reliable communication systems is important.	Noted.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
23	Philippa Lynch	134 Hayes Road QUINDALUP WA 6281	Support	Current internet is very unsatisfactory. Improved internet is vital for fire safety and university studies.	Noted.
24	Paula Elliot	20 Kangaroo Parade YALLINGUP WA 6282	Objection	Template Submission - See submission 32 above. Do not want a tower within 100m of their home. Not opposed to improved telecommunication services within the area. The tower should be located more central to the property to minimise impact on neighbours. People live within the area for various reasons, fast internet service is not one of them. Current internet service is deemed adequate.	Refer to response to submission 32 above. Since the applicant was advertised the applicant has modified the location of the development to make it more central to the site increasing the setback of the tower to their property to over 300 metres.
25	John Barlow	2/51 Rule Street NORTH FREMANTLE WA 6159	Support	Improve wireless facilities will improve safety within the area in emergency situations. Improved communication will also benefit the local community on a day to day basis.	Noted.
26	Peter and Linda Jenkins	20 Panoramic Close QUINDALUP WA 6281	Support	Current internet service is very slow and improved service is imperative. Fire safety should not be compromised.	Noted.
27	Janet House	119 Gunyulgup Valley Drive YALLINGUP WA 6282	Objection	Template submission - see submission 3 above. Additional concerns regarding health impacts upon children within the area.	Refer to response to submission 3 above.
28	Alan Jones	50 Sea Hill Crescent QUINDALUP WA 6281	Support	Live within the area an internet service is very slow. Local fire brigade has expressed concerns that residents are unable to connect to DFES website in an emergency. Many residents within the area experience frustration at low internet speeds.	Noted.
29	Warwick House	20 Kangaroo Parade YALLINGUP WA 6282	Objection	Template submission - see submission 32 above.	Refer to response to submission 32 above.
30	Lauretta Reading	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above.	Refer to response to submission 32 above.
31	Damian Reading	Not on City's records as being a property owner with the City of Busselton	Objection	Template submission - see submission 32 above.	Refer to response to submission 32 above.

DA15/0662 - Summary of Submissions

o	Name	Residential Address	Nature of submission	Summary of Submission	Officer's Comment
32	Tom Engelke	Not on City's records as being a property owner with the City of Busselton	Support	The NBN Tower will provide much improved internet access to local residents and businesses in the Yallingup Area. The improved internet access provided by the proposed NBN Tower will improve safety and provide better warnings to residents in case of emergencies (bushfires etc.). The NBN Tower has a low visual impact and does not harm the environment	Noted.
33	Libby Hunt	40 Canal Rocks Road YALLINGUP WA 6282	Support	Ideal location. Current internet service is abysmal. The tower will be visible but within a few weeks it wont be noticeable.	Noted.
34	Warwick House	20 Kangaroo Parade YALLINGUP WA 6282	Objection	Not against the tower only the location. An alternative location should be considered. Coverage within the area is an issue. There are many other suitable locations such as crown land and national parks.	Concerns regarding alternative location addressed above.
35	Merrilynn Walker	Not on City's records as being a property owner with the City of Busselton	Support	No comments provided	Noted.
36	Frank Gaschk	Lot 127 Windmills Close YALLINGUP WA 6282	Objection	Tower will be unsightly. The tower will be prominent and visible.	See response to submission 3 above.
37	Glenn Provost	162 Marrinup Drive YALLINGUP	Objection	Concerns regarding health implications, including increased cancer risk, as a result of the proposed tower. Alternative location should be considered outside of a residential area. Additional equipment could be attached to the tower in the future which will result in additional EME.	Concerns regarding EME addressed above. Any additional equipment which will be attached to the tower will be required to comply with the requirements of the Australian Radiation Protection and Nuclear Safety Agency.
38	Anthony Sharp	170 Lagoon Drive YALLINGUP	Objection	Alternative location should be found which minimised the visual impact while maximising the efficiency of the tower.	Concerns regarding alternative location and visual impact addressed above.
39	Raminta Rusilas	38 Canal Rocks Road YALLINGUP	Objection	Proposal will detract from the natural landscape and environmental values. Alternative location should be considered. Not in keeping with requirements of the area	Concerns regarding alternative location and compliance with planning requirements addressed above.
LATE SUBMISSIONS					
40	Phil Garcia	15 Oakmont Crescent DUNSBOROUGH	Objection	Understand that improved internet service to the area is required however what makes the area special is the magnificent views. A more non-obtrusive location should be found.	Concerns regarding alternative location and visual impact addressed above.
41	Debbie and Richard Camm	22 Nukklgup Loop YALLINGUP	Objection	Proposed tower is entirely inappropriate for the area, and unnecessary.	Concerns regarding alternative location and visual impact addressed above.



Our reference: 6KAZ-6DBG-5105 Yallingup Siding

Thursday 10th March 2016

Stephanie Izzard
Planning Officer
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

Dear Ms Izzard,

**Proposed Axicom Telecommunications Facility, Lot 470 Caves Road, Yallingup (DA15/0662) –
Response to issues raised in submissions**

I write with reference to the proposed Axicom telecommunications facility at the above address in order to provide nbn fixed wireless coverage to the area to the south of Yallingup & Yallingup Siding. Thank you for the opportunity to respond to the submissions received. Following a recent public consultation process, one hundred and thirty nine (139) submissions were received by Council within the consultation period. Of these, forty seven (47) submissions were in favour of the proposal, ninety (90) opposed the facility and two (2) were indifferent. We have identified the issues raised by members of the community, and a response to these issues is provided for your consideration below.

Visual impact of the proposed development upon the amenity of the area

The location and type of proposed base station has been carefully chosen to reduce the visual impact. In order for the fixed wireless service to operate efficiently and provide a quality and reliable service to the end user, nbn requires line of site to the desired coverage area which can be achieved by sufficient elevation and clearance of its antennas above physical obstruction, such as built form, topographical features and vegetation.

In this particular instance, the target area is dominated by low density rural residential properties. Whilst the base station will be visible to the surrounding area due to the height, attention has been given to the best siting and design possibilities to conceal the facility:

- The proposed facility will be surrounded by existing vegetation which will provide screening from the closest dwelling to the east.
- A 45m tower is considered to be the smallest structure capable of meeting coverage and operational objectives.
- A monopole design has been selected which is the least visually intrusive design option in built-up areas.
- The current proposal is for an unpainted steel monopole, which has been demonstrated over time to most successfully blend with the uniform colours of the landscape and sky conditions. Should Council consider it appropriate, the monopole can be painted in a neutral colour to suit its surroundings.

A photomontage was provided in the Development Application depicting the visual impact of the facility. It is considered that the facility does not dominate the skyline.

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Visual impact of the proposed development will have an adverse impact upon local businesses and tourism to the area

The expectations of modern society include access to a high quality telecommunications network across both rural and urban areas. This area has been identified as an area in which these facilities should be improved. The provision of the new infrastructure will achieve improvements, providing improved coverage and greater availability and reliability of service for residents, businesses and tourists or other visitors to the area. The improved coverage and reliability will maintain the area's status as a high quality residential and tourist area and as a result, will facilitate both residential, commercial and tourism development in the area as deemed appropriate by the Local Government. The development will also allow other carriers to use the structure in the future for a co-location opportunity, reducing the need for additional structures in the area.

The development itself will occupy only a small portion of land and as a result, will not restrict the viability of the site or the surrounding area for future use or development considered suitable within the rural residential area.

Due to the nature of the development and the scale required to meet the telecommunications network criteria, the structure will be visible from some vantage points in the local area. However, this visibility has been minimised and any detrimental impacts mitigated by means of the following:

- Design of structure and use of circular headframe;
- Selection of colour and materials; and
- Retention of significant vegetation in area and location of infrastructure to maximise screening.

Alternative locations on the subject site which are more internal and setback further from the lot boundaries should be considered

A number of alternative locations within the current subject property (Lot 470 on Deposited Plan 128582) were considered, both during the initial scoping process and following requests from Community and Council to revisit site selection.

We note that obtaining tenure is a critical part of the site selection process as **nbn** do not have legal powers to force an agreement with a landowner and therefore it is crucial that we find property owners that are willing to host this type of facility on their property. Upon finding a willing landowner, which meets all requirements, we work with them to secure a site that strikes a balance to both minimise impacts on the surrounding community, but also meet their preferences.

We have discussed at length the possibility of relocating the site with the landowner, but the landowner is hesitant to agree to a relocation. We believe that due to the nature of the site and its surroundings, any site on the current property at a similar elevation to the current subject site would be likely to continue to attract opposition. Many of the submissions objecting to the proposal were uncompromising in their position; essentially advocating for the facility to be relocated entirely. Even if the landowner were agreeable to a relocation on the current property, we consider that any benefits of moving the site would be negligible. We maintain that the current site within the property offers reasonable visual and physical separation from surrounding dwellings.

Alternative sites should be considered further away from residential properties or on reserved land

We have conducted a robust site selection process, and having considered numerous candidates in the area it is our belief we have found the best available solution. When **nbn** and Axicom's project team's first scope an area, they will investigate and identify all feasible options. These candidates are assessed on a number of considerations, including whether planning approval is likely to be obtained, tenure can be secured and all technical requirements.

For the fixed wireless network to be effective the **nbn** base station is required to be as near to the

target area as practical, therefore radio network base stations are located either in the centre or in close proximity to the target coverage area. The characteristics of the local area also need to be considered.

Our project teams were focused on selecting sites which present the least impact on the surrounding community whilst still being able to provide an acceptable level of service. We note that, from our initial desktop scoping, 13 sites were selected for detailed investigation as described in our Development Application. We note that eight of the prospective sites were rejected based on tenure. The remainder were considered in detail, where comment was also sought from City of Busselton planning department, and of those, the subject location (Candidate K) was considered to be the best site of those available.

Given the significant amount of effort placed into the site selection process and feedback received from our well attended Community Information Session in November 2015. We have every confidence that the correct option has been selected based on several competing considerations.

The following alternatives (some on public land) have been considered since the community information session:

Lot 302 (DPaW) alternative on cleared DPaW land identified by Rod Taylor (Reserve 8428)

- (-33.661933, 115.024321) at 45m.
- Securing tenure with DPaW will be a difficult process and the likelihood of success is unknown.
- The land use is sensitive environmentally.
- This facility serves less premises than the current, and the sector balancing is not sufficient - the sector facing the west is carrying hardly any traffic.

Lot 302 (DPaW), previously investigated and then re-assessed

- In addition to all of the factors detailed for the candidate above, it is likely that the clearing of vegetation would be required.

The proposed Telstra facility (on MP Barry House's property)

- 60m Guyed mast – 55m height availability (-33.72336, 115.04331)
- Yallingup Siding Telstra is 6.43 km away from Yallingup Siding Telstra.
- Majority of premises to the north of the target area would not be covered

Land banked Optus 80m guyed mast tower

- 80m Guyed mast – 70m height availability (-33.70919, 115.07245)
- Optus is 5.76km away from Yallingup Siding site.
- Majority of premises to the north of the target area would not be covered

161 Butterfly Rd, Quindalup

- The nearest residential property is approximately 80m away from the proposed location;
- There is a large coverage 'hole' in the target area due to tree & terrain clutter blocking the signal

Proposal is in conflict with the planning requirements for the area (i.e. Policy and Objectives of the Rural Residential Zone and the requirements of the Landscape Value Area under the Scheme)

Rural Residential Zone Policies

As outlined in the development application submitted to council, the proposed telecommunications facility supports and upholds the zone policies of the rural residential zone, based on the following:

- No subdivision is proposed
- This proposal contributes to provision of services to the area by establishing a new fixed wireless broadband service for the area.

- The nbn facility will directly improve access to data services/internet to view/search facilities provided by Department of Fire and Emergency Services websites during emergencies such as bushfire. Furthermore, once established, the facility will provide some relief to existing mobile networks, so that mobile devices can be more effectively used with less congestion during emergencies. This will relieve mobile networks to allow for direct communication between family members and the delivery of warning messages to mobile phones based on the physical location of a handset at the time of the emergency (the national telephony-based warning system).
- There is limited impact on vegetation or flora/fauna in area. Clearing has been avoided as far as possible (although there will be some, limited, clearing) with negligible impact on biodiversity. Desktop searches have been undertaken and revealed no areas of concern in this regard.
- The site has been selected to avoid any sites of conservation or heritage value. Searches have been completed and none identified in proximity of site.
- While the proposal is not directly tourism related, improved telecommunications services will be useful for entire community including visitors and the tourism industry. In the current age of digital technology and working, reliable digital telecommunication is a valuable asset for a rural area.
- While the proposal constitutes development in a largely rural area, given the scale of the development it is not considered that there will be a detrimental impact on the agricultural viability of the subject lot or the surrounding land. There is no risk of contamination from the site and appropriate measures will be followed during construction to prevent any introduction of weeds or pests into the site.
- The development will not have a detrimental impact on agricultural or other development. Where the Local Government deems other types of development appropriate in the area, the provision of reliable telecommunications services may facilitate diversification of land use in the area.
- While the top of the structure will be visible from some points in the local area, design and location choices have been made to minimise and mitigate this impact to make the most of existing screening (vegetation and topographic) opportunities. It is not considered that this development will result in a significant detrimental impact on visual amenity in the area.
- Consistency with the objectives and intent of the Agricultural and Rural Land Use Planning Policy, Leeuwin-Naturaliste Ridge Planning Policy and other State Planning Policies have all been addressed in the original application and this document.
- Site selection avoids areas of natural resource value.
- The development meets aims and objectives of relevant policies, therefore considered to be in accordance with the Shire's Local Planning Strategy and Local Planning Scheme including zoning and Landscape Value Area.
- There is no detrimental impact on weed and/or feral animal management however appropriate policies will be in place during construction to prevent spread of weeds or pests.
- The proposed development will not restrict future development on proposal site or adjacent land.

Rural Residential Zone Objectives

As outlined in the development application submitted to council, the proposed telecommunications facility supports and upholds the Objectives of the rural residential zone, based on the following:

- Land considered suitable for purpose as set out in application. Proximity to urban area means site is suitable (line of sight, network coverage etc) and supports improved telecommunications in area.
- While there is some visual impact as a result of the structure construction, site selection minimises visual impact and design considerations also mitigate impacts. Only short term disruption during construction and following completion, there will be minimal disturbance. The development will only be visible from a small number of properties which minimises impacts on residential amenity.

- Modern society has expectations about availability of telecommunications services across urban and rural areas. Developments such as this are necessary to maintain these services to facilitate residential and other development.
- No restriction of rural development is anticipated. Therefore the development is not incompatible given the small land area occupied and minimal impact on the surrounding use. Given requirements for coverage, it is considered that this development is compatible with rural area.
- The development has no detrimental impact on conservation
- A summary of the investigated candidates was outlined in the original application to council, please also refer to comments above relating to the further alternative candidates investigated within the subject property and surrounding area all of which demonstrates that there is no suitable land available.

Landscape Value Area

As outlined in the development application submitted to council, the development proposal remains compliant with the provisions within 'The Landscape Value Area' (LVA) based on the following:

- The proposed development, whilst minimal, has an unavoidable impact on the rural and scenic character of the locality however it needs to be considered against the associated benefits for the wider area and community.
- There is no impact on the any wildlife, significant wetland or costal environment or aboriginal relics.
- It is anticipated that the development will not substantially detract from the visual amenity of the area as while the infrastructure will be visible from a number of locations in the area, the site location, retention of existing vegetation and design choices (materials, circle headframe) will minimise visual impact as shown in appendix 2 of submission.
- Screening of base unit will be provided by retained vegetation. Inevitably due to nature of development the top of the structure will be visible from some locations however site selected to minimise impacts, particularly from key locations/vistas.
- The current proposal is for an unpainted steel monopole, which has been demonstrated over time to most successfully blend with the uniform colours of the landscape and sky conditions, however we will be happy to comply with specific requests from Local Government.

Health concerns regarding electromagnetic emissions

nbn considers the health and safety of the community to be of paramount importance, and acknowledge that some local residents are concerned about radiofrequency levels from the proposed facility.

Notwithstanding, Licensed radiofrequency transmitters, including the nbn fixed wireless communications facilities and commercial radio and television broadcast towers, are regulated to protect all people in all environments, 24 hours a day.

The national safety regulations operate by placing a limit on the strength of the signal (or radio frequency electromagnetic energy – 'EME') that NBN antennas can transmit. They do not impose any general public distance-based restrictions, meaning radio communications facilities are permissible in any environment.

Australia has adopted the safety regulations recommended by the World Health Organisation (WHO). These regulations have a significant safety margin, or precautionary approach, built into them. The WHO advise that scientific knowledge of radiofrequency matters, including in relation to communications, is more extensive than for most chemicals, and "**...current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields.**" (<http://www.who.int/peh-emf/about/WhatIsEMF/en/index1.html>)

nbn strives to deliver superfast broadband services and keep the community safe at all times, through strict compliance with relevant public health and safety standards established by independent

authorities. This includes the national public health and safety standards for radiofrequency EME. Typically, nbn fixed wireless communications facilities operate at radio signal strengths that are thousands of times below the safety limit.

To put the signal strength into perspective, the general public exposure to radio signals from NBN fixed wireless network facilities is less than or equal to the exposure people experience in their home from a domestic wireless router. Alternatively, it's about one tenth the power of a taxi's two way radio.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the national safety watchdog, advises that ***"NBN base stations use electromagnetic radiation to provide high speed broadband services to the community. The base stations use similar technology to 4G mobile phones and produce very low exposures to EMR (or EME) in the surrounding area, even very close to the installation. There are no established health effects from these very low levels of RF EMR"*** (http://www.arpansa.gov.au/radiationprotection/factsheets/is_nbn.cfm)

Compliance with ARPANSA standards is demonstrated by an EME Report already submitted to Council, and attached again for ease of reference. An extract of the EME report is shown in **Table 1**. The table below demonstrates the signal strength of the facility as a percentage of the ARPANSA safety standard. It should be noted that a facility operating at 100% of the standard is still considered to be safe by ARPANSA. These figures also reflect a 'worst case scenario', indicating the maximum signal strength that the proposed facility is capable of transmitting.

Table 1 – Predicted EME Levels at Yallingup Siding Facility

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at Yallingup Siding Lot 470 Caves Road in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m				0.27	0.19	0.0041%
50m to 100m				0.54	0.77	0.016%
100m to 200m				0.44	0.52	0.011%
200m to 300m				0.36	0.35	0.0073%
300m to 400m				0.34	0.3	0.0063%
400m to 500m				0.43	0.48	0.01%
Maximum EME level				0.54	0.77	0.016
	65.34 m from the antennas at Yallingup Siding Lot 470 Caves Road					

It should be noted that the Yallingup Siding facility is to be operated at extremely low power levels – the maximum signal strength from the proposed nbn antennas at ground level would be 0.016% of the safety limit – or more than 6000 times below the safety limit.

nbn does not just get its toe over the line when it comes to meeting health and safety obligations – but operates its fixed wireless radio network safely and responsibly at signals strengths significantly below national and World Health Organisation (WHO) standards. In this case, we believe there is no reason for the community to be concerned about health and safety.

Proposal is not consistent with State Planning Policy 5.2 – Telecommunication Infrastructure

As outlined in the development application submitted to council, the proposed telecommunications facility supports and upholds the specific policies measure outlined in State Planning Policy 5.2, based on the following:

- The proposal is appropriately located in Rural Residential area far away as possible from sensitive land uses.
- Due to the site selection process required, balancing network coverage requirements with minimising the visual impacts, this site is considered to provide the best outcome considering the relevant criteria.
- While the proposed is located in an area of Landscape Value, the specific site location is considered to have limited impact on the openness and rural nature of the landscape, with the development being visible from a limited area.
- The site was selected to avoid any specific views or environmental/heritage locations. While the general area is considered to be of high visual amenity regarding the rural nature and landscape, it is not considered that the proposal will have a significant detrimental impact on those values
- There are a number of design choices that have been made to ensure the proposal be sympathetic to the surrounding landscape. The circular headframe will minimise visual impact. The colours that have been proposed will reduce the impact, however if the Local Government would rather change the details then this can be agreed
- While there were no suitable sites for a co-location development in this case, the structure will provide other carriers with an opportunity for co-location in the future.

Furthermore, site selection and design process is consistent with a precautionary approach as set out in section 4 of Mobile Phone Base Station Deployment Industry Code C564:2011.

Negative impacts upon property values within the area

While property value is not a town planning consideration and Council's decision should not be made on this basis, it is acknowledged that this issue may be of concern to some local residents.

It should be noted that property valuation is an extremely complex issue, with fluctuations in price being subject to a vast number of factors. Many of these are subjective, and may be as diverse as aspect, views, condition of the property, local amenity and access to services, including high quality communications.

Since the mid 1990's there have been thousands of mobile telecommunications facilities developed throughout Australian metropolitan and regional areas. During this period, property values across the board have continued to increase, showing no clear sign of deterioration as a result of specific factors such as the location of telecommunications infrastructure.

Concluding Remarks

As noted above, Axicom cannot relocate this facility and request Council continue its assessment of the proposal. Please be assured that we have thoroughly reviewed all concerns of Council and the community, but we believe the current site retains solid justification and there are no other feasible alternatives we can utilise.

We will not be offering new alternative options to the community for feedback, as there are no suitable and/or superior alternative options available.

The development, while being visible within the locale from some points, has minimal detrimental impact and therefore does not present incongruous development in the landscape value area. Due to the necessity of such structures to meet the public's expectations of telecommunications coverage, it is considered that the development is appropriate within the rural residential zone.

It is considered on balance that the benefits of providing a new fixed wireless service to the community outweigh the relatively small impact on the landscape, which is mitigated through design choices as set out above.

Therefore our proposal demonstrates compliance with the aims and objectives of the Local Government's policies and approach to development in the area and I would respectfully request that Council approves the development.

I trust the above is of assistance, however if you have any further questions please contact me at your earliest convenience.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'A Moore', with a long horizontal flourish extending to the right.

Astrid Moore
Property Consultant

Photomontages of proposal in original location



Image 1 (above): Photomontage with telecommunication tower superimposed into original location as viewed from corner of Gunyulgup Valley Drive and Koorabin Drive (view point A below).



