



## **Council Agenda**

***11 May 2016***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

**CITY OF BUSSELTON**


**MEETING NOTICE AND AGENDA – 11 MAY 2016**

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**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, 11 May 2016, commencing at 5.30pm.

Your attendance is respectfully requested.



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

29 April 2016

**CITY OF BUSSELTON**

**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11 MAY 2016**

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

2. **ATTENDANCE**

**Apologies**

**Approved Leave of Absence**

3. **PRAYER**

The Prayer will be delivered by Reverend Brenton Prigge from the Busselton Uniting Church.

4. **PUBLIC QUESTION TIME**

**Response to Previous Questions Taken on Notice**

**Public Question Time**

5. **ANNOUNCEMENTS WITHOUT DISCUSSION**

**Announcements by the Presiding Member**

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

6. **APPLICATION FOR LEAVE OF ABSENCE**

7. **PETITIONS AND PRESENTATIONS**

8. **DISCLOSURE OF INTERESTS**

9. **CONFIRMATION AND RECEIPT OF MINUTES**

**Previous Council Meetings**

9.1 **Minutes of the Council Meeting held 27 April 2016**

**RECOMMENDATION**

That the Minutes of the Council Meeting held 27 April 2016 be confirmed as a true and correct record.

**Committee Meetings**

Nil

## 10. PLANNING AND DEVELOPMENT SERVICES REPORT

### 10.1 FURTHER CONSIDERATION OF AMENDMENT 1 TO LOCAL PLANNING SCHEME 21 ('OMNIBUS AMENDMENT') FOR FINAL ADOPTION; AND RELATED AMENDING OF DUNSBOROUGH LAKES ESTATE DEVELOPER CONTRIBUTIONS PLAN

<b>SUBJECT INDEX:</b>	Town Planning Schemes and Amendments
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Strategic Planning and Development
<b>ACTIVITY UNIT:</b>	Strategic Planning and Development
<b>REPORTING OFFICER:</b>	Senior Strategic Planner - Helen Foulds
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Schedule of Submissions Attachment B Schedule of Modifications Attachment C Areas proposed to be included within the Dunsborough Lakes Estate Developer Contributions Plan Attachment D Lot 964 Yoganup Place, Yoganup Scheme Amendment Map

## PRÉCIS

The Council is requested to give consideration to the adoption for final approval of Amendment 1 (i.e. the 'Omnibus' amendment) to Local Planning Scheme 21 (LPS21) as well as the initiation of formal planning processes to two related issues.

At the Council Meeting of 9 March 2016, the Council resolved to adopt for final approval the majority of changes to the Local Planning Scheme proposed by Amendment 1, whilst deferring consideration of the proposals relating to control of drive-through facilities in the 'Business' zone (recommendation 4.5) and proposed rationalization of Dunsborough Lakes Development Contributions (recommendation 5.58) to allow for further consideration of those matters. City officers are now recommending the removal of these two matters from the Amendment, with each proposal to be resolved via separate and subsequent planning processes.

A limited number of additional modifications to the advertised Amendment are also now recommended by officers, including correction of two minor mapping errors recently identified and listed within the recommended 'Schedule of Modifications'.

The Officer Recommendation is in three key parts:

- A. Providing a direction to City officers to prepare for further Council consideration proposals for additional urban design guidance for the Busselton City Centre and Dunsborough Town Centre, in part in response to issues raised in relation to the proposed controls on drive-through facilities included in the advertised amendment, but which is now recommended for removal from the amendment, as noted above and set out in more detail in the body of this report;
- B. Commencing the process of amending the Dunsborough Lakes Estate Developer Contributions Plan (DCP) for the purpose of including four cells within Dunsborough Lakes that are not currently included in a developer contribution area for community facilities,

again in part in response to a submission received in relation to the advertised amendment; and

- C. The adoption of Amendment 1 for final approval, subject to those modifications listed in the 'Schedule of Modifications' including the modifications already endorsed by the Council plus the additional modifications set out in this report.