Image 2 (above): Photomontage with telecommunication tower superimposed into modified location as viewed from corner of Gunyulgup Valley Drive and Kangaroo Parade (View point B below)

Photomontages of proposal in modified location



Image 3 (above): Photomontage with telecommunication tower superimposed into modified location as viewed from corner of Gunyulgup Valley Drive and Koorabin Drive (view point A below).



Image 4 (above): Photomontage with telecommunication tower superimposed into modified location as viewed from corner of Gunyulgup Valley Drive and Kangaroo Parade (View point B below)

Viewing locations of photomontages above



12. ENGINEERING AND WORKS SERVICES REPORT

12.1 BUSSELTON TRAFFIC STUDY: STRATEGIC DIRECTION AND IMPLEMENTATION

SUBJECT INDEX:	Road Infrastructure - Planning, Design and Construction
STRATEGIC OBJECTIVE:	Transport options that provide greater links within our district and increase capacity for community participation.
BUSINESS UNIT:	Development Services; Environmental Services
ACTIVITY UNIT:	Strategic Planning; Engineering & Facilities Services
REPORTING OFFICER:	Director, Planning and Development Services - Paul Needham Manager, Engineering and Facilities Services - Daniell Abrahamse
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Strategic Environmental Advice Attachment B Overall Plan

PRÉCIS

As a key step in the ongoing 'Busselton Traffic Study' project, the Council is asked to identify its preferred strategic direction for the progressive upgrading of the local road network in the Busselton-Vasse urban area. It is recommended that the Council adopt a strategic direction to guide more detailed planning and implementation. The development of the proposed strategic direction has been informed by extensive traffic modelling work, the receipt of strategic environmental advice relating to a number of environmentally sensitive road upgrade options, as well as a range of informal meetings and workshops involving City officers, Councillors and representatives of key, relevant State Government agencies.

BACKGROUND

The City of Busselton, the Busselton-Vasse urban area in particular, is experiencing rapid and consistent population and economic growth, growth which is expected to continue for the foreseeable future. That growth, together with growth in the broader region, will result in increased traffic through, into, out of and within the Busselton-Vasse urban area, especially in and around the Busselton City Centre. Awareness of these issues resulted in the City commencing the Busselton Traffic Study.

This report asks the Council to identify its strategic direction in relation to implementation of the Busselton Traffic Study. That will allow the City to begin the process of properly planning and implementing a programme of upgrades to the road network in the Busselton-Vasse urban area. The overall intent is to ensure the development of a safe and efficient road network into the future, in the most cost effective way. This report follows several earlier reports regarding the Busselton Traffic Study, most recently to the Council's 12 August 2015 meeting, as well as a series of informal briefing sessions and workshops.

It should be noted that the State Government already has plans in place to undertake progressive and significant upgrades to the regional road network (i.e. roads managed by Main Roads WA) in and around the Busselton-Vasse urban area, including through –

- The recent completion of the Vasse Bypass;
- Progressive upgrades to Bussell Highway to the south of Vasse;
- The planned duplication (i.e. conversion to four-lane/dual-carriageway road) of the Ludlow Deviation portion of the Bussell Highway, to the east of Busselton and through to Capel;

- The development of the 'Vasse-Dunsborough Link', supplementing Caves Road as the regional route linking Dunsborough and Busselton;
- Upgrading of Busselton Bypass to a four-lane/dual carriageway road for its entire length; and
- Ultimately, the development of the Busselton Outer Bypass.

Population and economic growth and the resultant traffic growth will also, however, place increased pressure on parts of the local road network (i.e. roads managed by the City), especially some of the more significant local roads, including Causeway Road, 'Old' Bussell Highway/Albert Street, Strelly Street and West Street. That pressure will be particularly challenging in and around the road network to the south and west of the Busselton City Centre, especially the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections, and the nearby West Street/Albert Street/'Old' Bussell Highway intersection. The capacity of these intersections, like all intersections, is finite. Both of these intersections become quite congested at peak times now: the Causeway Road/Peel Terrace/Albert Street/Queen Street intersection complex most particularly at times of peak tourist inflow – i.e. most particularly Friday afternoons through much of the summer and prior to long weekends or major events through the rest of the year; and the West Street/Albert Street/'Old' Bussell Highway intersection most particularly at peak shopping times – i.e. especially Saturday mornings.

There are two main causes of the most acute periods of congestion in these two locations. In the case of the Causeway Road/Peel Terrace/Albert Street/Queen Street intersection complex, the main cause is that most of the accommodation in Busselton is to the west of the City Centre, and the most straight-forward and intuitive route to that accommodation for people travelling from Perth is via Causeway Road, Albert Street and 'Old' Bussell Highway (the more efficient route in many cases, however, would be via Busselton Bypass and Fairway Drive). At peak times, only a small proportion of the traffic using this intersection complex is travelling to the City Centre itself (including the Busselton Foreshore), or to locations to the east of the City Centre. In the case of the West Street/Albert Street/'Old' Bussell Highway intersection, the main cause is that most of the City's population lives to the west of the City Centre, and when accessing the City Centre seeks to travel through the intersection. Other very busy times at these intersections coincide with pick-up and drop-off times at the various schools located on or near Queen Elizabeth Avenue, which can be accessed via the Busselton Light Industrial Area and so traffic from destinations around or to the east of the City Centre traverses these intersections (i.e. MacKillop College/St. Josephs Primary School, Cornerstone School, Geographe Primary School and Busselton Senior High School).

As traffic growth continues into the future, the intensity, frequency and duration of the congested periods at these intersections will increase. That is because the large majority of the population growth in the City will be to the west of the City Centre, as will most of the growth in short-term accommodation capacity (noting that, even when all of the accommodation sites on the Foreshore are developed, that area will still only represent a very small proportion of the total accommodation supply in the City). Most of the visitors travelling to that accommodation will be travelling from the south-east (i.e. from Perth and therefore from Bussell Highway, or from the Busselton-Margaret River Regional Airport).

In identifying and assessing options to address the current and future traffic challenges facing the City, the Council clearly needs to be conscious of where the most acute challenges are today, and where the most acute challenges are likely to be in future. The scale of the challenge and the level of investment required is also such that not all options can be pursued, certainly not all at the same time.

The development of Ford Road, for instance, would be unlikely to have much effect on traffic congestion in and around the two key intersections outlined above, as it would deliver traffic to and

from the eastern side of the City Centre. Those travelling from locations to the west of the City Centre, where most of the population lives and where most population growth will occur in the future, would be unlikely to travel to a location to the east of the City Centre and then return in a westerly direction to access the City Centre itself. They may do so if they knew that the alternative, more direct route was congested at a particular time, but unless the route was already extremely congested (i.e. banked-up all the way back to Bussell Highway/Busselton Bypass – which does occur, but infrequently and for relatively short periods), they would simply use the existing, more straight-forward and intuitive route. So, whilst development of Ford Road (recognizing there are a number of potential/alternative alignments for 'Ford Road') would undoubtedly be of value to those living to the east of the City Centre and/or travelling to that area, it would not greatly assist in addressing the much more significant and faster growing traffic issues facing the City, which are essentially related to the amount of traffic travelling between the City Centre and locations to the west, or travelling from locations to the south-east of the City Centre to locations to the west.

Given the above, there is seen to be a need to move beyond seeing 'Ford Road' as the central road network question concerning the City. Development of Ford Road, notwithstanding any environmental or financial considerations, would not address the most significant traffic challenges facing the City at this time or in the medium-term future (note that, further into the future, planned light industrial and service commercial development in and around the Busselton-Margaret River Regional Airport would increase the need for and potential value of Ford Road, primarily driven by business-to-business traffic movements between that area and the Busselton City Centre, and in a long-term strategic sense, planning for ultimate development of a 'transport corridor' in that area should remain under consideration – these issues are discussed further in the 'Officer Comment' section of this report).

Further, in an environment of finite resources and many competing challenges and opportunities for the City and our community, the Council also needs to strike the appropriate balance between investment in the road network relative to other potential investments, for instance in sporting or community facilities. In future, the City will also face challenges in relation to road network planning and capacity in and around the Dunsborough urban area. Public and non-motorised forms of transport will be further developed/encouraged and form a greater part of the overall transport mix in the future; although Busselton is so heavily car dependent currently and likely to remain so, that is unfortunately unlikely to make a significant difference at any time in the foreseeable future to the overall pattern of vehicle traffic growth. Given these considerations, it is therefore vital that the priorities for investment in the Busselton-Vasse urban area local road network do actually address the most acute challenges, in the most efficient way.

The Busselton Traffic Study project, including an extensive traffic modelling and assessment report prepared for the City by Arup (in their capacity as transport planners/traffic engineers), itself entitled the *Busselton Traffic Study*, has involved the building of a traffic model (incorporating a model of how and where population growth and development more generally will occur). That model has allowed for the assessment of a very wide range of road network upgrade options. The commentary above on where the biggest challenges are, now and in the future, is based on and supported by the modelling done by Arup. The work done by Arup and further consideration of that work and related issues has been presented to Councillors previously and, as such, is not provided again in this report – if required, however, officers can provide that earlier information to Councillors on request. It needs to be noted that Arup's work is a high-level road network assessment, and more detailed road design and intersection modelling would only occur once the overall strategic direction has been determined.

The subsequent assessment of options has also been informed by strategic environmental advice provided to the City by Strategen (environmental consultants). That advice was commissioned because a number of the options involve additional or expanded roads crossing through or near the New River Wetlands, Lower Vasse River and/or Vasse Wonnerup Wetlands and adjacent

environmentally sensitive areas. Unfortunately, because of the physical layout of Busselton, especially the chain of wetlands and waterways that runs parallel with the coast, separating the regional road network and most current and future residential growth areas from the City Centre and the coast, one, or more likely multiple, new or expanded roads will be required to pass through these environmentally sensitive areas. Strategen was asked to provide advice regarding the following conceptual options –

- A range of Ford Road options;
- What is referred to in the Strategen report as the ‘Causeway Road – Camilleri Street’ option, involving a new crossing linking Causeway Road, from somewhere in the vicinity of Rosemary Drive, across the Lower Vasse River to Peel Terrace, in the vicinity of Camilleri and Stanley Streets;
- What is referred to in the Strategen report as the ‘Causeway Road-Queen Street’ option, effectively the duplication of the road/bridge where Causeway Road crosses the Lower Vasse River to create a four lane bridge – generally referred to in this report as the ‘Causeway Bridge Duplication’;
- Upgrade of West Street (to the south of Old Bussell Highway/Albert Street) to four lanes through widening of the existing causeway/embankment across the New River;
- Construction of complete road on or near existing, but mostly undeveloped Roe Terrace road reserve, with a further extension from Frederick Street through to West Street, as an alternative means of linking West and Strelly Streets;
- Development of a new road and bridge across the Lower Vasse River, linking Frederick Street in the Busselton Light Industrial Area with Southern Drive and then with Causeway Road; and
- Upgrade of the Strelly Street bridge across the Lower Vasse River to four lanes.

A copy of the advice provided by Strategen is provided as **Attachment A**. Strategen’s key findings were as follows –

- The proposed widening of the existing Causeway Road bridge (i.e. Causeway Bridge Duplication), Strelly Street bridge and West Street embankment, and extension of Roe Terrace, are likely to be acceptable to the EPA (*State* Environmental Protection Authority) and DoE (*Commonwealth* Department of Environment).
- The proposed crossing between Causeway Road and Camilleri Street is likely to be problematic due to hydrological isolation of a wetland area and proximity to the high value Vasse Estuary areas. It is recommended that the alignment be moved to the west to the existing old railway embankment and footbridge, with Causeway Road connecting to Stanley Street instead. This option is what is referred to as the ‘Eastern Link’ in the remainder of this report. Strategen’s advice is that this alternative alignment for the Eastern Link is quite likely to be environmentally acceptable.
- The proposed new embankment between West Street and Frederick Street may be feasible depending on the ecological values of the wetland areas in the vicinity. Survey of the wetland areas is recommended to identify any major constraints to development.
- The proposed new embankment and bridge between Frederick Street and Southern Drive is likely to be problematic due to the extent of the crossing over the wetland and riverine areas.
- The proposed extension of Ford Road is unlikely to be acceptable due to the sensitivity of EPA and DoE to potential disturbance and mortality of waterbirds. A potential solution may involve seasonal opening of the road if this can be demonstrated to coincide with periods of low waterbird activity in the area. Further investigation is

recommended to review waterbird usage of the area to identify if this solution is feasible.

In addition to commissioning the work by Strategen, the City has also begun preliminary design and costing on a range of road network options, including those set out above, but also looking at other options that affect less environmentally sensitive parts of the road network. That additional work has included preliminary design work on the options set out above, as well as –

- Options to upgrade the Causeway Road/Peel Terrace/Albert Street/Queen Street intersection complex, including the construction of a single, modified roundabout layout encompassing the whole of this intersection complex – perhaps best understood as an option that results in Victoria Square becoming the centre of a large roundabout, and which is referred to in this report as the ‘Victoria Square Roundabout’;
- Options to upgrade the West Street/Albert Street/Old Bussell Highway intersection, notably through development of left-turn slip lanes or additional left-turn lanes and restriction of some right-turn movements;
- Option to develop a roundabout at the intersection of Old Bussell Highway and Gale Street (‘Gale Street Roundabout’), and possibly at the intersections of Gale and Kent/Duchess Streets;
- Changes to the Strelly/Barlee Street intersection to prioritise traffic movement in and out of Barlee Street, rather than straight-through traffic along Strelly Street – this would create a straight-through ‘Strelly-Barlee-West Street route’;
- Options to subsequently and progressively develop the Strelly-Barlee-West Street route as a four lane road (‘Strelly-Barlee-West Duplication’);
- Options to progressively upgrade Causeway Road to a four lane road (‘Causeway Road Duplication’);
- Option to upgrade Fairway Drive to a four lane road (‘Fairway Drive Duplication’); and
- Options to upgrade intersections and traffic management along the remainder of ‘Old’ Bussell Highway (‘Old Bussell Highway Traffic Management’).

The rationale for each of these options is set out in the ‘Officer Comment’ section of this report.

STATUTORY ENVIRONMENT

Many of the road network upgrades outlined and discussed in this report would require land acquisition and environmental approvals, and there is an extensive statutory environment that would need to be considered as part of more detailed work, once the strategic direction has been set. Of particular note is the Commonwealth *Environmental Protection and Biodiversity Act 1999* (EPBC Act).

The EPBC Act requires Commonwealth approval for any action considered to have potential impact on matters of national environmental significance. Included in matters of national environmental significance are wetlands subject of the Ramsar Convention, which is an international agreement relating to migratory waterbirds and their habitat. The Vasse-Wonnerup Wetlands are subject of the Ramsar Convention. Development does not need to be within the identified area of the wetlands subject of the Convention to have an impact on the wetlands and therefore to generate a requirement for Commonwealth approval.

As such, whilst the existing Ford Road reserve is outside the area of the Vasse-Wonnerup Wetlands as identified in the Ramsar listing, as it immediately adjoins the listed area, development of the road, even if wholly contained within the existing road reserve (which may not actually be possible in any

case), would clearly require referral for Commonwealth approval. All of the potential additional or expanded road crossings through wetland/river areas, one or more of which will be necessary, would, in fact, likely require Commonwealth approval, even those located much further away from the listed area than the existing Ford Road reserve. All of the potential crossings would also require State EPA approval.

RELEVANT PLANS AND POLICIES

A wide variety of plans and policies have been considered in formulating the recommendations of this report, notably –

- The City of Busselton – Core Asset Management Plan for Roads;
- Draft City of Busselton Local Planning Strategy;
- Structure Plans for Yalyalup, Port Geographe, Ambergate North, South Broadwater, Vasse Newtown and Airport North Industry Park;
- Local Commercial Planning Strategy;
- Western Australian Planning Commission (WAPC) South West Framework;
- Busselton Wetlands Conservation Strategy; and
- WAPC preferred alignments for the Busselton Outer Bypass and Vasse-Dunsborough Link

FINANCIAL IMPLICATIONS

Detailed design and costing has not occurred and cannot reasonably occur until the strategic direction has been set and further work on land acquisition and obtaining approvals undertaken. The following table, though, provides indicative cost estimates for the implementation of the works proposed to be identified as part of the strategic direction, not including all design costs, and also excluding -

- Land acquisition costs;
- Some works that may be required to comply with environmental conditions;
- Environmental offset costs (which may be quite considerable, especially for any Ford Road option – for instance, the environmental offsets set by the Minister for Environment in relation to the 'Roe 8' project, which traverses the Beeliar Wetlands in Perth, a decision which has since been overturned by the Supreme Court because it did not sufficiently consider all relevant environmental policies, required acquisition of 230 hectares of land to add to the conservation estate as one component only of the environmental offsets required); and
- Service relocation costs.

Note that the environmental approvals work which forms part of proposed Initiative 1 would be done for environmentally sensitive aspects of all of the proposals up-front, and so that work is listed and costed as separate projects.

Initiative	Part	Indicative estimated cost (exc. some design and environmental conditions costs and any land acquisition, service relocation or environmental offset costs)
Initiative 1 - Immediate/near term actions	<i>(i) - Environmental approvals, most likely submitted as three separate packages - I. Initiatives 2, 3 and 4 II. Ford Road 'existing reserve, low-level' option III. Ford Road 'Transport Corridor' option</i>	\$330,000-\$500,000
	<i>(ii) – Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street (Increasing stacking capacity on the left turn lanes)</i>	\$75,000
	<i>(iii) - Upgrade Signage – Alternative Entrance Busselton CBD</i>	\$60,000
	<i>(iv) - Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection</i>	\$60,000
	Total Initiative 1	\$525,000 - \$695,000
Initiative 2 – Causeway Corridor	<i>(i) – Victoria Square Roundabout</i>	\$1.5M - \$3M
	<i>(ii) – Causeway Bridge Duplication</i>	\$3.6M - \$5.6M
	<i>(iii) – Eastern Link</i>	\$5.25M - \$6M
	<i>(iv) – Causeway Road Duplication (first stage – Causeway Bridge to approx. Strelly Street)</i>	\$1.5M - \$3M
	Total Initiative 2	\$11.85M - \$17.6M
Initiative 3 – West Street Corridor	<i>(i) - West Street-Albert Street-Old Bussell Highway intersection upgrade</i>	\$1M - \$1.5M
	<i>(ii) - Strelly-Barlee-West Street route</i>	\$3.1M - \$4M
	<i>(iii) - Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management</i>	\$2.5M - \$3.5M
	Total Initiative 3	\$6.6M - \$9M
Initiative 4 – Distributor Road Duplications/Traffic Management	<i>(i) - Causeway Road Duplication (further stages – approx. Strelly Street to Bussell Highway / Busselton Bypass)</i>	\$2.14M - \$3M
	<i>(ii) - Strelly-Barlee-West Street Duplication</i>	\$7.7M - \$8.5M
	<i>(iii) - Fairway Drive Duplication</i>	\$2M – \$3M
	<i>(iv) - Old Bussell Highway Traffic Management</i>	\$1M - \$3M
	Total Initiative 4	\$12.84M - \$17.5M
Initiative 5 – Ford Road (Note: one or other of the options would be developed, not both)	<i>(i) - Ford Road 'Transport Corridor' option</i>	\$27.2M-\$30M+
	<i>(ii) – Ford Road 'existing reserve, low-level' option</i>	\$8.8M-\$10M
	Total Initiative 5	\$8.8M-\$30M+

The City's draft 2016/17 budget provides for the Initiative 1 works outlined above, as well as allocating \$350,000 for environmental approvals and other work associated with implementation of the proposed strategic direction.

Long-term Financial Plan Implications

A Council decision to set the overall strategic direction and the more detailed work that would follow would allow for further consideration of this issue as part of the next review of the Long Term Financial Plan and, importantly, would –

- Allow potential works to be more fully designed, costed and prioritised, and for those works to be considered for inclusion in the Long Term Financial Plan;
- Allow further consideration to be given to funding of local road network upgrades in developer contributions plans/policies;
- Provide a more robust framework for assessing major development proposals and, in particular, likely provide for higher levels of direct contribution towards road network upgrades from major developments; and
- Provide a basis to review Regional Roads Group funding priorities and identify other funding opportunities.
- Allow a detailed review of the roads asset management plan to determine in what year it will be possible to convert funds from a road maintenance upgrade program to a programme that includes capital projects. In the past two years the City has received additional funds through the Roads to Recovery (R2R) program which has allowed the City to be in advance of its asset management plan. Although not quantified at this point, the Roads Asset Plan is required to be reviewed in the 2016/17 financial year and this will provide a more detailed indication of where this conversion from maintenance to capital works may occur.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Strategic Objective 4.1 of the City's *Strategic Community Plan 2013-2017*, which is - 'Transport options that provide greater links within our district and increase capacity for community participation'.

RISK ASSESSMENT

Given the scope and scale of works proposed, there are clearly a very significant number of risks associated with the ultimate implementation of the officer recommendation. Those risks would, however, be identified and assessed as part of the more detailed planning of the individual projects. In a broad sense, the key risk is that the City is not able to effectively plan for and implement appropriate upgrades to the local road system to meet demands over time,

CONSULTATION

In developing the recommendations of this report, the City has sought strategic environmental advice as set out in the 'Officer Comment' section of this report, and has also liaised directly with a range of State agencies, most notably Main Roads WA. Main Roads WA are understood to be informally and broadly supportive of the strategic direction recommended. In addition, Main Roads WA have advised that State support for development of Ford Road and, in particular for an additional connection from Ford Road onto the regional road network (i.e. directly onto Bussell Highway), may not be supportable at this stage.

The previous report to the Council on this matter had recommended the formation of an informal 'Strategy Working Group' – a recommendation which was reflected in the ultimate Council resolution. At this stage, that informal group has not been utilized, and officers are of the view that an alternative approach to community engagement may be more appropriate. Before moving on to describe the approach now recommended it is worth noting that these issues are of significant public interest and importance, and it is therefore vital that the community and other stakeholders are engaged with regarding the proposed strategic direction.

It is recommended that the City engage with the community regarding the proposed strategic direction, using the following broad approach –

- Publication on the City's website of a summary of the proposed direction and background/rationale for that proposed direction, together with supporting reports – it is envisaged that this report would form the basis for that summary, which would be supplemented by easy-to-understand and user-friendly graphics;
- Development of an online survey tool to capture the views of the community in relation to the proposed direction;
- A public information forum; and
- Promotion of the strategic direction through the City's website and media, as well as through letters direct to key stakeholders and relevant Government agencies.

OFFICER COMMENT

Consideration of the various options has resulted in officers now presenting the Council with a preferred strategic direction that consists of several 'Initiatives', which each consist of several 'Parts', to be subject of further detailed design, costing and implementation, as follows –

- **Initiative 1 – Immediate/near-term actions**
 - Part (i): Environmental approvals, most likely as three separate packages -*
 - I. Initiatives 2, 3 and 4*
 - II. Ford Road 'existing reserve, low-level' option*
 - III. Ford Road 'Transport Corridor' option*
 - Part (ii): Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street*
 - Part (iii): Upgrade Signage – Alternative Entrance Busselton CBD*
 - Part (iv): Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection*
- **Initiative 2 – Causeway Corridor**
 - Part (i): Victoria Street Roundabout*
 - Part (ii): Causeway Bridge Duplication*
 - Part (iii): Eastern Link*
 - Part (iv): Causeway Road Duplication (first stage – Causeway Bridge to approx. Strelly Street)*
- **Initiative 3 – West Street Corridor**
 - Part (i): West Street-Albert Street-Old Bussell Highway intersection upgrade*
 - Part (ii): Strelly-Barlee-West Street route*
 - Part (iii): Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management*

- **Initiative 4 – Distributor Road Duplications/Traffic Management**
 - Part (i): Causeway Road Duplication (further stages – approx. Strelly Street to Bussell Highway / Busselton Bypass)*
 - Part (ii): Strelly-Barlee-West Street Duplication*
 - Part (iii): Fairway Drive Duplication*
 - Part (iv): Old Bussell Highway Traffic Management*
- **Initiative 5 – Ford Road**
 - Part (i): Ford Road 'Transport Corridor' option*
 - Part (ii): Ford Road 'existing reserve, low-level' option*

A plan showing the Initiatives in the broader context is provided as **Attachment B**.

The key rationale for and key issues associated with the proposals listed above is set out below, under appropriate sub-headings. There is also a discussion about how it is envisaged further work would proceed, once the strategic direction has been determined.

Initiative 1 - Immediate/near term options

Initiative 1 consists of environmental approvals work and a number of relatively low-cost and simple to implement actions that have been identified that would reduce congestion in the two locations that experience the greatest pressures.

Part (i) - Environmental approvals

The strategic environmental advice received from Strategen and provided as Attachment A provides guidance regarding the further work and potential costs associated with submitting applications for environmental approval for the various proposed projects. It is not possible to fully determine whether, how, when and at what cost the various projects could be implemented until such time as environmental approvals have been received. Prior to being in a position to actually submit applications for environmental approval, however, more detailed design work is required and the relevant background environmental information needs to be assembled and/or obtained. To a significant degree, the planning, design, environmental and financial factors need to be considered in an integrated fashion, and through what is sometimes referred to as an 'iterative' process. Developing more detailed project definitions and submitting applications for environmental approval is nevertheless a critical next step.

Applications for environmental approval need to be accompanied by detailed description/plans of the proposed project, an analysis of the options considered, an assessment of the potential environmental impacts of the project, and how those impacts are proposed to be managed and addressed, including, where appropriate, what environmental offset commitments are proposed. Without providing that information, an application for environmental approval cannot be assessed. Given a desire to keep as many options open as possible, the inherent uncertainty associated with aspects of the environmental approvals processes and the lower overall costs that will be incurred through an integrated approach, it is proposed that environmental approvals work proceed for all of the projects in parallel, most likely resulting in the submission of three separate applications -

- Initiatives 2, 3 and 4 (i.e. Causeway Corridor, West Street Corridor and Distributor Road Duplications/Traffic Management – noting that the Initiative 1 works should not require environmental approvals);
- Ford Road 'existing reserve, low-level' option; and
- Ford Road 'Transport Corridor' option.

The reason for separating the two Ford Road options from the other Initiatives is that the supporting information needed for those Initiatives is more readily available and/or simpler to collect and analyse, whereas both Ford Road options will require a series of additional studies and investigations, which may take some time to complete (i.e. perhaps 1-2 years). The two Ford Road options, however, are conceptually and physically quite different, and so it is seen as most appropriate they be submitted as separate applications. As more detailed work occurs, further consideration will need to be given to the best approach, and ultimately the various projects may be subject of anything between two and nine separate applications.

Part (ii) - Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street

This involves extending the left-turn pockets for traffic exiting Queen and West Streets and heading in a westward direction along Albert Street and Bussell Highway respectively. In the case of the Queen/Albert intersection this will reduce the likelihood of traffic being banked up as far as the Queen/Causeway/Peel intersection. In the case of the West/Bussell intersection, this will allow westbound traffic to flow more freely, creating additional roadscape and network capacity for northbound and eastbound traffic.

Part (iii) - Upgrade Signage – Alternative Entrance Busselton CBD

This would involve signage on the Busselton Bypass advising of alternative routes into the City Centre and/or locations to the west of the City Centre via Strelly/Barlee/West Streets and/or Fairway Drive, with the aim of relieving congestion on Causeway Drive, especially at peak times. It is envisaged that this could take the form of dynamic/variable messaging type signage.

Part (iv) - Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection

This would be preparatory work for Initiative 3, Part (ii) – Strelly/Barlee/West Route – which is further described below.

Initiative 2 – Causeway Corridor

Initiative 2 relates to what has been identified as the 'Causeway Corridor', which is the principal means by which visitors to the City access accommodation and attractions in Busselton, and is also the principal means by which residents to the south and east of the City Centre access the City Centre and regional road network respectively. This corridor is seen as having the most acute traffic congestion issues currently, issues which will become more acute over time.

At busy times and especially at peak times, the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections especially experiences levels of traffic higher than the intersection's capacity, which causes traffic to 'bank-up' along many of the roads which feed into the intersection, especially back along Causeway Road at very busy times. Addressing this issue requires road network upgrades that either: divert traffic away from this intersection complex (and there are a number of actions identified that seek to do that); or preferably, that increase the capacity of the intersection complex itself. Increasing the capacity of the intersections in the first instance is preferable, because it reduces congestion without requiring changes in the routes drivers usually take, at periods of lower traffic/congestion.

Part (i) – Victoria Square Roundabout

The development of a 'Victoria Square Roundabout', which would turn the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections into a single intersection, would substantially increase the capacity of these intersections and substantially reduce the intensity and duration of congestion, for three key reasons. Firstly, traffic coming into Busselton along Causeway Road, the majority of which, at peak times, is heading to destinations to the west of the City Centre, would effectively be able to freely flow into and through the intersection, rather than being held

back at both the Causeway Road/Peel Terrace Roundabout and, subsequently, at the Queen Street/Albert Street lights, currently resulting in traffic banking-up along Causeway Road. Secondly, the effective 'stacking distance' (i.e. the amount of cars that can wait at the intersection without impinging on the next intersection back) for traffic coming into Busselton and heading either down Queen Street (i.e. northbound traffic) or to locations to the east (i.e. eastbound traffic) would more than double relative to what it is today, further reducing the likelihood that traffic would bank-up along Causeway Road. Thirdly, because of the relatively free flow of westbound traffic, the effective 'stacking distance' actually available for northbound and eastbound traffic would be further increased.

In association with development of the Victoria Square Roundabout, there would likely be a loss of on-street car parking on Pries Avenue (which forms the western side of Victoria Square), which is currently used mostly as employee/all-day parking during the day and in association with the Cinema in the evening. The daytime parking issue could be addressed to a significant degree through development of all-day parking on the Harris Road site, and that was the original reason for acquiring that land. The evening parking demand could be met by surplus parking elsewhere in the City Centre at that time, but would be less convenient to the Cinema itself. This may also increase the impetus to somehow reorient the Cinema towards the north, bringing the Cinema, and the night-time activity it generates, into the heart of the City Centre around Mitchell Park, further building on the benefits in terms of vibrancy and activation that will result from the planned Busselton Centre redevelopment and expansion.

Part (ii) – Causeway Bridge Duplication

Once a decision has been made to develop the Victoria Square Roundabout, the overall traffic capacity of that intersection would be increased by being able to bring two lanes of Causeway Road traffic into and out of the roundabout, both necessitating and making possible the duplication of the Causeway Bridge – i.e. expansion to four lanes, two lanes in each direction. Environmental approvals would be required to undertake this work, and a small amount of additional Crown Land would also need to be secured by the City. There will also be a small, but fairly insignificant impact on the amount of land available for recreational/community purposes on Rotary Park.

Part (iii) – Eastern Link

The Eastern Link would involve development of a new road and crossing (possibly as a culvert/causeway type construction rather than a bridge) from Causeway Road (from some point between Southern and Rosemary Drives), utilizing the historic railway embankment and bridge alignment, before intersecting with Peel Terrace between Stanley and Camilleri Streets. A roundabout may be developed at that intersection providing access both east and possibly west along Peel Terrace, and north along Camilleri Street, linking to the Foreshore and major public car parks. Access to or from Stanley Street would then be from Harris Road, or potentially from extending Prince Street beyond Stanley Street, through to Camilleri Street. There are also some other options for detailed design and layout where the Eastern Link would meet the existing road network north of Lower Vasse River.

The Eastern Link would very effectively divert traffic from the Causeway Road/Peel Terrace/Albert Street/Queen Street complex of intersections and there are three key reasons for that. Firstly, relative to the existing Causeway Bridge, for traffic to or from areas east of the City Centre, the Eastern Link would be the preferable route for almost any destination, other than destinations in the City Centre itself, or for some locations to the west of the City Centre. It would therefore attract a much higher proportion of traffic from areas east of the City Centre than would Ford Road. Ford Road would not be the preferable route for such a wide range of destinations – including traffic travelling to the City Administration Centre (which is a significant traffic destination in the Busselton context) and between areas east of the City Centre and the Busselton Light Industrial Area or to schools located along or near Queen Elizabeth Avenue, especially the two private schools, which can

be accessed via the Industrial Area (Note that, for many of those living in the most easterly parts of the Busselton-Vasse urban area, especially those in Wonnerup and the eastern parts of Geographe, such as Port Geographe, Ford Road would also not be the most attractive route for travel to Bunbury or Perth, as it would involve similar travel time and distance to the existing Layman Road/Tuart Drive alternative to Causeway Road and Bussell Highway). Secondly, it would provide the most attractive and intuitive route for much of the traffic heading to and from the large car parks located either side of Camilleri Street (i.e. the two existing car parks, plus the future public car park on the Harris Road land), as well as for those headed to the Busselton Foreshore, including for events. Thirdly, if the Victoria Square Roundabout does become congested, that would be obvious to drivers coming up Causeway Road, or coming along Peel Terrace from the east, who might otherwise go straight on, but who may then choose the Eastern Link as an alternative.

There are two further matters to consider in relation to the Eastern Link. Firstly, the development of the 'West Street' site will move the focus of the Busselton City Centre further to the west, meaning that Queen Street will no longer be so central. Increasing the accessibility of the commercially zoned land on the eastern side of the City Centre through the Eastern Link will encourage development and business activity in that eastern area, providing a greater range of options for commercial and business development, and keeping Queen Street at the centre of the City Centre. Secondly, there are three sites in public ownership (the two existing car park sites and the Harris Road land) that would become much more attractive locations for development with the Eastern Link in place (noting the likely need to preserve or expand overall car parking capacity as part of any developable scenario), with the capacity for the State/City to then effectively defray some of the costs associated with the Eastern Link.

Environmental approvals would be required to develop the Eastern Link, and a small amount of additional Crown Land would also need to be secured by the City. There is, though, a significant amount of somewhat degraded Crown Land within the vicinity of this site, providing very good options for relevant environmental offsets for this project.

Part (iv) – Causeway Road Duplication (first stage)

To further increase the capacity of the Causeway Road Corridor and meet longer term traffic requirements, Causeway Road could and should be expanded to four lanes back to around Strelly Street. That would, however, only be beneficial once the capacity of the network closer into the City Centre has been expanded as set out above. Note that the intent would be to develop the second carriageway on the north-eastern side of the existing row of poplar trees, retaining those trees as much as possible, rather than immediately adjacent to the existing carriageway, which would necessitate removal of those trees. A small amount of additional Crown Land would need to be secured by the City.

Initiative 3 – West Street Corridor

Initiative 3 relates to what has been identified as the 'West Street Corridor', essentially including West Street itself, as well as Barlee and Strelly Streets to the south, linking ultimately to the Busselton Bypass, and including the commercial strip along Albert Street / Old Bussell Highway, extending from West Street more or less west to High Street. This is the principal means by which people living to the west access the City Centre – and it is areas to the west of the City Centre where most growth is expected. Particular note also needs to be made of the currently undeveloped 'Ambergate North' urban growth area, which will be directly connected to the Busselton Bypass just to the west of the Vasse Diversion Drain, and which will also be directly connected across the Drain to Chapman Hill Road, and then to Strelly Street. The Ambergate North area is ultimately expected to accommodate over 12,000 people (similar to the current, total population of the Shire of Augusta-Margaret River).

Upgrades to the West Street Corridor are very clearly necessary to cope with the very substantial growth in traffic that will enter the City Centre along West Street especially. In particular, consideration needs to be given to both increasing the capacity of the West Street/Albert Street/Old Bussell Highway intersection, as well as diverting traffic away from that intersection.

Part (i) - West Street-Albert Street-Old Bussell Highway intersection upgrade

There are number of conceivable options to increase the capacity and efficiency of this intersection. Broadly, what is proposed is that left-turn lanes on as many of the 'arms' of this intersection as possible (noting that will not be possible for all 'arms', because of the presence of a significant heritage building, in the form of The Ship Hotel, for westbound traffic on Albert Street), as well as the restriction of some right-turn movements. The effect of these actions would essentially be to reduce the extent to which straight-through traffic is held up by turning traffic and vice versa. Some acquisition of private land would be required to implement these actions.

Part (ii) - Strelly-Barlee-West Street route

This would involve the redesign of the Strelly-Barlee Street intersection so that the priority traffic movement would be in and out of Barlee Street, rather than straight-on, to and from the portion of Strelly Street to the north of the intersection. As already noted, this would create a straight-through 'Strelly-Barlee-West Street route', encouraging traffic to or from locations to the west of the City Centre to use that route, rather than Causeway Road. Some traffic from locations to the south-east of the City Centre, notably from the Yalyalyup area (Provence etc.) will also become more likely to use this route as a means of accessing the western part of the City Centre and locations to the west of the City Centre, rather than using Causeway Road. A small amount of private land may need to be acquired to implement this action, which is otherwise relatively simple and low cost.

Part (iii) - Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management

To encourage traffic entering and leaving the City Centre from the west to avoid the West Street/Albert Street/Old Bussell Highway intersection altogether, it is proposed that a roundabout be constructed at the intersection of Gale Street and Old Bussell Highway, encouraging eastbound traffic on Old Bussell Highway heading to the City Centre to do so via Gale and either Kent or Duchess Streets – both of which are already significantly commercial in character. A roundabout at that location would also encourage drivers leaving the City Centre in a westbound direction to do so via Gale Street, as it would allow for convenient right-turn movements onto Old Bussell Highway in that location. At some stage, additional roundabouts may also be appropriate at the intersections of Kent and/or Duchess Streets with Gale Street, as well as at the West/Duchess Street intersection. and also to assist in continuing to provide efficient access to businesses on Old Bussell Highway when there is a constructed centre median, and right-turn movements on and off the road are restricted. That will be necessary to achieve adequate road safety and efficiency at some point in future – which it is intended will be considered as part of a range of options for what is referred to as 'Old Bussell Highway Commercial Strip Traffic Management'. Some acquisition of private land may be required to accommodate a roundabout at the intersection of Gale Street and Old Bussell Highway.

As already noted, at some stage, right-turn movements on and off Albert Street / Old Bussell Highway, more or less between Pries Avenue and perhaps as far west as King Street, will need to be restricted. Especially as traffic volumes grow, it will not be possible for the road network to be appropriately safe and efficient without restriction of those right-turn movements – which hold up following traffic, whilst drivers wait for space to make a right-turn movement off the road, and are potentially dangerous and certainly difficult at busy times, both for movements on and off the road. Restriction of right-turn movements without consideration of access to adjoining commercial properties, however, could significantly reduce accessibility and viability of business on those commercial properties. Addressing those issues would need to be considered, including through identifying means of allowing for right-turn movements in suitable and strategic locations, as well as allowing for U-turn movements (such as by using the proposed Gale Street roundabout), as well as in

relation to the planning and development of those adjoining commercial properties – especially through considering opportunities for integrated and/or rear access.

Initiative 4 – Distributor Road Duplications/Traffic Management

Initiative 4 consists of a series of proposals to either ‘duplicate’ major local roads (i.e. convert them from two-lane to four-lane roads), as well as to undertake a series of traffic management / intersection upgrades along Old Bussell Highway. The need for these works is conceptually fairly easy to understand, and as such it is not seen as necessary to explain them further here – it is worth noting, though, that the duplication of Causeway Road and the Strelly-Barlee-West route would clearly have to follow implementation of Initiatives 2 and 3 (or at least some of the constituent Parts), as not doing so would clearly exacerbate issues at the key intersections, which would simply become even more congested than would otherwise be the case.

Initiative 5 –Ford Road

Initiative 5 consists of two ‘Ford Road’ options, one or other of which might conceivably be pursued, but not both. Those two options are the ‘existing reserve, low level’ option and the ‘Transport Corridor’ option – and it is the latter of those two options which is seen as more favourable, but over a longer time period. For reasons already outlined in this report, the development of ‘Ford Road’ in the nearer-term is not seen as the most effective road upgrade option – and that is the case even without considering the potential environmental issues or the relatively high cost of even the most basic construction option. It does need to be noted, though, that Ford Road has now twice been subject of EPA/Minister for Environment decisions refusing to grant environmental approval.

The most basic option (i.e. the ‘existing reserve, low-level’ option) would likely consist of a two-lane road using the existing road reserve, with a low-level, ‘seasonal’ crossing (i.e. the crossing would not be useable when there was a significant amount of water in the Vasse-Wonnerup Estuary). Even when actually open to traffic, that most basic option would likely cost over \$9.0M (including costs not included in the \$8.8M indicative estimated cost), or at least \$3.0M more than the Eastern Link alternative and would carry much less traffic (note there is some further commentary on the potential road network benefits of Ford Road versus the Eastern Link and more generally in the ‘Background’ section of this report, as well as in the discussion of the Eastern Link itself above).

It should also be noted that, as part of the ‘Vasse-Geographe Strategy’ (which the Minister for Water and State Government more broadly has initiated to address long-standing issues with water quality in our rivers and wetlands), various options for increasing the amount of water in the Vasse-Wonnerup Estuary and Lower Vasse River during the summer are being considered, and should any of those prove viable and useful, that would further reduce usefulness of the low-level option. The low-level option would also be inherently confusing and frustrating when it is not open for use, especially for visitors, and if one of the concerns currently is the lack of road network capacity in the case of evacuation for a major flood event, it would not address that concern very effectively, if at all.

Given the above, City officers are of the view that the low-level option should not be seen as a priority at this stage. Notwithstanding that, it is recommended that work occur to allow environmental approval to be sought for the low-level option – and this is further discussed above in the discussion of environmental approvals more generally.

City officers are also of the view, however, that in the long-term an additional transport corridor, linking southern areas and the regional transport network with the City Centre and other areas north of the wetland chain will be needed, and that further planning and investigations to identify and secure that corridor should occur. As already set out in the ‘Background’ section of this report, one of the key drivers is that planned light industrial and service commercial development in and around the Busselton-Margaret River Regional Airport would increase the need for and potential value of Ford Road, primarily driven by business-to-business traffic movements between that area and the

Busselton City Centre. The precinct including and around the Airport will become one of the largest employment and economic hubs in the South West in time.

The ability to further increase the capacity of the other routes across the wetlands, or to develop any other alternative route, is, though, highly constrained. In addition, there may well be a need at some future time to develop not just further additional or improved road routes across the wetlands, but to also develop an efficient public transport route, perhaps in the form of a high-performance bus route, or even a light rail system, as well as a dual-use path or cycleway. Vasse Highway, Ford Road and perhaps Marine Terrace would form an effective route linking the Airport and surrounding precinct with the City Centre – which would likely be the two most important points on any future high-performance public transport system. Such a route may also provide convenient connection to a future high-speed passenger rail station located near the Airport and/or Busselton Outer Bypass. The Minister for Transport has recently asked that the City and South West Development Commission work with the Public Transport Authority to further planning in relation to a potential passenger rail station and alignment. The identification of both a passenger rail station/alignment and a high-performance local public transport corridor are also identified conceptually as part of the City's Draft Local Planning Strategy (which has been endorsed by the Western Australian Planning Commission as a draft for consultation).

As has been explained elsewhere in this report, environmental approvals would be required for both options, and obtaining environmental approval will certainly be challenging and would likely involve significant environmental offsets, especially for the Transport Corridor option. The low-level option may also involve the securing some additional Crown Land, whilst the Transport Corridor option would require the securing of both additional Crown Land and the acquisition of a significant amount of private land. That acquisition process would be an inherently uncertain and possibly quite difficult process for both the City and for the potentially affected private landowners.

Where to from here?

The numbering of the Initiatives and constituent Parts is intended as a *general* guide to prioritization and the potential order of implementation. Due to the uncertainties around the environmental approvals, design and financial considerations, however, it is not possible at this stage to have a clear order of priorities or timeframes for implementation. Community and stakeholder engagement may also raise matters that should be considered as part of the more detailed work to follow and the order of prioritization. That engagement would include informal discussions with environmental regulators and potential funding bodies.

It is envisaged that, should the Council adopt the proposed strategic direction, more detailed design and costing work could then occur, in parallel with identification of more detailed scopes for the environmental approvals work. Applications for environmental approval would then be submitted, to be ultimately followed by environmental decisions from the EPA/Minister for Environment and Commonwealth Department of Environment. It is envisaged that Councillors would be periodically briefed on the progress of that work. Further consideration of financial matters can also occur to some degree in parallel with that other work, but ultimately the Council will need to consider its strategic direction as part of the next review of the Long-term Financial Plan.