## BACKGROUND

At its meeting of 26 August 2015, the Council considered Amendment 1 to the City of Busselton Local Planning Scheme 21 (LPS21) and adopted it for public consultation.

The Amendment recommends a significant number of mostly minor changes to LPS21. The various changes proposed are seen as necessary for the more efficient and effective administration of the Scheme, to better reflect the Council's identified and endorsed strategic direction, and to provide positive, rational and effective guidance for future land use and development across the District.

The intent, purpose and scope of the changes originally recommended in the advertised Amendment are to:

- Implement the recommendations of the CapeROC initiative that investigated providing a more 'liberal' and consistent approach to regulation of development in the rural zones of the Augusta-Margaret River and Busselton town planning schemes, noting that the Shire of Augusta-Margaret River has now already completed a similar exercise;
- Implement a number of the recommendations from the City of Busselton 'Local Commercial Planning Strategy', 'Local Cultural Planning Strategy' and subsequent Conceptual Plans for the Busselton City Centre and Dunsborough Town Centre (both finally adopted by the Council in January 2014);
- Rationalise and clarify the delineation and mapping of the Scheme Area boundary along the coastline;
- Correct textual anomalies that occurred during the conversion of District Town Planning Scheme No. 20 into 'Model Scheme Text-compliant' form as Local Planning Scheme No. 21; and to update/correct other essentially minor Scheme matters generally;
- Relax building height controls across the City;
- Place a prohibition on the development of new 'drive-through facilities' within the 'Business' zone;
- Changes to development contribution requirements for portions of Dunsborough Lakes; and
- Address a number of mapping corrections that have been identified as being needed through the process of adopting the new Local Planning Scheme, along with other minor modifications to the Scheme Maps.

The Amendment was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 42 days from 4 November 2016, concluding on 16 December 2016.

At its Meeting on 10 February 2016, the Council was to consider the Amendment for final approval. The Council resolved, however, to defer consideration of the Amendment until the Meeting of 9 March 2016, following a Special Meeting of Electors that was called for 1 March 2016.

As no resolutions for Council consideration were supported during the Special Meeting of Electors, the Council resolved, on 9 March 2016, to adopt the Amendment for final approval, in accordance

with the (then) Schedule of Modifications, with the exception of two aspects of the Amendment, namely of amendment clause 4.5 (Drive-Through Facilities in the Business Zone) and amendment clause 5.58 (Dunsborough Lakes Developer Contributions), for which consideration was to be deferred until a later meeting of Council. Those clauses were as follows in the advertised Amendment:

**1. Drive- Through Facilities in the Business Zone**

- 4.5 a. Inserting a new clause 5.5.2 as follows and renumbering subsequent clauses and clause references accordingly:

*"5.5.2 Notwithstanding clause 5.5.1 above, the following development is expressly prohibited:*

*(a) Drive-through facilities in the Business zone, as specified by clause 5.20;..."*

- b. Inserting a new clause 5.20 as follows and renumbering subsequent clauses and clause references accordingly:

**"5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE**

*Drive-through facilities shall not be approved in the Business zone."*

- c. Amending Schedule 1 "Interpretations" by inserting the following new definition:

*"'Drive-through facility' means a facility incidental to another use, such as shop or takeaway food outlet, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle."*

**2. Dunsborough Lakes Developer Contributions**

5.58	All lots within Dunsborough Lakes with the exception of Lot 9033 Commonage Road, Dunsborough	Include all areas of Dunsborough Lakes, with the exception of Lot 9033 Commonage Road, Dunsborough, within the 'Dunsborough & Quindalup' Precinct of DCA 1
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The deferral of the above two items allowed time for further discussion and investigation into these by City officers, and subsequent further consideration by the Council, specifically through consideration of this report.

Since the resolution of the Council on 9 March 2016, officers have had the opportunity to further consider, investigate and discuss these two matters. Despite the careful and comprehensive preparation of the Amendment over the past 18 months, and its endorsed adoption for extensive public consultation, officers now recommend a different direction with respect to both matters, both of which would be best progressed separately to final consideration of the Amendment.