CONCLUSION

The proposed direction set out in this report is seen as providing a sound, long-term vision for the progressive upgrading of the City's road network to meet rapidly growing demands. Because of the level of community interest and the importance of the issues, however, it is recommended that the City engage with the community regarding the proposed strategic direction, as well as proceeding with the more practical steps towards implementation.

OPTIONS

The Council could consider a number of options, including seeking further information, or not supporting one or more Parts of one or more of the proposed Initiatives. It should be noted, though, that the proposed strategic direction is not a detailed plan for implementation that would not, once adopted, require further Council consideration and direction. Rather, further Council consideration and direction will be necessary on an ongoing and regular basis, especially as part of budget and Long Term Financial Plan deliberations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is envisaged that the scope for environmental approvals work will be finalized by no later than November 2016, with the works that also form part of Initiative 1 to be completed during the 2016/17 financial year. It is also envisaged the community and stakeholder engagement process will be undertaken by September 2016. The timeline for implementation of other Initiatives will, as discussed above, be determined once further work has been completed and considered.

OFFICER RECOMMENDATION

That the Council, with respect to the Busselton Traffic Study -

1. Adopt the following strategic direction for the progressive upgrade of the local road network in the Busselton-Vasse urban area –

Initiative 1 - Immediate/near term actions	<i>(i) - Environmental approvals, most likely submitted as three separate packages - I. Initiatives 2, 3 and 4 II. Ford Road 'existing reserve, low-level option' III. Ford Road 'Transport Corridor' option</i>
	<i>(ii) – Upgrading of Intersections – Queen Street/Albert Street and Bussell Highway/West Street</i>
	<i>(iii) - Upgrade Signage – Alternative Entrance Busselton CBD</i>
	<i>(iv) - Interim works on Strelly/Barlee/West Street – Design and service relocations of the Strelly/Barlee Street Intersection</i>
Initiative 2 – Causeway Corridor	<i>(i) – Victoria Square Roundabout</i>
	<i>(ii) – Causeway Bridge Duplication</i>
	<i>(iii) – Eastern Link</i>
	<i>(iv) – Causeway Road Duplication (first stage – Causeway Bridge to approx. Strelly Street)</i>
Initiative 3 – West Street Corridor	<i>(i) - West Street-Albert Street-Old Bussell Highway intersection upgrade</i>
	<i>(ii) - Strelly-Barlee-West Street route</i>
	<i>(iii) - Gale Street Roundabout and Albert Street / Old Bussell Highway Commercial Strip Traffic Management</i>
Initiative 4 – Distributor Road Duplications/Traffic Management	<i>(i) - Causeway Road Duplication (further stages – approx. Strelly Street to Bussell Highway / Busselton Bypass)</i>

	<i>(ii) - Strelly-Barlee-West Street Duplication</i>
	<i>(iii) - Fairway Drive Duplication</i>
	<i>(iv) - Old Bussell Highway Traffic Management</i>
Initiative 5 – Ford Road <i>(Note: one or other of the options would be developed, not both)</i>	<i>(i) – Ford Road ‘Transport Corridor’ option</i>
	<i>(ii) - Ford Road ‘existing reserve, low-level’ option</i>

2. Undertake a community and stakeholder engagement process in relation to the strategic direction; and
3. Confirm support for the commencement of implementation of Initiative 1 actions as soon as possible.



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Proposed road crossings over the Vasse Estuary / River

Strategic review of options

1. Introduction

Strategen have been engaged by the City of Busselton to provide strategic environmental advice for a number of proposed road crossings over the Vasse Estuary and Lower Vasse River in Busselton.

The proposed road crossings have been developed further to the Busselton Traffic Study, providing short, medium and long term solutions to the Busselton town traffic flow and connectivity issues.

The Shire of Busselton has previously developed a proposal to extend Ford Road across the Vasse Estuary, which was assessed by the WA Environmental Protection Authority (EPA) in 1999, then subject to a lengthy appeals process (interim and final Appeals Committee reports in 2002 and 2009) and ultimately rejected by the Minister for Environment in 2010. Given this history, the City of Busselton seeks strategic advice to understand the environmental approvals issues related to the planning and design of the proposed road crossings.

Accordingly, the strategic advice focuses on the following matters:

- EPBC Act¹ matters
- likely EPA position
- potential approvals pathway under the EPBC Act and EP Act² and timeframe
- potential options for environmental mitigation and offsets
- further studies required to support approvals.

2. Overview of options

Strategen have reviewed six proposed road crossings along the Vasse Estuary and Lower Vasse River, based on the concept drawings provided by the City. These crossings are summarised in Table 1 below.

Table 1: Proposed road crossing options

Road crossing option	Type of crossing	Relevant drawings
Ford Road – Bussell Highway/Vasse Highway	New two lane crossing New bridge / embankment or at grade option	Ford Road Concept Plan, FOR217-05-02
Causeway Road – Camilleri Street	New two land crossing New embankment and bridge	Causeway Road Concept Plan, 6553.1-C-105
Causeway Road – Queen Street	Upgrade to four lanes Existing bridge widening	Causeway Road Concept Plan, 6553.1-C-105
West Street	Upgrade to four lanes Existing embankment / culverts widening	Strelly St Concept Plan Option 3, 6553.2-C-102

¹ Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*

² Western Australian *Environmental Protection Act 1986*

Proposed road crossings over the Vasse Estuary / River

Road crossing option	Type of crossing	Relevant drawings
Frederick Street – Southern Drive	New two lane crossing New bridge / embankment	Strelly St Concept Plan Option 3, 6553.2-C-102
Strelly Street	Upgrade to four lanes Existing bridge widening	Strelly St Concept Plan Option 3, 6553.2-C-102

3. Key environmental concerns to road crossings

The Appeals Committee (September 2009) recommended that the previous proposal for the Ford Road crossing be refused on the following basis:

- sensitivity of the Ramsar wetlands and associated upstream wetlands
- a number of uncertainties relating to environmental risk and management
- application of the precautionary principle, which was adopted by the EPA and CALM³.

These factors were summarised in points 100, 98 and 101, respectively of the Committee's report (September 2009). It is expected that the factors will need to be addressed for any future road crossing over the Vasse-Wonnerup wetlands.

Sensitivity of the Vasse Estuary

The Appeals Committee report (September 2009) and the earlier EPA report (May 2000) identified that the Vasse Estuary in the vicinity of Ford Road was of high sensitivity and that protection of these wetlands was of 'paramount importance'.

The Vasse Estuary is Ramsar listed to the east/downstream of the proposed Ford Road crossing, however the ecological sensitivity is also noted to extend to the west/upstream of the proposed Ford Road crossing. CALM advised the EPA (May 2000) of the intention to progressively acquire and reserve areas of the Vasse Estuary west of Ford Road and thereafter nominate these areas for inclusion in the Ramsar site listing.

Discussion with DPaW (K. Williams, pers. comm.) indicates that some areas of the Vasse Estuary west of Ford Road have been reserved, however the process is ongoing and the nomination to extend the Ramsar site listing but is some years away. The Vasse Estuary is considered to have a high habitat value as far west as the Old Cheese Factory along Peel Terrace, with the Lower Vasse River also having some stretches with good habitat value including in the vicinity of Southern Drive (K. Williams, DPaW, pers. comm.). These areas are shown in Figure 1.

It is noted that protection and rehabilitation works have been undertaken along the wetlands west/upstream of Ford Road, as shown in Plates 1, 2 and 3. This area is referred to in interpretive signage as the 'Vasse River Delta Wetlands'.

EPBC Act and DotE Position

The Vasse Estuary forms part of the Ramsar listed Vasse-Wonnerup wetlands, which are protected as a Matter of National Environmental Significance (MNES) under the EPBC Act. The Australian Department of the Environment (DotE) are expected to be highly sensitive to any development that could affect the Ramsar site, whether through water quality, hydrology, clearing of vegetation or disturbance to fauna.

This sensitivity was demonstrated for the Busselton Foreshore development, which was deemed a controlled action under the EPBC Act in part due to the Vasse-Wonnerup wetlands, even though the development area does not drain into the wetlands but northwards into Geographe Bay. More recently, the DotE expressed concern regarding the water quality risks posed by the Busselton-Margaret River Regional Airport, even though runoff from the development is expected to pose a very low risk to the wetlands.

³ WA Department of Conservation and Land Management, now the Department of Parks and Wildlife

It is therefore expected that the road crossings, particularly those in the vicinity of the Ramsar site boundary or identified high value wetland areas upstream of the Ramsar site would require a referral and potentially be determined a controlled action under the EPBC Act.



Figure 1: Vasse Estuary sensitive habitats (imagery source: Google Earth Pro)

EPA Position and Roe 8 Implications

The EPA is expected to maintain its previous position on adopting the precautionary principle for any potential impacts to the Vasse Estuary, particularly following the Roe 8 decision.

The Roe 8 decision has resulted in a noticeable response from the Office of the Environmental Protection Authority (OEPA) as an increased sensitivity to the implications of policies and the need to demonstrate strict adherence to policies. This has been evidenced by requests from the OEPA for additional information on proposals, including comprehensive reviews of the proposals against applicable environmental policies.

It is therefore expected that road crossing proposals that are referred to the EPA under Section 38 of the EP Act will require a comprehensive review against environmental policies and the provision of sufficient technical information to allay concerns regarding uncertainties in environmental risk and management.

Key policy requirements that could apply to the road crossings include:

- EPA Position Statement 4 (2004): a 'thorough appraisal of options including site selection' to avoid direct or indirect impacts on wetlands
- Wetlands Conservation Policy 1997: demonstrated that the high values of conservation category wetlands and waterbird populations have been protected.
- EPA Position Statement 10 (2004): formal impact assessment for proposals that could have significant impacts to conservation category wetlands or Ramsar wetlands or areas adjacent to them.

It should be recognised that all of the proposed road crossings are likely to involve works over areas classified as conservation category wetlands (see red circles in Figure 2).

Another potential response from the EPA to the Roe 8 decision may be the level of assessment set, with a greater potential for proposals to be assessed through Part IV of the EP Act, and a greater potential for

Proposed road crossings over the Vasse Estuary / River

assessment through a Public Environmental Review (PER) rather than an Assessment of Proponent Information (API) Category A.



Figure 2: Vasse Estuary conservation category wetland crossings (source: Landgate SLIP WA Atlas)

Key uncertainties

The uncertainties identified by the Appeals Committee (2009) as justifying an application of the precautionary principle (and thus refusal of the Ford Road proposal) were as follows:

- interrelationship of fauna activity across the Vasse Estuary, particularly waterbirds, and the risk of disruption of water bird movements and increased mortality rate
- hydrological regime and associated flooding and dry land crossing matters
- construction risks including acid sulphate soils
- approach for stormwater and spill management
- limitations on access

The Appeals Committee (2009) addressed these uncertainties in part through the following recommendations for any new road crossing proposal:

- road and bridge must not produce an afflux greater than 0.03 m during 1 in 100 year flow
- clearance of road and bridge must be greater than 1.95 m AHD
- bridge must allow dry shoreline of at least 0.5 m on both sides for 1 in 25 year flow
- design must incorporate best practice stormwater and pollutant run-off
- investigation of acid sulphate soils, effect of construction and management to avoid impacts
- restriction of bulk carriage of hazardous materials and other potential pollutants
- comprehensive site management and rehabilitation plan including protection vegetation, rehabilitation, and monitoring of waterbirds.

It should be noted that no recommendation was made to address the high sensitivity of the wetlands and the potential for disturbance and death of waterbirds. This uncertainty is expected to remain of primary importance to the EPA and DPaW and the issue least able to be mitigated through engineering or management options.

4. Strategic review of road crossing options

The road crossing options differ in their environmental sensitivity with respect to their location and the extent of works involved. The key environmental constraints and opportunities for each option are presented below.

Ford Road

This crossing option involves an extension of Ford Road from Peel Terrace towards Bussell Highway, with a number of options for intersections at the southern end. This option is the most similar to the previous road crossing proposal and is consequently the most likely to be rejected by the WA and/or Commonwealth Ministers.

The alignment of the crossing is heavily degraded, with uncontrolled access and extensive stands of bulrushes and other introduced flora species as shown in Plate 4. This presents a major opportunity to provide rehabilitation and access controls as an offset for environmental impacts.

It is considered that a number of the key uncertainties related to the previous Ford Road proposal can be effectively addressed through technical investigations and design, including:

- hydrological regime and associated flooding and dry land crossing matters
- construction risks including acid sulphate soils
- approach for stormwater and spill management
- limitations on access

However, the main issue will be potential disturbance and mortality of waterbirds, for which a design solution may not be available. It should be noted that the Appeals Committee, EPA and DPaW (then CALM) were of the view that a bridge structure that elevated the road above the wetlands was insufficient to mitigate the risk to waterbirds. An at-grade road design is similarly expected to be regarded as posing a significant risk to waterbirds and likely also to terrestrial mammals (bandicoots and possums).

A potential solution to the waterbirds issue may be available if studies can demonstrate that there is limited activity by waterbirds during the summer peak traffic period, in which case the road could be opened for this period and perhaps other key holiday periods, and then closed off for the rest of the year. A seasonally operated road would suggest a lower capital investment and thus an at-grade road design that operates as a floodway during the winter and spring. However an at-grade road may potentially be viewed as posing a significant risk of increased mortality to terrestrial mammals, particularly if the area is subject to rehabilitation and thus operates as a more intact ecological corridor.

In the first instance it is recommended that the usage of the area by waterbirds be subject to further investigation to identify if there is a limited waterbird activity during the summer peak traffic period and thus whether the road could be operated on a seasonal basis. If such a limited waterbird activity is not found to be the case then it is considered unlikely that the road crossing will be acceptable to EPA and/or DotE.

Causeway Road – Camilleri Street

This crossing option involves a new bridge over the Vasse River to connect Camilleri Street to Causeway Road.

The alignment of the crossing is shown in Plate 5, lying to the east of the old railway corridor embankment and footbridge across the Vasse River. This alignment would require a new embankment to be constructed through the western most extent of the Vasse Estuary wetlands, which would create a hydrologically isolated pocket of wetland between the new embankment and the old railway corridor embankment. Such an isolated pocket of wetland already occurs to the west of the old railway corridor embankment, characterised by stagnant water subject to insect breeding (see Plate 6). This would likely be considered an unacceptable hydrological impact to a conservation category wetland, particularly when an existing embankment is located in the near vicinity that could be used for the road crossing.

In addition, the proposed alignment lies closer to the high value wetland areas identified between Ford Road and the old cheese factory. The Vasse River in the vicinity of the old cheese factory has not been subject to high levels of vehicle traffic noise or pedestrian movements, unlike the stretch of river further west between the footbridge and Causeway Road bridge. Accordingly, a road crossing in the vicinity of the old cheese factory may be viewed as posing an unacceptable risk of disturbance and mortality to waterbirds in a similar vein to Ford Road.

It is therefore recommended that the proposed road crossing alignment be moved to the west to involve an expansion/widening of the existing old railway embankment and existing footbridge alignment, with Causeway Road connecting to Stanley Street rather than Camilleri Street. A field survey should be undertaken of the ecological values either side of the old railway embankment to determine which has the greatest value and which side should be infilled. It may be preferable to infill on the western side over the isolated wetland pocket as this is already hydrologically isolated from the high value wetland areas to the east.

The road crossing option would involve clearing of mature riparian vegetation on either side of the Vasse River, which would require the provision of offsets. There are a number of rehabilitation opportunities in the immediate vicinity of the road crossing, including removals of weeds and wastes (e.g. old mattress), and hydrological re-connection of the isolated wetland pocket to the Vasse River to improve its water quality and habitat value.

Overall this road crossing option is likely to be considered acceptable to the EPA and/or DotE, subject to using the existing embankment/footbridge alignment, provision of offsets for vegetation clearing, best practice stormwater treatment, and construction environmental management.

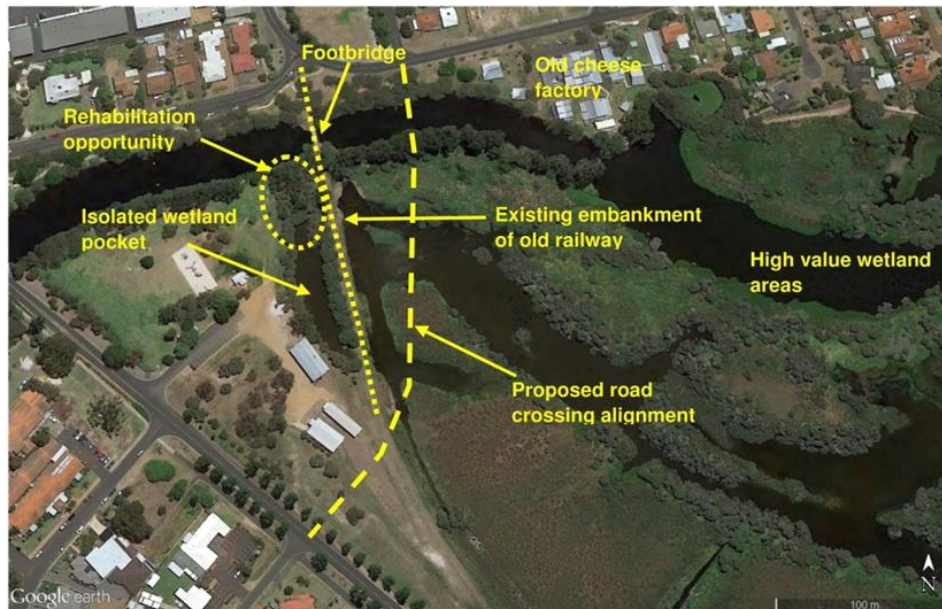


Figure 3: Causeway Road-Camilleri Street road crossing (imagery source: Google Earth Pro)

Causeway Road – Queen Street

This crossing option involves a widening of the existing Causeway Road bridge over the Vasse River.

The widening of the existing bridge is likely to require clearing of mature riparian vegetation along a conservation category wetland, however the clearing will be limited and may be addressed through provision of offsets. The area in the vicinity is already subject to high traffic and pedestrian disturbance and is relatively remote from the identified high value wetland areas to the east.

Overall the crossing option is likely to be considered acceptable to the EPA and/or DotE subject to the provision of offsets, and stringent environmental management to prevent impacts to the Vasse River during construction.

West Street

This crossing option involves a widening of the existing West Street to four lanes. From the concept plan it appears that the crossing will require an expansion of the existing embankment and culverts across the Vasse River, which will result in clearing of native vegetation within a conservation category wetland.

The existing embankment is already subject to high traffic and pedestrian disturbance and is relatively remote from the identified high value wetland areas to the east. Accordingly it is expected that the risk of disturbance and mortality to waterbirds will be low. Similarly, the extension of Roe Terrace along the northern boundary of the industrial area would involve limited disturbance along the periphery of the wetlands.

The concept plan indicates the option for a two lane road to extend east from West Street and join with the extension of Frederick Street (see Figure 4). This would require construction of a new embankment through a conservation category wetland area and provision of culverts or a bridge structure to ensure that the wetland area to the south-west of the new embankment does not become hydrologically isolated from the Vasse River. It is also uncertain as to the ecological values of this wetland area, including waterbird and terrestrial mammal habitat, which if significant may pose concerns regarding habitat fragmentation and fauna disturbance/mortality. Accordingly survey of the area is recommended to identify any major constraints to development.

Overall the widening of the existing embankment along West Street and extension of Roe Terrace is likely to be considered acceptable to the EPA and/or DotE.. The extension of a new embankment from West Street towards Frederick Street may potentially be feasible, depending on the ecological values of the wetland area. It is expected that the EPA will require a thorough demonstration of why the new embankment is required across the wetland rather than limiting the crossing to an expansion of the existing West Street embankment.

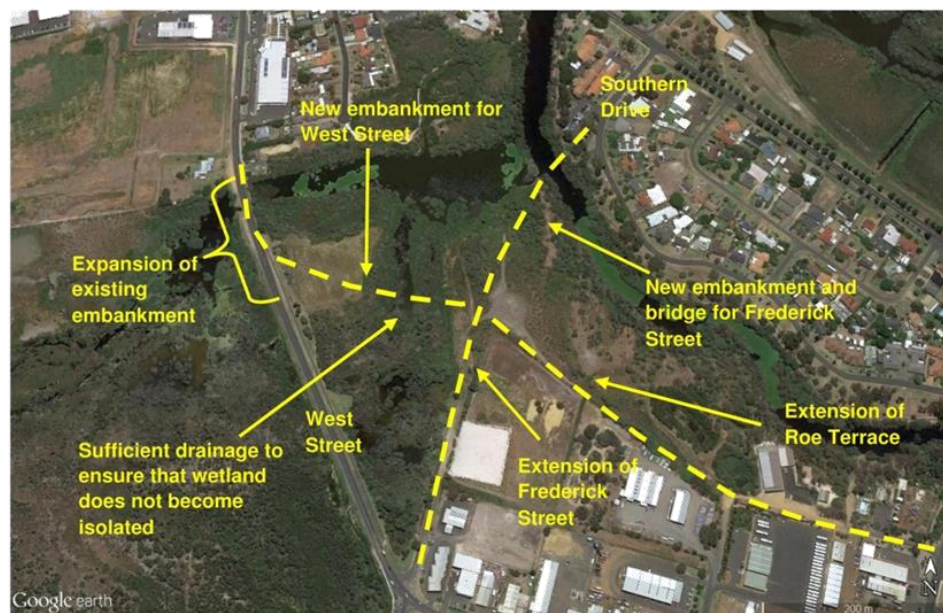


Figure 4: West Street and Frederick Street road crossings (imagery source: Google Earth Pro)

Frederick Street – Southern Drive

This crossing involves a new embankment and bridge across the Vasse River, as shown in Figure 4.

The terrestrial alignment of the crossing has signs of uncontrolled access and some degradation, however it is understood that the riverine habitat in the vicinity of the crossing is in relatively good condition (K. Williams, DPaW, pers. comm.). Several kangaroos were observed along the terrestrial alignment between the river and Frederick Street (Plate 7).

This crossing would require construction of a new embankment through a conservation category wetland area and, depending on the topography, may require provision of culverts or similar drainage to ensure that the wetland area to the south-east of the new embankment does not become hydrologically isolated from the Vasse River. In addition, the new bridge may disturb a stretch of the Vasse River that has relatively high values and is currently not subject to vehicular traffic disturbance. It is therefore recommended that a survey is recommended to identify any major constraints to development.

Overall this option may not be considered acceptable by the EPA, depending on the ecological values of the Vasse River in the vicinity. It is expected that the EPA will require a thorough demonstration of why the new embankment and bridge is required rather than widening the nearby existing bridge at Strelly Street.

Strelly Street

This crossing option involves a widening of the existing Strelly Street bridge over the Vasse River.

The widening of the existing bridge may require clearing of mature riparian vegetation along a conservation category wetland, however the clearing will be limited and may be addressed through provision of offsets. The area in the vicinity is already subject to high traffic and pedestrian disturbance, with recognised poor habitat quality and extensive aquatic weeds (K. Williams, DPaW, pers. comm.), and is relatively remote from the identified high value wetland areas to the east.

Overall the crossing option is likely to be considered acceptable to the EPA and/or DotE subject to the provision of offsets, and stringent environmental management to prevent impacts to the Vasse River during construction.

5. Summary and Recommendations

Summary of findings

The following conclusions are made:

1. The proposed widening of the existing Causeway Road bridge, Strelly Street bridge and West Street embankment, and extension of Roe Terrace, are likely to be acceptable to the EPA and/or DotE.
2. The proposed crossing between Causeway Road and Camilleri Street is likely to be problematic due to hydrological isolation of a wetland area and proximity to the high value Vasse Estuary areas. It is recommended that the alignment be moved to the west to the existing old railway embankment and footbridge, with Causeway Road connecting to Stanley Street instead.
3. The proposed new embankment between West Street and Frederick Street may be feasible depending on the ecological values of the wetland areas in the vicinity. Survey of the wetland areas is recommended to identify any major constraints to development.
4. The proposed new embankment and bridge between Frederick Street and Southern Drive is likely to be problematic due to the extent of the crossing over the wetland and riverine areas. Survey is recommended to identify any major constraints to development.
5. The proposed extension of Ford Road is unlikely to be acceptable due to the sensitivity of EPA and/or DotE to potential disturbance and mortality of waterbirds. A potential solution may involve seasonal opening of the road if this can be demonstrated to coincide with periods of low waterbird activity in the area. Further investigation is recommended to review waterbird usage of the area to identify if this solution is feasible.

Potential approvals pathway and timeframe

Given the sensitivity of the EPA and DotE to any impacts on the Vasse-Wonnerup wetlands, it is expected that any road crossing proposals would be referred under the EP Act and EPBC Act.

For time and cost efficiency it is recommended that the road crossing proposals be packaged rather than individually referred. One approach may be packaging into timeframes (e.g. short term, medium term) or alternatively packaging based on risk (e.g. low risk: Causeway Road bridge and Strelly Street bridge, medium risk: Frederick Street and West Street). Packaging will reduce the time and cost to the City of referring while preventing individual crossings being held up due to a more contentious crossings.

The timeframe for approval will vary depending on whether the proposal is deemed a controlled action under the EPBC Act, whether a formal assessment is required under Part IV of the EP Act, and whether a PER or API-A is required for the formal assessment. Assuming that a proposal is deemed a controlled action and is subject to formal assessment via an API-A, with MNES assessed via the Bilateral Agreement, the following indicative timeframe would apply:

- OEPA and DotE liaison: 1 month
- EPBC referral, decision and public review: 3-4 months
- API-A and EP Act referral, EPA assessment and report: 4-5 months
- Appeals: 2-3 months
- **Total: 10-13 months**

This timeframe excludes the requirement for technical investigations and studies (see below), which are expected to take from 3-6 months, unless seasonal ecological surveys are required in which case 12-14 months may be required.

A Part IV assessment under the EP Act will negate the need for a vegetation clearing permit under Part V of the EP Act. If the EPA deems that a formal assessment is not required under Part IV of the Act then a native vegetation clearing permit will be required. This would likely take from 3 to 6 months and thus the approvals timeframe would be 7-11 months rather than 10-13 months if an API-A is required.

Environmental mitigation options including offsets

Environmental mitigation options should adopt the EPA's hierarchy as follows:

- avoid
- minimise
- rehabilitate
- offset

It is therefore preferable to avoid or minimise environmental impacts through route selection and it is expected that the EPA will require this to be demonstrated for any road crossings through conservation category wetlands. Accordingly we have recommended that the Causeway Road-Camilleri Street crossing be moved further west to the existing old railway embankment and footbridge. Similarly, consideration should be given to avoiding construction of a new embankment between West Street and Frederick Street and instead widen the existing West Street embankment along its full length to provide four lanes up to the intersection with Frederick Street.

Environmental impacts associated with stormwater, spills and acid sulphate soils (ASS) may also be minimised through established approaches as follows:

- use of vegetated drainage systems to infiltrate and treat stormwater, including swales and bioretention units
- for highly sensitive sites, use of oil-water interceptors, an example of which is the interceptor installed in the vicinity of the intersection of Peel Terrace and Stanley Street
- the stormwater drainage and spill capture systems would require an elevated crossing, with drains conveying stormwater/spills away from the crossing to treatment systems on the side/s of the river prior to discharge back into the river

- ASS investigation and management is an established process subject to guidance and approval by the Department of Environment Regulation

Rehabilitation and offsets are regarded as the least preferable approach and the EPA will require evidence that practicable avoidance and minimisation approaches have been considered and implemented before rehabilitation and offsets are approved.

Rehabilitation and offsets will be required for any residual disturbance areas associated with the crossings, such as clearing of native vegetation and construction of embankments. Offsets may be available through rehabilitation of existing degraded areas along the Vasse River and Vasse Estuary, including removal of bulrushes and other introduced flora species along the existing Ford Road alignment, which would likely be considered of greatest ecological value given the high value placed on the Vasse Estuary by DPaW and DotE.

There may also be opportunities to rehabilitate degraded areas in the vicinity of the Causeway Road-Camilleri Street crossing option and the Frederick Street-Southern Drive crossing option. Removal of the aquatic weeds along stretches of the Vasse River may also qualify for offsets.

Offsets for stormwater pollution may also be required to demonstrate no-net increase in pollutant loading to the river. These offsets would involve retrofitted stormwater treatment systems on existing outlets into the Vasse River, such as vegetated biofiltration areas along existing drains.

Further studies required to support approvals

The potential environmental constraints relating to the proposed road crossings primarily relate to ecological sensitivity and so in the first instance studies are recommended to review and confirm the extent of these sensitivities:

1. Review of waterbird usage in the vicinity of the Ford Road crossing, in particular the seasonality and whether there exists periods of low activity that coincide with expected peak traffic.
2. Level 1 fauna and vegetation/flora surveys of the wetland and terrestrial habitats in the vicinity of the West Street-Frederick Street crossing and the Frederick Street-Southern Drive crossing.

These studies will confirm whether the Ford Road, West Street-Frederick Street and Frederick Street-Southern Drive options are likely to be acceptable to the EPA and/or DotE.

Further studies will also be required for input into the concept design and environmental referrals for the road crossings including:

3. Hydrological modelling of all new embankments and bridges (i.e. all crossings except Causeway Road, Strelly Street and West Street) to quantify flooding impacts and fauna crossings. Discussion with the Department of Water (DoW) (S. Rodgers, pers. comm.) indicates there is an updated 1D hydrological model for the Vasse Estuary/River that could be used to model the proposed crossings, which would reduce the cost required.
4. ASS investigations and, depending on the findings, ASS management plans.
5. Level 1 fauna and vegetation/flora surveys and development of a detailed offset strategy for each crossing.

An estimate of the costs for the studies is presented for each option in the tables below; including estimated costs to coordinate the studies, review and integrate environmental issues into concept designs, pre-referral liaison with State and Commonwealth agencies, preparation of EPBC Act and WA EP Act referrals, and the EPBC referral fees payable to the DotE under their cost recovery program. No estimate is provided for the approvals post-referral as the scope for these remain uncertain.

It is also expected that there will be substantial cost savings to be achieved through undertaking the works as a single package and a separate cost estimate has been provided for this approach. It is expected that significant cost savings would be achievable by undertaking any subsequent approvals in a packaged approach.

Proposed road crossings over the Vasse Estuary / River

Table 2: Estimated cost of studies to support approvals – Ford Road

Work component	Estimated cost (GST exclusive)
Waterbird review - including seasonal surveys	\$ 15,000
Vegetation survey	\$ 5,000
Hydrological modelling	\$ 10,000
ASS investigation	\$ 33,000
ASS management plan	\$ 15,000
Detailed offset strategy	\$ 15,000
Pre-referral agency liaison	\$ 12,000
Studies and design coordination	\$ 10,000
EPBC and EP Act referral preparation	\$ 17,000
EPBC referral fee payable to DotE	\$ 7,400
TOTAL	\$ 139,400

Table 3: Estimated cost of studies to support approvals – Causeway Road-Camilleri Street

Work component	Estimated cost (GST exclusive)
Fauna survey	\$ 5,000
Vegetation survey	\$ 5,000
Hydrological modelling	\$ 10,000
ASS investigation	\$ 18,000
ASS management plan	\$ 10,000
Detailed offset strategy	\$ 10,000
Pre-referral agency liaison	\$ 10,000
Studies and design coordination	\$ 9,000
EPBC and EP Act referral preparation	\$ 14,000
EPBC referral fee payable to DotE	\$ 7,400
TOTAL	\$ 98,400

Table 4: Estimated cost of studies to support approvals – Causeway Road-Queen Street

Work component	Estimated cost (GST exclusive)
Fauna survey	\$ 4,000
Vegetation survey	\$ 3,000
Hydrological modelling	\$ -
ASS investigation	\$ 13,000
ASS management plan	\$ 8,000
Detailed offset strategy	\$ 3,000
Pre-referral agency liaison	\$ 4,000
Studies and design coordination	\$ 4,000
EPBC and EP Act referral preparation	\$ 8,000
EPBC referral fee payable to DotE	\$ 7,400
TOTAL	\$ 54,400

Proposed road crossings over the Vasse Estuary / River

Table 5: Estimated cost of studies to support approvals – West Street-Frederick Street

Work component	Estimated cost (GST exclusive)
Fauna survey	\$ 5,000
Vegetation survey	\$ 7,000
Hydrological modelling	\$ 10,000
ASS investigation	\$ 16,000
ASS management plan	\$ 10,000
Detailed offset strategy	\$ 10,000
Pre-referral agency liaison	\$ 10,000
Studies and design coordination	\$ 9,000
EPBC and EP Act referral preparation	\$ 14,000
EPBC referral fee payable to DotE	\$ 7,400
TOTAL	\$ 98,400

Table 6: Estimated cost of studies to support approvals – Frederick Street-Southern Drive

Work component	Estimated cost (GST exclusive)
Fauna survey	\$ 5,000
Vegetation survey	\$ 5,000
Hydrological modelling	\$ 10,000
ASS investigation	\$ 19,000
ASS management plan	\$ 10,000
Detailed offset strategy	\$ 10,000
Pre-referral agency liaison	\$ 10,000
Studies and design coordination	\$ 9,000
EPBC and EP Act referral preparation	\$ 14,000
EPBC referral fee payable to DotE	\$ 7,400
TOTAL	\$ 99,400

Table 7: Estimated cost of studies to support approvals – Strelly Street Bridge

Work component	Estimated cost (GST exclusive)
Fauna survey	\$ 4,000
Vegetation survey	\$ 3,000
Hydrological modelling	\$ -
ASS investigation	\$ 13,000
ASS management plan	\$ 8,000
Detailed offset strategy	\$ 3,000
Pre-referral agency liaison	\$ 4,000
Studies and design coordination	\$ 4,000
EPBC and EP Act referral preparation	\$ 8,000
EPBC referral fee payable to DotE	\$ 7,400
TOTAL	\$ 54,400

Proposed road crossings over the Vasse Estuary / River

Table 8: Estimated cost of studies to support approvals – all road crossings

Work component	Estimated cost of works in a single package (GST exclusive)	Sum of estimated costs for individual crossings (GST exclusive)
Fauna survey	\$ 25,000	\$ 34,000
Vegetation survey	\$ 18,000	\$ 25,000
Hydrological modelling	\$ 30,000	\$ 40,000
ASS investigation	\$ 91,000	\$ 112,000
ASS management plan	\$ 40,000	\$ 61,000
Detailed offset strategy	\$ 35,000	\$ 48,000
Pre-referral agency liaison	\$ 15,000	\$ 46,000
Studies and design coordination	\$ 25,000	\$ 41,000
EPBC and EP Act referral preparation	\$ 42,000	\$ 67,000
EPBC referral fee payable to DotE	\$ 7,400	\$ 37,000
TOTAL	\$ 328,400	\$ 511,000

Proposed road crossings over the Vasse Estuary / River

SITE PHOTOS

Proposed road crossings over the Vasse Estuary / River



Plate 1: Rehabilitation and interpretive signage along Vasse Estuary upstream of Ford Road



Plate 2: Protection and rehabilitation works along Vasse Estuary upstream of Ford Road

Proposed road crossings over the Vasse Estuary / River



Plate 3: Interpretive signage along Vasse Estuary upstream of Ford Road

Proposed road crossings over the Vasse Estuary / River



Plate 4: Ford Road alignment – stands of bulrushes and other introduced flora species

Proposed road crossings over the Vasse Estuary / River

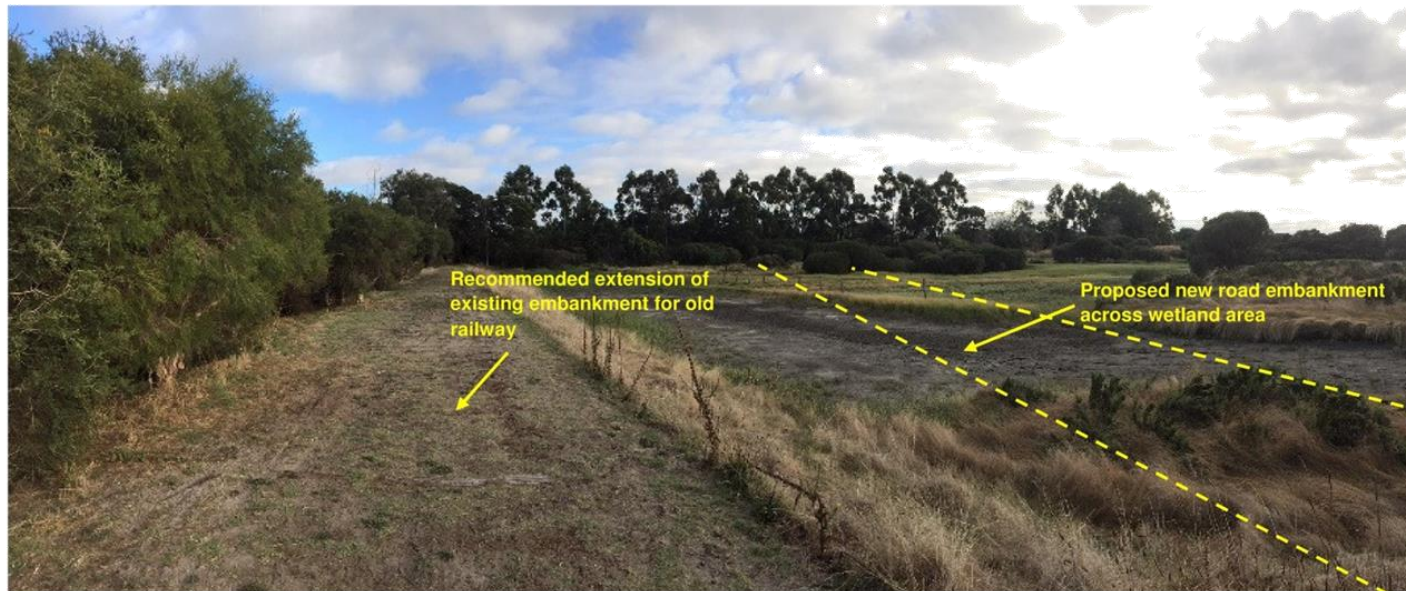


Plate 5: Causeway Road-Camilleri Street alignment – use of existing railway corridor would reduce impacts

Proposed road crossings over the Vasse Estuary / River



Plate 6: Isolated wetland pocket west of old railway corridor embankment

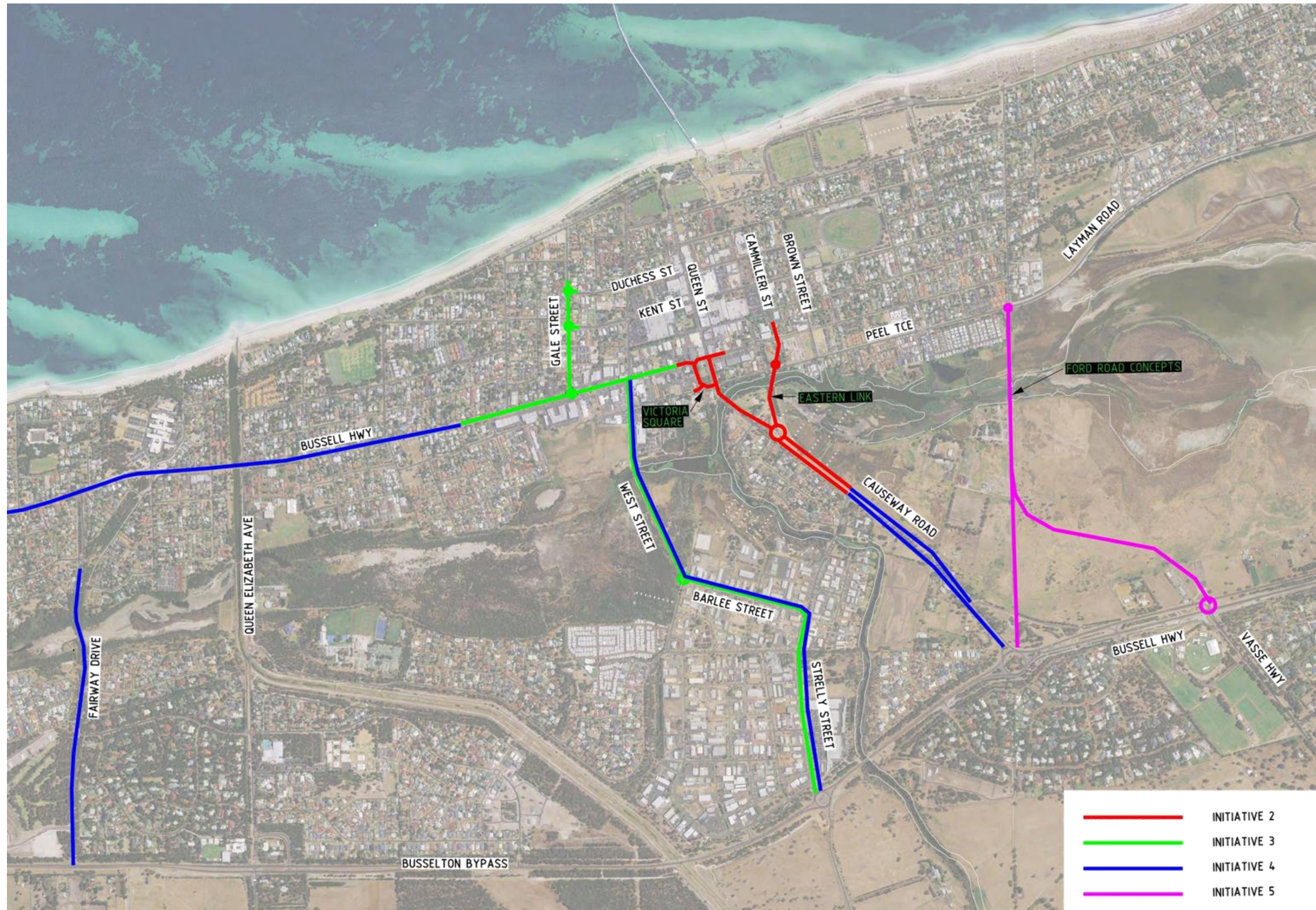


Plate 7: Frederick Street proposed road crossing - terrestrial alignment

Proposed road crossings over the Vasse Estuary / River



Plate 8: Strelly Street proposed bridge widening – aquatic weeds



13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX:	Events
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Events Coordinator - Peta Tuck
AUTHORISING OFFICER:	Manager, Community Services - Maxine Palmer
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

PRÉCIS

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 21 April 2016. This report presents the recommendations from this meeting.

BACKGROUND

The Council, at its meeting of 13 April 2011 (C1104/114), resolved to endorse the implementation of a differential rating system whereby properties rated within the Industrial and Commercial zones across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. This resolution also endorsed the establishment of a 'Key Stakeholders Reference Group' (now known as the 'Marketing and Events Reference Group') to make recommendations to Council with respect to the marketing and events budget allocations.

Further to this, at its meeting of 22 June 2011 (C1106/201), Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Following this, Council increased the Differential Rate to 6% in 2012/2013 (totalling \$360k), 7% in 2013/2014 (totalling \$379k) and 8% in 2014/2015 (totalling \$488k) towards events and marketing.

As part of the 2015/2016 adopted budget, Council increased the Differential Rate to 9% (totalling \$556k), with the funds split 75:25 between events and marketing respectively.

The total endorsed marketing and events budget for 2015/2016 is \$893k; \$697k allocated for events and \$196k allocated towards marketing. The \$697k budget allocation for events includes \$280k from municipal funds and \$417k from the Differential Rate Budget of \$556k. \$196k has been allocated specifically for marketing, including \$139k from the Differential Rate Budget and \$57k carry over from 2014/15.

The 2016/17 draft budget incorporates a further 1% increase to 10% in the Differential Rate Budget totaling \$624k; \$468k for events and \$156k for marketing. Further, \$268k is allocated from municipal funding. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

Funds already committed in 2016/17 through Multi Year Agreements through the Differential Rate total \$280,700 leaving \$187,300 to be allocated to Rounds 1 and 2 of the 2016/17 Event Sponsorship Programme.

A meeting of the Marketing and Events Reference Group (MERG) was held on Thursday 21 April 2016, with the following key matters presented at the meeting;

- Discuss the draft KPI's to be included in the CinefestOz funding agreement for 2016/17 to 2018/19.
- Discuss and makes recommendations for the 2016/17 Round 1 Event Sponsorship Program to Council.
- Noted Council endorsement to allocate \$5k from the 2016/2017 Differential Rate Events Budget towards the Rio Tinto Colours of our Country exhibition and CinefestOz Indigenous Day. Since the MERG meeting CinefestOz and Rio Tinto have advised that this exhibition is no longer going ahead, therefore this funding is no longer required.
- Noted Council endorsement to allocate \$5k from the 2015/16 Differential Rate Events Budget to the Books by the Bay Festival, with the balance of \$10k to be allocated from the 2016/17 Differential Rate Events Budget.
- Recommend to the Council that any unspent Marketing funds from the Differential Rate Marketing Budget remaining at the end of the 2015/2016 financial year be transferred to the Airport Marketing Reserve.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

At the 25 March 2015 Council meeting, Council resolved to include a 1% increase in the Industrial and Commercial Differential Rate from 8% to 9% in the 2015/16 budget (C1503/067), resulting in an allocation of \$556k for events and marketing, with a split of 75/25 (\$417k/\$139k) respectively.

The 2016/17 draft budget incorporates a further 1% increase to 10% in the Differential Rate budget totaling \$624k; \$468k for events and \$156k for marketing. Further, \$268k is allocated from municipal funding (this includes \$18k in kind funding for Ironman WA). This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

The funding allocated through the 2016/17 Municipal budget is as follows;

Table 1

Events - Multi-Year Agreements funded through Municipal funds	2016/17
Busselton Jetty Swim	\$15,600
Ironman WA Busselton	\$187,400
Busselton Ironman 70.3	\$45,000
Geographe Bay Race Week	\$10,000
Festival of Busselton	\$6,000
Carols by the Jetty	\$1,000
Australia Day	\$3,000
TOTAL	\$268,000

Funds already committed in 2016/17 through Multi Year Agreements from the Differential Rate budget total \$280,700 leaving \$187,300 to be allocated to Rounds 1 and 2 of the 2016/17 Event Sponsorship Programme.

This report includes the MERG recommendations as seen in Table 2 of the Officer comment section below, that a total of \$130,125 be funded in Round 1. It is to be noted that it is anticipated that \$14.5k will be carried over from the 2015/16 Differential Rate Events budget, leaving a revised total of \$71,675 for Round 2.

A total of \$46k remains unallocated in the Differential Rate Marketing Budget following Councils endorsement (C1510/293) that \$150k be transferred to the Airport Marketing Reserve for the purpose of marketing the Busselton-Margaret River Regional Airport. As a part of the State funding agreement the City is required to allocate \$2m towards an airline incentive package. Given the district wide significance of this project and the economic impacts associated with the introduction of interstate services, it is recommended that the balance of marketing funds in 2015/16 be transferred to the Airport Marketing Reserve. It is to be noted that no marketing initiatives have been identified for the current financial year as yet. MERG recommends the transfer of any unspent Marketing funds from the Differential Rate Marketing Budget remaining at the end of the 2015/2016 financial year to the Airport Marketing Reserve.

Long-term Financial Plan Implications

The marketing and events budget, including both the municipal contribution and funds generated through the Differential Rate, are in line with the City's Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton's endorsed Strategic Community Plan 2013, and principally with the following Strategic Goal:

Well planned vibrant and active places;

- A City where the community has access to quality cultural, recreation, and leisure facilities and services.

RISK ASSESSMENT

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

CONSULTATION

Consultation has been undertaken with members of the Marketing and Events Reference Group, consisting of representatives from the Busselton Chamber of Commerce and Industry, Dunsborough Yallingup Chamber of Commerce and Industry, Geographe Bay Tourism Association and Conservation Association, Busselton Jetty Environment and Conservation Association and the City of Busselton.

OFFICER COMMENT

The Marketing and Events Reference Group has been established with representatives from the City of Busselton, local Chambers of Commerce, the Margaret River Busselton Tourism Association, and the Busselton Jetty Environment and Conservation Association. A Terms of Reference guides the operations of the Group and an Events Sponsorship Programme has been developed.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive host and event tourism destination for a range of events. The City, through the programme has attracted exciting new events to boost the local economy through event tourism.

The Cinefest Oz multi-year funding agreement has been approved (C1510/293) for a further three (3) years for cash funding of \$95k in 2016/17, 2017/18 and 2018/19. The proposed KPIs for the agreement were tabled at the recent MERG meeting for the group to discuss. These KPIs incorporate increases in the number of screenings and spread of the event throughout the District, demonstration of sourcing alternative funding sources, and more measurable outcomes. MERG accepted the draft KPIs to be included in the CinefestOz funding agreement for 2016/17 to 2018/19.

Round 1 Event Sponsorship Programme 2016/17

Applications were received for Round 1 of the Event Sponsorship Programme. A total of fourteen (14) applications were received, requesting \$242,760 in funding. This comprised of eleven (11) single year applications requesting a total of \$233,260. The City also received three (3) requests to increase existing multi-year agreements which were due to expire in 2016/17 (Dunsborough Arts Festival \$2k, South West Craft Beer Festival \$5k, South West Mudfest \$2.5k) totalling an increase of \$9.5k. The total sponsorship fund, as per the draft 2016/17 budget, available for Round 1 and Round 2 in 2016/17 is \$187,300.

The three (3) multi-year funding applications received are not recommended by MERG to increase in 2016/17. They are however all recommended to enter into multi-year agreements for a further two years expiring in 2018/19.

Of the eleven (11) single year applications received, nine (9) are recommended to be funded for one year in 2016/17, totalling \$130,125. All events are to be funded from the Differential Rate Events budget:

Table 2

Event	Requested	MERG Recommendation
South West Craft Beer Festival	2016/17: \$5,000 2017/18: \$10,000 2018/19: \$10,000	2016/17: \$0* 2017/18: \$5,000 2018/19: \$5,000
South West Mudfest	2016/17: \$2,500 2017/18: \$10,000 2018/19: \$10,000	2016/17: \$0** 2017/18: \$7,500 2018/19: \$7,500
Dunsborough Arts Festival	2016/17: \$2,000 2017/18: \$14,000 2018/19: \$15,000	2016/17: \$0*** 2017/18: \$10,000 2018/19: \$9,000
Jazz By The Bay	\$50,000	\$50,000~
Chevron City to Surf for Activ	\$45,000	\$10,000~
Rugby Jetty 7's	\$10,000	\$7,500~
Western Force exhibition match	\$50,000	\$25,000~
Busselton Festival of Paddle	\$7,500	\$5,000~
50 Years of the Busselton Health Study: A Community Forum	\$2,356	\$0
Maramoo Marathon	\$12,779	\$3,000
Busselton Veteran Car Club 50 th Anniversary	\$6,000	\$0
Superboat Racing Busselton	\$30,000	\$15,000~
Ironman FOC Rooms	\$9,625	\$9,625
Open Water Swim	\$10,000	\$5,000~
TOTAL ROUND 1 2016/17	\$242,760	\$130,125

*This event is already funded for \$5k in 2016/17. They seek to increase their 2016/17 funding to \$10k and extend their agreement to 2018/19.

**This event is already funded for \$7.5k in 2016/17. They seek to increase their 2016/17 funding to \$10k and extend their agreement to 2018/19.

***This event is already funded for \$11k in 2016/17. They seek to increase their 2016/17 funding to \$13k and extend their agreement to \$14k in 2017/18 and \$15k in 2018/19 respectively.

All events are to be funded on the condition that ten (10) high resolution images are provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes.

1. ~ *Funded on the condition that two (2) minutes of high quality, edited video footage be provided electronically, without copyright, (in formats as agreed) to the City of Busselton for its own promotional purposes.*

MERG recommends a total of \$130,125 be funded in Round 1, leaving a total of \$57,175 remaining for Round 2 event sponsorship.

A late request was received from CIC Events Management to hold the 2016 Gran Fondo World Championship Cycling Event in Busselton on 1-4 September 2016. This event had been bid for and won to be held in Perth, however the inability to deliver an event of this scale incorporating multiple road closures through numerous local government areas has meant that they have had to seek another region to hold the event. Officers have since received notification that the event organisers have withdrawn their request to hold the event in the City of Busselton, while this is disappointing the Events team will continue to liaise with CIC Events Management in regards to other potential cycling events that would be suited to the region as a follow up to the World Championships, such as an Intercontinental level 4-5 day road and a number of state level races as part of the National Road Series in 2017 and 2018.

CONCLUSION

The Marketing and Events Reference Group (MERG) has been assigned by Council to make recommendations on the way in which funds raised through the Industrial and Commercial Differential Rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 21 April 2016 meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'

OPTIONS

Council may choose not to support the recommendations made by the Marketing and Events Reference Group and resolve not to endorse part or all of the recommendations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's decision, the outcomes will be communicated to all members of the Marketing and Events Reference Group and relevant event organisers for their information and implemented where required.

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

That Council;

1. As part of the Events Sponsorship Programme endorses the funding allocation towards the following events to the total value of \$130,125, to be funded through the draft 2016/17 Differential Rate Events budget, and to enter into three separate multi-year agreements to 2018/19:

Event	Funding
South West Craft Beer Festival (multi-year agreement)	2016/17: \$5,000 (as previously committed) 2017/18: \$5,000 2018/19: \$5,000
South West Mudfest (multi-year agreement)	2016/17: \$7,500 (existing) 2017/18: \$7,500 2018/19: \$7,500
Dunsborough Arts Festival (multi-year agreement)	2016/17: \$11,000 (existing) 2017/18: \$10,000 2018/19: \$9,000
Jazz By The Bay	\$50,000
Chevron City to Surf for Activ	\$10,000
Rugby Jetty 7's	\$7,500
Western Force exhibition match	\$25,000
Busselton Festival of Paddle	\$5,000
50 Years of the Busselton Health Study: A Community Forum	\$0
Maramoo Marathon	\$3,000
Busselton Veteran Car Club 50 th Anniversary	\$0
Superboat Racing Busselton	\$15,000
Ironman FOC Rooms	\$9,625
Open Water Swim	\$5,000
TOTAL ROUND 1 2016/17	\$130,125

2. Approves the transfer of \$46k from the Differential Rate Marketing Budget remaining at the end of the 2015/2016 financial year to the Airport Marketing Reserve.

14. FINANCE AND CORPORATE SERVICES REPORT**14.1 RENEWAL BUSSELTON SENIOR CITIZENS CENTRE SUBLEASE TO BUSNET COMPUTER CLUB**

SUBJECT INDEX:	Agreements/Contracts
STRATEGIC OBJECTIVE:	A City where the community has access to quality cultural, recreation, leisure facilities and services.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Property Services
REPORTING OFFICER:	Property Coordinator - Ann Strang
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Plan Showing Sub-Leased Area

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").

In 2012, the BSCC entered into a Sub-Lease with Busnet Computer Club Inc. (Busnet) for a room within the Centre. The Sub-Lease is due to expire on the 31 October 2016 and Busnet and the BSCC would like to enter into a new Sub-Lease for a longer duration.

The purpose of this report is to seek Council approval for the City to consent to a new Sub-Lease of the room to be entered into between the BSCC and Busnet.

BACKGROUND

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 1. In 2007, the City entered into a lease for the Centre with the BSCC which expires on 5 August 2023 ("the Head Lease").

To assist with funding the operations of the Centre the BSCC hires the hall, meeting rooms and kitchen to community groups and other organisations for various purposes. They have a number of regular bookings for things such as dance groups, meetings and exercise classes.

Busnet formed in 1998 following the identification of a need to provide training for seniors unfamiliar with computers. Busnet's objectives are to educate seniors and others in the community in the use of computers and to make facilities and equipment available for that purpose. Busnet began by hiring the computer room at the Centre (the location of which is hatched yellow on Attachment 1).

On the 8 August 2012, a report was presented to Council with a recommendation to consent to the BSCC entering into a sub-lease with Busnet for the use of this room and the Council resolved (C1208/220) the following;

"1. *That the Council give its consent under Clause 3.18 of the lease between the City of Busselton and the Busselton Senior Citizens Centre Inc dated 2 August 2007 ("the Head Lease") to the Busselton Senior Citizens Centre's proposed Sub-Lease of a 30m2 portion of its leased area (as shown on Attachment 2) to Busnet Computer Club Inc for a term of 1 year commencing 1 September 2012 with 3 further 1 year options for Busnet to renew the Sub-Lease at a rent of \$60.00 per week subject to:*

a) The Sub-Lessee agreeing to comply with the terms of the Head Lease; and

- b) *The Sub-Lessee agreeing to pay all of the City's reasonable costs associated with the Sub-Lease."*

The Sub-Lease is due to expire on the 31 October 2016 and Busnet are keen to enter into a new arrangement for a longer term.

STATUTORY ENVIRONMENT

Sub leasing of space within the Centre is regarded under section 3.58 of the Local Government Act as a disposal of property. Under Regulation 30 (2) (b) (i) (ii) of the Local Government (Functions & General) Regulations disposal of land to incorporated bodies with objects of benevolent, cultural, educational or similar nature and the members of which are not enlisted to receive any pecuniary profit from the body's transactions, are exempt from the advertising and tender requirements of section 3.58 of the Local Government Act. The constitutions of both the BSCC and Busnet are such that this exemption applies.

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications for the City associated with the recommendations of this report. While the financial arrangements between the BSCC and Busnet are described in the Officer Comment section, given this is a community group lease and the proposed Busnet sub-lease is for community purposes, it is not proposed that the City receive any additional payment because of the sub-lease.

Long-term Financial Plan Implications

Nil

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 are no identified risks of a medium or greater level associated with the officer recommendation. The recommendation serves to mitigate the risks associated with there not being a Sub-Lease in place.

CONSULTATION

The BSCC and Busnet have worked together to prepare the proposal for the terms of a new Sub-Lease. City Officers have been in contact with both groups to confirm their intentions. Both parties are keen to enter into a Sub-Lease on the terms outlined in the Officer Comment section below.

OFFICER COMMENT

The Head Lease between the City and BSCC permits the use of the Centre for purposes consistent with the BSCC constitution. The primary objective of the BSCC is to promote and undertake assistance for persons over the age of 55 years within the City of Busselton and its surrounds.

Busnet has been operating from the computer room in the Centre for several years. Their membership is open to seniors as well as others in the community, although it is predominately seniors that attend their activities. This is consistent with the permitted use under the Head Lease.

The Sub-Lease between the BSCC and Busnet is due to expire later this year. Clause 3.18 of the Head Lease prohibits the BSCC subletting the premises or part of the premises without the prior written consent of the City. The BSCC are therefore seeking approval from Council to enter in a new Sub-Lease with Busnet for a longer term of 3 years with 3 further 1 year options. Should all options be exercised the sub-lease will not expire until 31 October 2022. As the Head Lease expires in August 2023 this is the maximum period of whole years that the BSCC can sub-let for.

Under the current Sub-Lease, the weekly rent inclusive of electricity charges is \$62.37 inclusive of GST. The rent has been reviewed annually by CPI. It is proposed the new weekly rent will commence at \$63.30 inclusive of GST, followed by annual reviews at the rate of CPI.

Busnet are also required to contribute to the BSCC broadband internet service. The fee currently payable is \$50.00 per month. This fee is varied according to the charges applied by the provider. Busnet will also be responsible for the maintenance and cleaning of the computer room as well as the cost of taking out public liability insurance required under the Sub-Lease in respect of their activities in the room.

CONCLUSION

The relationship between the BSCC and Busnet has been of mutual benefit to the parties. As it is envisaged that the demand for computer training within the Centre will continue, City Officers consider the request for consent to enter into a longer term sub-lease of 3 years with a further 3 one year options a reasonable one. It means that Busnet will have security of tenure for a longer period enabling them to plan and invest further in resources should they choose to do so.

OPTIONS

1. Council could choose not to approve the Sub-Lease. However, given that the use is consistent with the existing Head Lease and has significant community value this is not recommended.
2. Council can resolve to grant a Sub-Lease for a different term, noting the term cannot exceed the term that is remaining on the Head Lease.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new Sub-Lease will be provided to the BSCC and Busnet prior to expiry of the existing Sub-Lease on 31 October 2016.

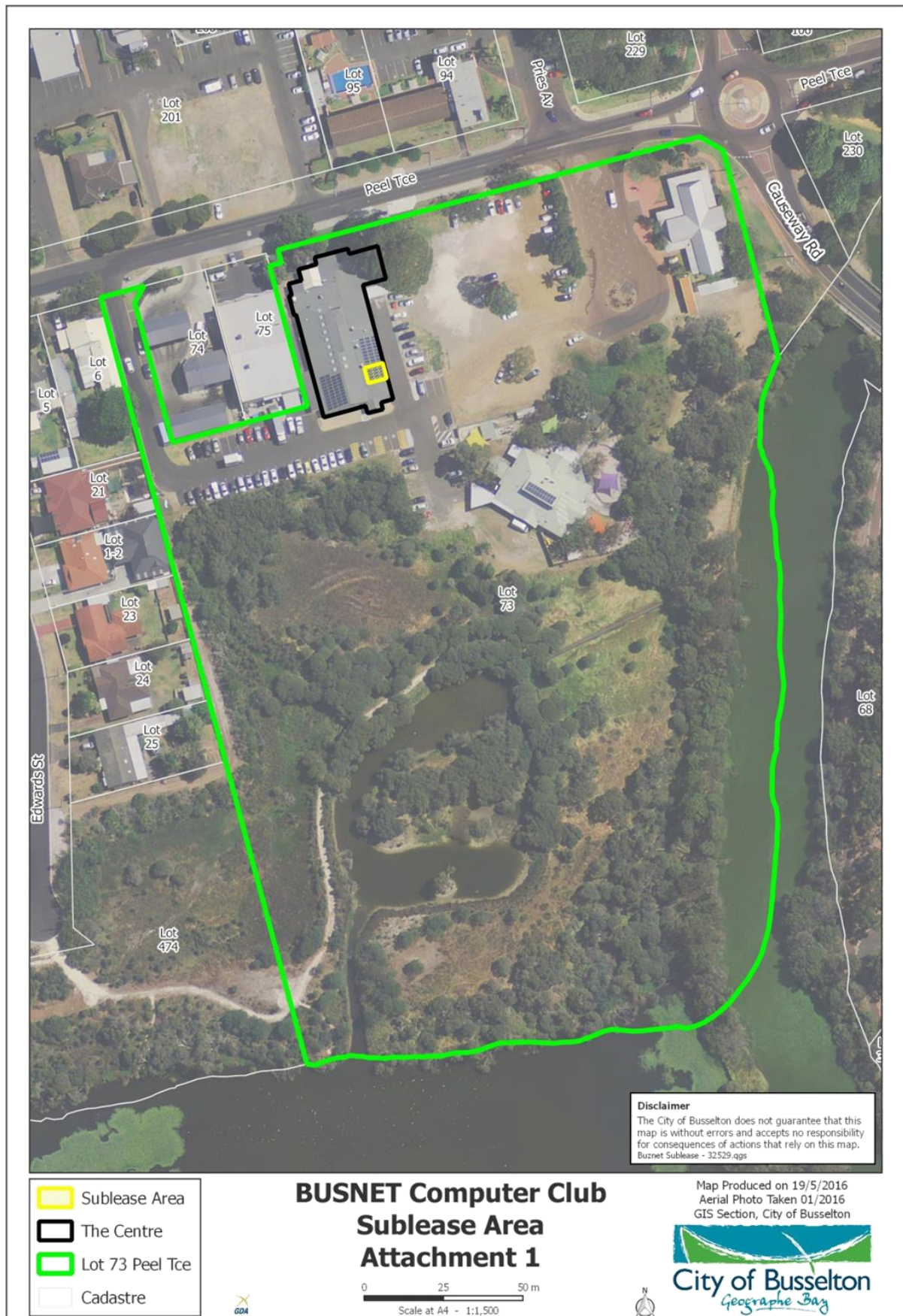
OFFICER RECOMMENDATION

That the Council:

1. Gives its consent under Clause 3.18 of the lease between the City of Busselton and the Busselton Senior Citizens Centre Inc dated 2 August 2007 ("the Head Lease") to the Busselton

Senior Citizens Centre's proposed Sub-Lease of a 30m² portion of its leased area (as shown hatched yellow on Attachment 1) to Busnet Computer Club Inc subject to the parties entering into a Sub-Lease agreement on the following terms:

- a) The term of the Sub-Lease to be 3 years commencing 1 November 2016 and expiring 31 October 2019 with 3 further 1 year options;
- b) The weekly rent to commence at \$63.30 inclusive of GST and to be increased annually by CPI;
- c) The Sub-Lessee to be responsible for payment of the variable monthly service fee for the provision of internet facilities to the sub-leased area.
- d) The Sub-Lessee agreeing to comply with the terms of the Head Lease; and
- e) The Sub-Lessee agreeing to pay all of the City's reasonable costs associated with the Sub-Lease.



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:	Executive Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 May - 15 May 2016
	Attachment B Planning Applications Determined 1 May - 15 May 2016
	Attachment C State Administrative Tribunal Appeals as at 26 May 2016
	Attachment D Meelup Regional Park Management Committee Informal Meeting Minutes 24 May 2016
	Attachment E Triathlon WA - Email of Appreciation
	Attachment F YouthCare - Letter and Certificate of Appreciation
	Attachment G Busselton-Dunsborough Volunteers Centre - Letter of Appreciation

PRÉCIS

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

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 May, 2016 and 15 May, 2016. 49 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 May, 2016 and 15 May, 2016. A total of 51 applications (including subdivision referrals) were determined by the City during this period with 51 approved / supported and 0 refused.

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 19 May, 2016.

15.1.3 Meelup Regional Park Management Committee

The minutes from the informal committee meeting of the Meelup Regional Park Management Committee for the 24 May 2016 meeting is included in Attachment D.

15.1.4 Triathlon WA – Email of Appreciation

Correspondence has been received from Triathlon WA and is available to view in Attachment E.

15.1.5 YouthCare – Letter of Appreciation

Correspondence has been received from YouthCare and is available to view in Attachment F, information packages have also been received and will be distributed to Councillor's.

15.1.6 Busselton-Dunsborough Volunteers Centre – Letter of Appreciation

Correspondence has been received from the Busselton-Dunsborough Volunteers Centre and is available to view in Attachment G.

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 Meelup Regional Park Management Committee
- 15.1.4 Triathlon WA – Email of Appreciation
- 15.1.5 YouthCare – Letter of Appreciation
- 15.1.6 Busselton-Dunsborough Volunteers Centre – Letter of Appreciation

Applications Received (Deemed Complete) Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
Development Applications								
DA16/0074	Additional Two (2) Dwellings (to form Three (3) Grouped Dwellings)	72 Reynolds Street~WEST BUSSELTON WA 6280	Lot 29 DIAGRAM 19991	13/05/2016	393276	Charles Eric Grist & Kerry Lee Grist	Ventura Home Group Pty Ltd	64
DA16/0154	Holiday Home (Single House) 11 People	3 Massey Drive~VASSE WA 6280	Lot 372 PLAN 52474	6/05/2016	0	Paul Francis O'Meara & Nardeen Margaret Fenton	Nardeen Margaret Fenton	50
DA16/0157	Professional Consulting Room	86 Bussett Highway~WEST BUSSELTON WA 6280	Lot 38 DIAGRAM 51708	11/05/2016	500	Annette Keva Graham, Nicholas John Way, Karen Way, Campbell Robert Graham	Brenda Murrison	27
DA16/0211	Patio, External Bathroom and Water Tank Addition to Existing Non-Conforming Use	Blackbutt Close~YALLINGUP SIDING WA 6282	Lot 84 PLAN 20163	2/05/2016	10000	Dusan Dammer & Nadia Dammer	Dusan Dammer, Nadia Dammer	48
DA16/0224	Relocated Building Envelope	Okapa Rise~DUNSBOROUGH WA 6281	Lot 425 PLAN 49084	12/05/2016	0	Kimberly Winifred Jean Archer & Matthew John Archer	Rachel Thompson	32
DA16/0232	Additions to Single House within Landscape Value	9 Brook Close~QUINDALUP WA 6281	Lot 8 PLAN 36840	3/05/2016	428000	Michael Richard Bentley & Julie Mary Bentley	Michael Richard Bentley, Julie Mary Bentley	41
DA16/0237	Relocated Building Envelope	Sainsbury Loop~YALLINGUP WA 6282	Lot 67 PLAN 36375	12/05/2016	20000	Jason Caine Mant & Sarah Elizabeth Mant	Jason Caine Mant	0
DA16/0238	Awning Upgrade	20 Queen Street~BUSSELTON WA 6280	Lot 1 SSPLN 40505	2/05/2016	40000	Ivan Harold Nash & Remour Josephine Nash	Cotan Pty Ltd	54
DA16/0266	Single House (Landscape Value Area - proposed clearing for BAL reduction)	75 Kinross Loop~QUINDALUP WA 6281	Lot 231 PLAN 68461	3/05/2016	288816	Justin Alan Pyke	Justin Alan Pyke, Tangent Nominees Pty Ltd	42
DA16/0272	Single House / Holiday Home in Landscape Value Area	22 Nukkgup Loop~YALLINGUP WA 6282	Lot 45 PLAN 20016	12/05/2016	650000	Debbie Lee Camm	Built Right Approvals	5
DA16/0287	Relocated Building Envelope (Landscape Value Area)	Swishbush Grove~WILYABRUP WA 6280	Lot 101 PLAN 66680	5/05/2016	1	Julie Anne Mizen & Michael Robert Mizen	Julie Anne Mizen, Michael Robert Mizen	38
DA16/0293	Use not listed (caravan & boat storage; and car park)	15 Percival Place~BROADWATER WA 6280	Lot 1 SSPLN 55866	4/05/2016	5000	Clive Eric Johnson	Clive Eric Johnson, Harley Dykstra	3
DA16/0295	Use Not Listed (Agricultural Machinery Sales and Service)	4850 Bussett Highway~REINSCOURT WA 6280	Lot 1 DIAGRAM 24325	10/05/2016	150000	Moonpass Pty Ltd	Able Planning & Project Management	10
DA16/0300	Two (2) Illuminated Signs	63 Queen Street~BUSSELTON WA 6280	Lot 8 DIAGRAM 17609	2/05/2016	10000	Colin Robert Woodford & Sharon Lesley Woodford-Jones	Radink Homes Southwest Pty Ltd	9
DA16/0302	Garage Extension to Single House (parapet wall)	6 Newtown Beach Road~ABBEY WA 6280	Lot 48 DIAGRAM 49294	3/05/2016	17000	Colin Robert Woodford & Sharon Lesley Woodford-Jones	Colin Robert Woodford, Sharon Lesley Woodford-Jones	8
DA16/0308	Holiday Home (Single House) 8 Occupants	33 Glenleigh Road~WEST BUSSELTON WA 6280	Lot 91 DIAGRAM 49197	2/05/2016	2000	Mark Werner Stieler & Elizabeth Jane Stieler	Mark Werner Stieler, Elizabeth Jane Stieler	20
DA16/0309	Single House (Shed House) within a Landscape Value Area	109 Woodbridge Vale~YALLINGUP SIDING WA 6282	Lot 3 PLAN 38741	2/05/2016	80000	Benjamin William Donald Smith & Nadia Sharee Power	Busseton Sheds Plus	20
DA16/0311	Extensions to Existing Office - Caravan Park	8113 Bussett Highway~METRICUP WA 6280	Lot No.109 & 1	2/05/2016	125000	Robert John Saunders	Robert John Saunders, Julie Helen Saunders	4
DA16/0312	Extractive Industry (Sand)	455 Kalooup Road~VASSE WA 6280	Lot 1 DIAGRAM 21157	4/05/2016	1	Graham Thomas Stewart	BCP Materials Pty Ltd	20
DA16/0314	Patio (Landscape Value)	25 Hebrides Close~QUINDALUP WA 6281	Lot 262 PLAN 68461	10/05/2016	17000	Steven Michael James & Heidi Elizabeth James	Steven Michael James	10
DA16/0315	Solid Front Fencing Over 1.2m	3 Court Street~WEST BUSSELTON WA 6280	Lot 19 DIAGRAM 6327	3/05/2016	150000	DMRC Pty Ltd	DMRC Pty Ltd	8
DA16/0317	Patio (Reduced Primary Street Setback)	1/75 Harris Road~BUSSELTON WA 6280	Lot 6 SSPLN 45232	5/05/2016	5980	Rodney Michael Cooper	CPR Outdoor Centre	21
DA16/0323	Tree Removal	22 Kent Street~WEST BUSSELTON WA 6280	Lot 27 DIAGRAM 10246	2/05/2016	2500	Duncan Ross Yates & Jane Abigail Yates	Duncan Ross Yates, Jane Abigail Yates	7
DA16/0324	Outbuilding (reduced side setback)	5 Wagon Entrance~BROADWATER WA 6280	Lot 577 PLAN 39578	2/05/2016	8500	Aron Richard Brown & Anthea Marie Laba	Aron Richard Brown, Anthea Marie Laba	23
DA16/0325	Two (2) Grouped Dwellings	43 High Street~WEST BUSSELTON WA 6280	Lot 44 PLAN 32549	5/05/2016	400000	Nathan John Vines, Dawn Anna Vines, Danielle Vines	Dale Alcock Homes South West Pty Ltd	28
DA16/0327	Extractive Industry (sand/gravel)	4030 Jalbarragup Road~WALSALL WA 6280	Lot 854 PLAN 134689	13/05/2016	1	Stephen Payne & Jennifer May Payne	Prime Earthmoving Busseton	3
DA16/0330	Floating Jetty (Port Geographie Development Area)	36 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 77 PLAN 59251	10/05/2016	43324	Neville Clive Vellacott	The Jetty Specialist	11
DA16/0331	Retrospective Over Height Outbuilding	7 Hawker Approach~YALVALUP WA 6280	Lot 11 PLAN 58883	9/05/2016	9260	Helen Margaret Hiddle & Stephen Roy Hiddle	Busseton Sheds and Patios	10
DA16/0332	Single House (Vehicle Access)	41 Paterson Drive~YALVALUP WA 6280	Lot 701 PLAN 401832	4/05/2016	198327.27	Jessica Terri Kane	WA Country Builders Pty Ltd - Busseton	1
DA16/0333	Holiday Home (Single House) 8 Persons	18 Eagle Bay-Meelup Road~EAGLE BAY WA 6281	Lot 38 DIAGRAM 40952	11/05/2016	0	Leslie Ernest Nunn & Lynette Gail Nunn	Leslie Ernest Nunn, Lynette Gail Nunn	13
DA16/0334	Change of Use from Professional Consulting Room to Medical Centre	20 Kent Street~WEST BUSSELTON WA 6280	Lot 28 DIAGRAM 10246	11/05/2016	50000	Jocelyn Louise Bird & Allan John Atkinson	Joe Prestipino Building Design	9
DA16/0335	Holiday Home (Single House) - 8 people	70 Gifford Road~DUNSBOROUGH WA 6281	Lot 42 PLAN 17371	5/05/2016	0	Toby James Joseph Bellegarde & Tara Maree Bellegarde	Toby James Joseph Bellegarde, Tara Maree Bellegarde	12
DA16/0336	Single House Alterations/Additions (Landscape Value)	94 Duckworth Place~NATURALISTE WA 6281	Lot 19 PLAN 22560	9/05/2016	1	Arcadian Pastoral & Agency Co Pty Ltd	Sam Hanson	7
DA16/0338	Site Works, Retaining and Deck in Landscape Value Area	26A Ella Gladstone Drive~EAGLE BAY WA 6281	Lot 612 PLAN 62210	13/05/2016	50000	Prosperity Equity Pty Ltd/ATF JMSEB Trust	Evan James Williams	3
DA16/0341	Patio (R-Codes)	1 Crouchley Court~BROADWATER WA 6280	Lot 433 PLAN 57396	9/05/2016	5450	Allan Robert Warmington	Allan Robert Warmington	1
DA16/0342	Single House (Codes Variation)	10 Chapman Street~DUNSBOROUGH WA 6281	Lot 77 PLAN 43331	9/05/2016	250000	Joanne Louise Clark & Miles David Henderson	Joanne Louise Clark, Miles David Henderson	0
DA16/0345	Outbuilding (Landscape Value)	116 Balmoral Drive~QUINDALUP WA 6281	Lot 259 PLAN 68461	9/05/2016	26000	Julie Gail Kneale	Busseton Sheds Plus	3

DA16/0347	Water Tank & Outbuilding - Reduced Setbacks	215 Ludlow-Hithergreen Road~LUDLOW WA 6280	Lot 1419 PLAN 140190	13/05/2016	40000	Alan Brian Neill & Emma Lee Ann Neill	Alan Brian Neill	2
DA16/0348	Building Envelope Modification and Single House in Landscape Value	Moses Rock Road~WILYABRUP WA 6280	Lot 814 PLAN 75559	13/05/2016	140000	Stefan Kurys-Romer	Stefan Kurys-Romer	0
DA16/0349	Single House (within the Eagle Bay Special Character Area)	8 Vixen Close~EAGLE BAY WA 6281	Lot 309 PLAN 55023	13/05/2016	400000	Stjepan Maticevic & Nada Maticevic	Nigel Shaw	7
DA16/0350	Relocated Building Envelope	3 Vintners Drive~QUINDALUP WA 6281	Lot 103 PLAN 66320	13/05/2016	0	Quicksea Pty Ltd	Calibre Consulting (Aust) Pty Ltd	7
DA16/0355	Single House in Port Geographe Development Area	35 Headstay Cove~GEOGRAPHE WA 6280	Lot 35 PLAN 57392	13/05/2016	500000	Laura Denona & Jurica Denona	Abel Ling Architect	7
DA16/0356	R Code Variation (Fence)	35 Oaks Drive~VASSE WA 6280	Lot 680 PLAN 49088	13/05/2016	9000	Matthew Anthony Cece & Lisa-Marie Edwards	Matthew Anthony Cece, Lisa-Marie Edwards	7
WAPC16/0020	71 x Residential Lots (356sqm - 1004sqm) including POS and Balance Lot	Layman Road~GEOGRAPHE WA 6280	Lot 9507 PLAN 59251	2/05/2016	0	Aigle Geographe Pty Ltd	Taylor Burrell Barnett Town Planning & Design	21
WAPC16/0022	Subdivision - 21 x Lots (447sqm - 2220sqm)	Serpentine Bend~YALVALUP WA 6280	Lot 9005 PLAN 404829	9/05/2016	0	Mary Donald Nominees Pty Ltd/a D) McCormick Property Group	Peter Webb & Associates	11
WAPC16/0023	Subdivision - 2 x Lots (boundary adjustment)	86 Neville Hyder Drive~YALVALUP WA 6280	Lot 9001 PLAN 32476	11/05/2016	0	City of Busselton	City of Busselton	9
WAPC16/0024	Subdivision - 106 Lots (255sqm - 7.25Ha)	Bussell Highway~ABBEY WA 6280	Lot 9001 PLAN 69783	14/05/2016	0	Perron Developments Pty Ltd & Stawell Pty Ltd	Roberts Day Group - Town Planning and Design	6
WAPC16/0025	Subdivision - 2 x Lots (1032sqm - 1189sqm)	43 Reading Street~WEST BUSSELTON WA 6280	Lot 69 PLAN 610	13/05/2016	0	Melissa Leanne Harrison-Ward & Josephine Charlotte Harrison-Ward	Able Planning & Project Management	7
WAPC16/0026	Survey Strata - 2 x Lots (469sqm - 588sqm)	21 Fairbairn Road~BUSSELTON WA 6280	Lot 37 PLAN 1707	13/05/2016	0	Benjamin Ross Warner & Charmaine Melissa Pitts	Able Planning & Project Management	3

Applications Determined Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applc Determined Date	Application Determined Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
Development Applications										
DA14/0493	Extractive Industry (sand)	571 Ambergate Road-AMBERGATE WA 6280	Lot 365 PLAN 105833	12/05/2016	Approved	Approved	549	1	Cosimo Cavallo & Filomena Cavallo	Silverbay Enterprises Pty Ltd T/as Busseton Civil and Plant Hire
DA16/0053	Use not Listed (Camp sites in association with Reception Centre) - 10 Sites	199 Silverwood Road-METRICUP WA 6280	Lot 10 DIAGRAM 85060	10/05/2016	Approved	Approved	57	20000	Andrew Paul Lindsay	Soul Camping
DA16/0097	Two (2) Grouped Dwellings (Port Geographe Development Area)	11 Lanyard Boulevard-GEOGRAPHE WA 6280	Lot 470 PLAN 22273	11/05/2016	Approved	Approved	85	700000	Craig Robert Godridge, Janice Isobel Godridge, Robert Bertram Godridge	WA Country Builders Pty Ltd - Busseton
DA16/0110	Irrigation Dam	2807 Caves Road-YALLINGUP WA 6282	Lot 1 SSPLN 32218	4/05/2016	Approved	Approved	79	190000	Cedarfield Holdings Pty Ltd & Timothy Simon Hopkins	Slade Ag Tech (W and J Slade)
DA16/0113	Relocated Building Envelope - Oversized and Over-height Outbuilding (Landscape Value Area)	12 Grassbank Cove-YALLINGUP SIDING WA 6282	Lot 14 PLAN 38061	4/05/2016	Approved	Approved	27	56000	Matthew John Harslett	Outdoor World Cape to Cape
DA16/0142	Additions to Existing Single House (Special Character Area)	9 Geographe Close-QUINDALUP WA 6281	Lot 12 PLAN 12649	3/05/2016	Approved	Approved	55	5000	Stephanie Helen Jacks	Stephanie Helen Jacks, Wayne Jacks
DA16/0144	Single House (Reduced Setbacks and Reduced BAL)	2/15 Jingle Place-DUNSBOROUGH WA 6281	Lot 1 SSPLN 53329	3/05/2016	Approved	Approved	34	331293	Sheiley Lorine Buswell	WA Country Builders Pty Ltd - Busseton
DA16/0151	Relocated Building Envelope for an outbuilding (Landscape Value Area)	38 Seascave Rise-YALLINGUP WA 6282	Lot 222 PLAN 71408	9/05/2016	Approved	Approved	29	10000	Steven Mark Simpson & Sally Anne Simpson	Busseton Sheds Plus
DA16/0152	Proposed Grouped Dwelling	5/11 Margaret Street-WEST BUSSETON WA 6280	Lot 5 SSPLN 60210	2/05/2016	Approved	Approved	3	450000	Gary Clark & Jodie Leanne Clark	Jodie Leanne Clark, Gary Clark
DA16/0172	Single House and Outbuilding (Landscape Value Area)	Cornerstone Way-QUEDJINUP WA 6281	Lot 4 PLAN 74289	4/05/2016	Approved	Approved	0	450000	Stacey Lynn Randell & Alexander Browne	Peter Jones
DA16/0173	R-Codes - Carport (Reduced Side Setback)	42 Country Road-BOVELL WA 6280	Lot 213 PLAN 24572	3/05/2016	Approved	Approved	51	6555	Graeme Peter Smit & Lorelie Anne Smit	CPR Outdoor Centre
DA16/0183	Outbuilding and Water Tank in Landscape Value Area	Cornerstone Way-QUEDJINUP WA 6281	Lot 8 PLAN 74289	4/05/2016	Approved	Approved	48	31400	Kailla Leah Erickson & Ethan Michael Erickson	Sheds Down South
DA16/0194	Single Dwelling (setback variation)	26 Dalemore Way-WEST BUSSETON WA 6280	Lot 345 PLAN 400537	12/05/2016	Approved	Approved	0	210000	Jack Gregory Marwick	Geographe Bay Building
DA16/0201	Holiday Home (Single House) 8 People	518 Geographe Bay Road-ABBEY WA 6280	Lot 85 DIAGRAM 53528	4/05/2016	Approved	Approved	43	0	Salvatore Giovanni Chisari & Mary Chisari	Salvatore Giovanni Chisari, Mary Chisari
DA16/0203	Outbuilding Addition to Managers Residence	19/40 Hemsley Road-NATURALISTE WA 6281	Lot 19 STPLN 32549	4/05/2016	Approved	Approved	36	17000	James Martin Peck & Catherine Anne Sampson	James Martin Peck, Catherine Anne Sampson
DA16/0204	Holiday Home (Grouped Dwelling) 6 people	10A Smith Street-DUNSBOROUGH WA 6281	Lot 2 SSPLN 57294	12/05/2016	Approved	Approved	53	0	Paul Arthur Johnson	Paul Arthur Johnson
DA16/0207	Outbuilding (Reduced Setbacks)	7 Hill Road-YOGANUP WA 6275	Lot 4087 PLAN 164882	4/05/2016	Approved	Approved	37	50000	Jane Marie Bennett & Owen Sean Bennett	Busseton Sheds Plus
DA16/0208	Grouped Dwelling	19 Ford Road-GEOGRAPHE WA 6280	Lot 54 DIAGRAM 45535	12/05/2016	Approved	Approved	36	240000	Jennifer Lee Higgins & Maxwell Henry Higgins	Maxwell Henry Higgins
DA16/0209	Relocated Building Envelope	Sheoak Drive-YALLINGUP WA 6282	Lot 110 PLAN 39416	5/05/2016	Approved	Approved	0	0	Braden Dean Fairhead & Tanya Louise Fairhead	Braden Dean Fairhead, Tanya Louise Fairhead
DA16/0220	Multipurpose Transportable (classrooms/offices)	245 Cape Naturaliste Road-DUNSBOROUGH WA 6281	Lot 999 PLAN 19518	2/05/2016	Approved	Approved	42	200000	Roman Catholic Bishop of Bunbury - Dunsborough	Roman Catholic Bishop of Bunbury - Dunsborough
DA16/0221	Holiday Home (Group Dwelling) 6 occupants	47 Gale Street-WEST BUSSETON WA 6280	Lot 1 STPLN 22501	10/05/2016	Approved	Approved	21	0	William Henry Steven Willmott & Christine June Willmott	William Henry Steven Willmott, Christine June Willmott
DA16/0224	Relocated Building Envelope	Okapa Rise-DUNSBOROUGH WA 6281	Lot 425 PLAN 49084	13/05/2016	Approved	Approved	32	0	Kimberly Winifred Jean Archer & Matthew John Archer	Rachel Thompson
DA16/0227	Single House (Landscape Value Area)	Summer Brace-YALLINGUP WA 6282	Lot 66 PLAN 62390	4/05/2016	Approved	Approved	15	180000	Western Hardwoods Pty Ltd	William Gardner
DA16/0236	Holiday Home (Single House) 9 People	246 Lagoon Drive-YALLINGUP WA 6282	Lot 15 PLAN 23574	4/05/2016	Approved	Approved	30	0	Peter Reid Bremner & Clayton Lyn Gollidge	Peter Reid Bremner
DA16/0237	Relocated Building Envelope	Sainsbury Loop-YALLINGUP WA 6282	Lot 67 PLAN 36375	12/05/2016	Approved	Approved	0	20000	Jason Caine Mant & Sarah Elizabeth Mant	Jason Caine Mant
DA16/0242	Single House (R-Codes)	20 Serpentine Bend-YALVALUP WA 6280	Lot 792 PLAN 404829	5/05/2016	Approved	Approved	30	229719	Glen Elvis McLean & Brioney Sharrelle McLean	Tangent Nominees Pty Ltd
DA16/0247	Over Height Dwelling with Reduced Front Setback	858 Geographe Bay Road-WEST BUSSETON WA 6280	Lot 21 PLAN 54823	5/05/2016	Approved	Approved	25	468200.5	Jerzy Marian Sikorski	M and MJ Constructions Pty Ltd
DA16/0248	Change in Use - Holiday Home - 6 People	7 Roberts Road-ABBEY WA 6280	Lot 73 PLAN 7121	2/05/2016	Approved	Approved	21	0	Divvy Developments Pty Ltd	Divvy Developments Pty Ltd
DA16/0253	Outbuilding (reduced setbacks)	25 Goshawk Way-VASSE WA 6280	Lot 40 PLAN 76953	4/05/2016	Approved	Approved	31	10200	Matthew Joseph Shaw & Nicole Anne Shaw	Nicole Anne Shaw, Matthew Joseph Shaw
DA16/0257	Carport (Special Character Area)	103A Naturaliste Terrace-DUNSBOROUGH WA 6281	Lot 1 SSPLN 66603	5/05/2016	Approved	Approved	23	12080	Gregory Mark Sweetman & Catherine Frances Sweetman	CPR Outdoor Centre
DA16/0259	Single House (R-Codes Variation)	8 Coates Street-BROADWATER WA 6280	Lot 59 DIAGRAM 37565	4/05/2016	Approved	Approved	16	189855	Sarah Elizabeth Page & Stephen Page	Wild Design and Construction Pty Ltd
DA16/0261	Outbuilding - Landscape Value - Reduced Setbacks	17 Huntington Court-QUEDJINUP WA 6281	Lot 202 DIAGRAM 99060	10/05/2016	Approved	Approved	0	2000	Ian Samuel Beniston	Ian Samuel Beniston

DA16/0270	Single House with parapet wall (Port Geographe Development Area)	21 Bream Quadrant~GEOGRAPHE WA 6280	Lot 111 PLAN 36861	10/05/2016	Approved	Approved	30	205740	Timothy Richard Dennison	Tangent Nominees Pty Ltd
DA16/0272	Single House / Holiday Home in Landscape Value Area	22 NuMgup Loop~YALLINGUP WA 6282	Lot 45 PLAN 20016	13/05/2016	Approved	Approved	5	650000	Debbie Lee Camm	Built Right Approvals
DA16/0274	Patio Addition (single dwelling)	49 Shearers Close~QUEDJINUP WA 6281	Lot 222 PLAN 24497	3/05/2016	Approved	Approved	4	9000	Geoffrey Lawrence Bowman & Michelle Louise Bowman	WA External Solutions
DA16/0277	Maintenance Access Track	201 Woodlands Road~WILYABRUP WA 6290	Lot 350 PLAN 104597	9/05/2016	Approved	Approved	21	10000	Harmanis Holdings Pty Ltd	Allerding & Associates
DA16/0279	Modification to Building Envelope & Single Residence	22 Dress Circle~YALLINGUP WA 6282	Lot 29 PLAN 41565	4/05/2016	Approved	Approved	8	700000	Lynley Carol Mumme	West Coast Designs Pty Ltd
DA16/0282	Single House (Landscape Value Area)	21 Windlemere Drive~DUNSBOROUGH WA 6281	Lot 76 PLAN 18889	4/05/2016	Approved	Approved	8	0	Brian Charles Rogers	M-Sky Homes Pty Ltd
DA16/0283	Holiday Home (Single Dwelling - Rural Residential) 6 Persons	70 Seascapes Rise~YALLINGUP WA 6282	Lot 25 PLAN 41565	4/05/2016	Approved	Approved	16	0	Nigel Lloyd Wake	Nigel Lloyd Wake
DA16/0284	Single House (Landscape Value Area)	97 Grove Park Terrace~QUINDALUP WA 6281	Lot 12 PLAN 23785	10/05/2016	Approved	Approved	11	300000	Anthony James Hall & Deborah Anne Hall	Anthony James Hall, Deborah Anne Hall
DA16/0300	Two (2) Illuminated Signs	63 Queen Street~BUSSELTON WA 6280	Lot 8 DIAGRAM 17609	4/05/2016	Approved	Approved	9	10000	Queen Street Realty Super Pty Ltd	Redink Homes Southwest Pty Ltd
DA16/0302	Garage Extension to Single House (parapet wall)	6 Newtown Beach Road~ABBEY WA 6280	Lot 48 DIAGRAM 49294	5/05/2016	Approved	Approved	8	17000	Colin Robert Woodford & Sharon Lesley Woodford-Jones	Colin Robert Woodford, Sharon Lesley Woodford-Jones
DA16/0315	Solid Front Fencing Over 1.2m	9 Court Street~WEST BUSSELTON WA 6290	Lot 19 DIAGRAM 6327	10/05/2016	Approved	Approved	8	150000	DMRC Pty Ltd	DMRC Pty Ltd
DA16/0323	Tree Removal	22 Kent Street~WEST BUSSELTON WA 6280	Lot 27 DIAGRAM 10246	10/05/2016	Approved	Approved	7	2500	Duncan Ross Yates & Jane Abigail Yates	Duncan Ross Yates, Jane Abigail Yates
DA16/0330	Floating Jetty (Port Geographe Development Area)	36 Lanyard Boulevard~GEOGRAPHE WA 6280	Lot 77 PLAN 59251	10/05/2016	Approved	Approved	11	43324	Neville Clive Veillacott	The Jetty Specialist
DA16/0331	Retrospective Over Height Outbuilding	7 Hawker Approach~YALYALUP WA 6280	Lot 11 PLAN 58883	11/05/2016	Approved	Approved	10	9260	Helen Margaret Hiddle & Stephen Roy Hiddle	Busseton Sheds and Patios
DA16/0332	Single House (Vehicle Access)	41 Paterson Drive~YALYALUP WA 6280	Lot 701 PLAN 401832	4/05/2016	Approved	Approved	1	198327.27	Jessica Terri Kane	WA Country Builders Pty Ltd - Busseton
DA16/0335	Holiday Home (Single House) - 8 people	70 Gifford Road~DUNSBOROUGH WA 6281	Lot 42 PLAN 17371	10/05/2016	Approved	Approved	12	0	Toby James Joseph Bellegarde & Tara Maree Bellegarde	Toby James Joseph Bellegarde, Tara Maree Bellegarde
DA16/0336	Single House Alterations/Additions (Landscape Value)	94 Duckworth Place~NATURALISTE WA 6281	Lot 19 PLAN 22560	11/05/2016	Approved	Approved	7	1	Arcadian Pastoral & Agency Co Pty Ltd	Sam Hanson
DA16/0345	Outbuilding (Landscape Value)	116 Balmoral Drive~QUINDALUP WA 6281	Lot 259 PLAN 68461	11/05/2016	Approved	Approved	3	26000	Julie Gail Kneale	Busseton Sheds Plus
WAPC16/0012	Three (3) Lot Subdivision (485sqm - 3360sqm)	51 Ford Road~GEOGRAPHE WA 6280	Lot 100 PLAN 24762	11/05/2016	Support	WaitWAPC	42	0	Vernon Ashley Brockman	ON-Q Projects

(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.)

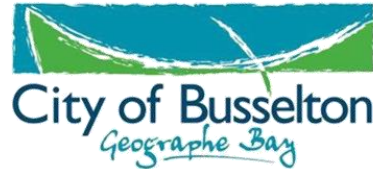
As at 26 May 2016

APPEAL (Name, No. and Shire File Reference)	DATE COMMENCED	DECISION APPEAL IS AGAINST	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / 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	<p>Mediation on 20 November 2015 which resulted in following orders being made:</p> <ul style="list-style-type: none"> • 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 further directions hearing has been listed for 8 July 2016. 	<ul style="list-style-type: none"> • Directions Hearing scheduled for 8 July 2016 	

Lee vs City of Busselton	June 2015	Appeal against Demolition Order	James Washbourne/ Cobus Botha	<ul style="list-style-type: none"> • 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 re-issue another building order. • Directions Hearing scheduled for 21 June 2016 	<ul style="list-style-type: none"> • Directions Hearing scheduled for 21 June 2016 	
DCSC vs Southern JDAP	January 2016	Appeal against refusal of Development application	State Solicitors Office/Anthony Rowe/Paul Needham	<ul style="list-style-type: none"> • Parties to circulate documents categorising the land use within 14 days. • Land use to be determined by SAT. 	<ul style="list-style-type: none"> • 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	Moshe Philips/Tanya Gillett/Anthony	<ul style="list-style-type: none"> • Directions hearing to commence proceedings 	<ul style="list-style-type: none"> • Directions hearing 20 July 2016 	

		Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping	Rowe	<ul style="list-style-type: none"> 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 reconsideration of S.34 of the Caravan and Camping Grounds Act 1995. Directions hearing scheduled for 20 July 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	<ul style="list-style-type: none"> Mediation Hearing on 27 April 2016 to discuss the issue of whether the development 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 scheduled for 7 June 2016. 	<ul style="list-style-type: none"> Mediation 7 June 2016 	
Formas v Western Australian Planning Commission	April 2016	Appeal against the refusal of a three lot subdivision	State Solicitors Office/Joanna Wilson	<ul style="list-style-type: none"> Mediation on 27 April 2016 to discuss the issue that the existing dwellings on site have existing development approvals and the applicant is arguing that as they have a purple title the subdivision could be approved. The parties could not 	<ul style="list-style-type: none"> Directions Hearing 2 June 2016 	

				<p>agree in Mediation and the application has requested the matter goes to a Hearing.</p> <ul style="list-style-type: none">• Directions Hearing scheduled for 2 June to set dates for a Hearing.		
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Meelup Regional Park Management Committee

CO Locked Bag 1 • Busselton • Western Australia • 6280

Email: Kay.Lehman@busselton.wa.gov.au

Web: www.meeluppark.com

Facebook: Meelup Regional Park

Informal Meeting- Notes

DATE: Tuesday 24 May 2016, 5pm

VENUE: Eagle Bay Community Hall

1. ATTENDANCE AND APOLOGIES

Attendance:

Members: Dr Bob Jarvis (Presiding Member), Mr Peter Randerson (Deputy Presiding Member), Cr Terry Best, Cr John McCallum and Mr John Lang.

Officers: Mr Greg Simpson (Manager Environmental Services) and Ms Kay Lehman (Meelup Environment Officer- EO), Peta Tuck (Events' Coordinator).

Apologies: Mr Albert Haak, Mr Damien Jones, Mrs Shirley Fisher, Mr Bob Ginbey, Lynley Rich (Manager, Governance Services) and Jenny May (Manager, Commercial Services),

2. PRESENTATION TO THE COMMITTEE

2.1 Meelup Governance and Management Arrangements- Lynley Rich (Manager, Governance Services)

Lynley was unable to attend the meeting.

Proposed Direction:

1. Re-schedule for when the new committee member is appointed in a few months.
2. Information for the Committee to note.

2.2 Events Policy –Meelup Regional Park

Peta Tuck (City of Busselton, Event Coordinator) presented the revised Event Policy for the Meelup Regional Park- **Attachment A**

A number of edits to the document were discussed and agreed upon including:

- changing the number of site based events from 5 to 4;
- removing second paragraph on page 12; and
- re-word Point 6 on Page 13 (During the Event heading) in Appendix 1.

Peta Tuck will finalise the Events Policy- Meelup Regional Park which will be presented at a formal committee meeting on 28 June 2016.

Proposed Direction:

1. Information for the Committee to note.

3. FINANCIAL SUMMARY - Attachment B

The Financial Statement to 16 May 2016 included as Attachment B was discussed.

Proposed Direction:

1. That the Committee notes the May 2016 Financial Summary (**Attachment B**).
2. EO to summarize the projects as background information for the project planning meeting to be held in July 2016.
3. EO to follow-up with Peta Tuck on the X Adventure events fees and payments
4. To include the construction of a storage shed at the City's Vidler Road depot in next financial year's budget.

4. MEELUP VOLUNTEER UPDATE – Bob Jarvis

1. Bob to present a summary of volunteer activities including:
 - Planting of 12 mature Peppermint trees (35L size) at Meelup beach;
 - Locating suitable trees for cockatoo hollow;
 - Enclosure visit and discussion on vegetation monitoring; and
 - Weeding at Meelup beach;
 - Maintenance at Baudin Memorial-cleaning and painting seats, cleaning pavers.
2. School activities (Busselton Senior High School) in May include:
 - Wed 18th May- 55 students Year 10- Beach cleanup 9.30am until 12.30, then sorting of the litter (Tangorua Blue method) and talk on a source reduction plan for the students to work on in the classroom; and
 - Thurs 19th-22 Year 9 students- 9.30am until 12.30, constructed rock gabion for track erosion measures at Eagle Bay.

The students from the Busselton Senior High School are keen to present their finding from the Beach Clean up to Council.

Proposed Direction:

1. Information for the Committee to note.
2. Investigate options for the students to present their findings to Councillors including the scheduled tour of Meelup Regional Park.

5. ACTION SUMMARY PROGRESS UPDATE

The action summary is appended as **Attachment C**. The Action Summary table was discussed with outstanding/ongoing actions to be summarized for the next meeting. Refer to the Action Summary table for details.

6. REPORTS

6.1 Environmental Guidelines for Events

An action from the April 2016 meeting is to develop a dieback hygiene station standard for implementation at events. Further planning and discussion is required in regard to implementing effective dieback management, use of the Lookout trail and trails adjacent to residents near the southern of the Dunsborough District Club. Professional advice on dieback management measures for this event would be advisable.

A report prepared by Committee member, John Lang will be presented at the Committee meeting.

Proposed Direction:

1. To develop Environmental Guidelines, to better outline the requirements for event organizers' to include in their Environmental Management Plan. Guidelines are to include details and standards on dieback hygiene stations, preferred trail routes and other relevant environmental measures.
2. That the X Adventure post event report prepared by committee member John Lang be forwarded to the CEO requesting the Report be included in the Councillor Information Bulletin.

6.2 Whale Platform

Benchmark Contracting has been appointed to construct the Whale Viewing Platform at Point Picquet. Preliminary site work to remove rock at the carpark/platform transition has been carried out in preparation for the stone work. Practical completion date is scheduled for late July 2016.

Proposed Direction:

1. Information for the Committee to note.

6.3 Mountain Bike Trail – Zone 6

A Framework document based on the Western Australian Mountain Bike Guidelines is being drafted and Cape Mountain Bikers have appointed Dirt Art to undertake a trail audit to guide the future development of the mountain bike trail network.

West Cycle is supportive of the proposed zone 6 mountain bike trail and is assisting the development of the project.

An Asbestos Management Plan and Detailed Site Investigation Plan is currently being prepared for the former waste disposal site and will be the subject of a future report to the Committee. The development

of trails in the former waste disposal areas will be considered as part of the site remediation planning process.

Proposed Direction:

1. Information for the Committee to note.

6.4 Litter Control Officer

An action from the April 2016 meeting was to investigate the possibility of employing a person specifically for litter collection in the Meelup Regional Park. At present there is no provision in the Workforce Plan for a position to be created to service Meelup Regional Park. The Work Force Plan is reviewed annually in January/ February and a submission will be submitted for the position at the appropriate time.

In the interim the Committee could consider engaging a contractor to perform various activities such as litter collection.

Proposed Direction:

1. Information for the Committee to note.
2. To use the contractor funding from the Meelup budget to employ a litter collection contractor as detailed in a report from committee member, John Lang to commence in October 2016.

6.5 Visitor Survey

Peter Randerson gave an update on the data analysis from the visitor surveys undertaken in January 2016 including a comparison with the 2010 visitor survey. Refer to Attachment D for details.

Proposed Direction:

1. Information for the Committee to note.
2. Peter Randerson and the EO to investigate if there is any seasonal statistics from the 2010 visitor survey to assist the committee in deciding whether a winter 2016 visitor survey is required to be undertaken.

6.6 Update on Limestone trail works

Limestone sheeting trail work was completed on 18 May and included the following trails in the Park:

- Sail Rock to Meelup Beach (so the section Castle Rock to Meelup Beach will be complete)-415 metres.
- Point Piquet – two sections of trail alignment associated with the CoastWest grant consisting of 26 metre section and a 210 metre section.
- Baudin Memorial-trail to the west (56 metres) and under the Baudin Memorial Mask (3m³).
- Rocky Point trail-north of the Eagle Bay Hall (165 metres).

Proposed Direction:

1. Information for the Committee to note.

6.7 Update on implementation of Grant work

The three current grants involve rehabilitation works in three areas of the Park including the Coastal nodes, Wildlife Corridor and in Zone 6. Weed control, mulching and revegetation works will commence in late May including the planting of 1,560 seedlings, spreading of 250m³ of mulch, installation of cockatoo nesting hollows, erosion works and community planting days.

The CoastWest grant includes the installation of signage on salmon fishing at Baudin Memorial. Bob Jarvis and the EO have been liaising with local fisherman David Couch and had an onsite meeting on 17 May to discuss the fishing group's proposal for an Eagle Bay Salmon Monument (**Attachment E**).

The committee discussed the Eagle Bay Salmon Monument proposal and have reservations on the size and visual impact of the monument. It was discussed that information could be better presented on information panels/signs which would be more in keeping with the environment.

Proposed Direction:

1. Information including Attachment E for the Committee to note.
2. Manager Environmental Services and EO to meet with David Couch to discuss the committee's reservations on the project.

Meelup Beach- Trees

The committee proposed a new project to assess the health of mature trees at Meelup Beach and a plan for landscaping and revegetation works. The project would include:

- an audit of the condition of all mature trees and treatment (if required) by an arborist;
- a landscape and revegetation management plan; and
- implementation of relevant recommendations related to landscaping/revegetation from the Meelup Beach Master Plan.

Proposed Direction:

1. EO to prepare a scope of works for a tree condition audit, landscape and vegetation plan for Meelup Beach and investigate the availability of grant funding to undertake the project

6.8 Controlled burn in Cell 8 and 9

A control burn was successfully undertaken of approximately 38 hectares in Cell 8 and 9 of the Park adjacent to Cape Naturaliste Road and Sheen Road on 3 May. The area around the previously recorded Declared Rare Flora was raked prior to the fire to reduce the fuel load and the fire's impact.

The controlled burn was undertaken in liaison with the Department of Parks and Wildlife including a Permit to Take DRF.

Five brigades with a total of 13 appliances assisted with the burn including Eagle bay, Dunsborough Yallingup Rural, Yallingup Coastal, Vasse, and Sussex Bush Fire Brigades (BFB). A total of 35 fire fighters assisted on the day with Dunsborough BFB patrolling the fire for the next two days.

Proposed Direction:

1. Information for the Committee to note.

6.9 Maintenance update

An update on the maintenance work undertaken in the Park in the last few weeks:

- Repair and replacement of bollards at the Meelup Beach carpark, Eagle Bay carpark, Meeka carpark, Wannang carpark, Walgermia carpark
- Removal of graffiti on signs at Meelup Beach and Point Piquet
- Repair of fencing at Baudin carpark
- Removal of tree from firebreak off Sheen Road
- Servicing of Point Piquet toilet

Proposed Direction:

1. Information for the Committee to note.
- 1 For the EO to report maintenance works at committee meetings, as required.

7.0 LATE ITEMS

7.1 NBN generator and fuel tank- Zone 6

A generator and fuel tank associated with the NBN tower infrastructure is located on Lot 341 (vested in the Water Corporation) adjacent to Meelup Regional Park. Approvals for the tower infrastructure show that power is planned to be connected to the site. Information on the timing of the power connection has not yet been obtained.

Proposed Direction:

EO to make enquiries as to the timing of the mains power connection to the NBN tower.

7.2 Meelup Brook-Upstream dam

There is low water/environmental flow from the catchment into the Meelup Brook.

Proposed Direction:

1. EO to consult the Department of Water to determine requirements for maintaining environmental flows to the Meelup Brook.

8.0 Meeting Closure

The meeting was closed at 7.35pm.

From: [Hayley Barge](#)
To: [Hayley Barge](#)
Subject: Thank you from Triathlon Western Australia
Date: Wednesday, 25 May 2016 2:59:57 PM

Subject: Thank you from Triathlon Western Australia

Dear Grant and Mike

On behalf of Triathlon Western Australia, I would like to thank you both for your support and the support of the whole Council and staff at the City of Busselton for this year's SunSmart Busselton Festival of Triathlon and SunSmart Ironman 70.3 Busselton. Without the support of the City this event would just not happen and the support we get from all your staff is incredible. I'd like to specially mention Peta Tuck and Mike Drummond who always go above and beyond to assist. We are in the process of undertaking de-briefs with all major stakeholders and will be down to meet with the City of Busselton in the next couple of weeks.

The event continued to exceed all expectations with a record number of 1750 individual competitors and 330 teams on the start line for the 70.3 on the Sunday morning. Additionally, a further 500 people took part in the Mizuno Fun Run, SunSmart Kids Triathlon and the Funky Trunks Open Water Swim, with lots of positive feedback for the changes to the event format and increased festival atmosphere that the event had this year.

Thank you again from everyone at Triathlon WA and we look forward to working with you as we get ready to make the 2017 event even better!

Kind Regards

Peter Minchin
Executive Director
Triathlon WA
Mobile: 0403 463 979
Office: 08 9443 9778
www.triwa.org.au
www.busseltonfestivaloftriathlon.com.au





May 2016

Dear Mayor and Councillors of the City of Busselton,

Thank you for your generous financial support, which goes toward YouthCARE school chaplaincy in the Busselton and Dunsborough area.

Your support has gone a long way in helping us continue to provide chaplaincy programs and services in the local primary and high schools.

The role of a school chaplain is to form an integral part of their schools' student services team by providing pastoral care to staff, students and their families. Our chaplains listen, understand and refer when appropriate. They link schools with the local community, support agencies and organisations, play an active role assisting and supporting school events, and facilitate pastoral support programs and resources. Our chaplains are in schools to support, mentor, encourage and empower the school communities.

Again, on behalf of YouthCARE staff and volunteers, thank you. We greatly appreciate your support of our mission and the work we do in WA school communities.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen Nelson".

Karen Nelson
Area Chaplain

*Our missions is to express God's love and
presence in educations communities
throughout WA.*





Certificate of Acknowledgement

*YouthCARE would like to thank the City of Busselton for their
continued support over the years for the funding the Chaplaincy
services in the local schools and wider community*

Area Chaplain KP Nelson Date 20.4.2016



Cr Grant Henley
Mayor
City of Busselton

Friday, 27 May 2016

Dear Grant,

On behalf of the Busselton Dunsborough Volunteer Centre I would like to thank you for your support of the Volunteer Awards. It was a pleasure working with the City of Busselton and the outcome was excellent. The awards were a great success and all the feedback on them has been positive. Your attendance was appreciated and your words on the night were thoughtful and sincere. The nominated volunteers, award winners and organisations in attendance really felt acknowledged.

It is exciting to be able to recognise the invaluable contributions that volunteers make in our communities and I look forward to continuing the awards next year in conjunction with the City of Busselton.

Warm Regards



Carl Holroyd

Coordinator
Busselton Dunsborough Volunteer Centre
Box 5 – CRC – 21 Cammilleri Street
Busselton WA 6280
Ph/Fax: 08 - 97542047
email: volunteers@westnet.com.au
www.bdvoleunteers.org.au
www.facebook.com/BusseltonDunsboroughVolunteers

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

Nil

18. QUESTIONS FROM MEMBERS

19. PUBLIC QUESTION TIME

20. NEXT MEETING DATE

Wednesday, 22 June 2016

21. CLOSURE