The purpose of this report is to recommend final approval of Amendment 1 to enable the Amendment to be forwarded to the Western Australian Planning Commission for endorsement by the Minister, as well as provide specific direction on the two other matters described above.

## STATUTORY ENVIRONMENT

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

The *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into operational effect on 19 October 2015, identifies three different levels of amendments – basic, standard and complex. As the identification of the amendment type occurs at the time of formal initiation, which in this case occurred prior to the adoption of the Regulations, it is not now necessary to categorise the Amendment level at this later stage. Notwithstanding this, Amendment 1 will now be progressed for final adoption as though it were a ‘standard’ amendment under the Regulations.

The formal review of the Dunsborough Lakes Estate Developer Contributions Plan is recommended to be progressed in accordance with clause 7.7 of LPS21 and will include advertising, consideration of submissions, final approval by the Council and forwarding for the consideration of the Western Australian Planning Commission.

The Officer Recommendation is considered to be fully consistent and compliant with all requirements of the relevant statutory environment.

## RELEVANT PLANS AND POLICIES

The key policy implications with respect to the Amendment proposal are:

- Local Commercial Planning Strategy;
- Local Cultural Planning Strategy;
- Busselton City and Dunsborough Town Centre Conceptual Plans; and
- Planning in Bushfire Prone Areas.

Each of these plans and strategies (inter alia) was commented upon in considerable detail in the Agenda report for the Meeting of 10 February 2016. In the interests of brevity in this ‘supplementary’ report, please refer to that earlier report for any further information.

## FINANCIAL IMPLICATIONS

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

### Long-term Financial Plan Implications

Nil.

## STRATEGIC COMMUNITY OBJECTIVES

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

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

## **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. Officer assessment identified no significant risks associated with this proposal.

## **CONSULTATION**

In the interests of brevity in this 'supplementary' report, please refer to the earlier report of 10 February 2016 for further detailed information in respect to the extensive public consultation process that was undertaken regarding the Amendment, between 4 November and 16 December 2016.

Further discussions have now been held with the proponent for the Dunsborough Lakes development in response to the submission received during the consultation period on the matter of developer contributions (amending clause 5.58 of the Amendment). This matter is discussed further in the 'Officer Comment' section, below.

As an outcome of the consultation process, the following Schedules were created (as required by the Regulations):

- A 'Schedule of Submissions' outlining the submissions received and providing detailed officer comments and recommendations to the Council in respect to each; and
- A 'Schedule of Modifications' providing a list of recommended modifications to the Amendment (relative to the advertised amendment) that are recommended by officers as an outcome of assessment and consideration of submissions.

## **OFFICER COMMENT**

This report discusses 3 outstanding matters in regard to the final approval of the Omnibus Amendment, as follows:

1. Drive-through Facilities in the Business Zone;
2. Dunsborough Lakes Development contributions; and
3. Miscellaneous corrections to the Advertised Amendment Maps

Each matter is addressed under separate sub-headings below.

### **1. Drive-through Facilities in the Business Zone**

Officers have identified and considered a range of options in relation to this issue. Options considered include: continuing to recommend adoption of the Amendment without change in relation to this matter; developing a specific alternative proposal that might be more targeted, and which would not apply to the whole of the 'Business' Zone; as well as recommending that the proposal not be proceeded with at this stage.

Whilst officers remain strongly of the view that there are significant portions of both the Busselton City Centre and Dunsborough Town Centre where 'drive-through facilities' or other similar heavily car dependent development, such as service stations, cannot possibly occur without fundamentally undermining the Council and community vision for the development of vibrant, walkable, pedestrian friendly centres, there does not appear to be broad consensus in support of the proposals in the advertised Amendment, and any alternative proposal should itself be subject of consultation.

Neither officers nor the Council has had the opportunity to properly develop and consider an alternative set of proposals that might be adopted for consultation as part of considering this report. As such, officers are not presenting any detailed proposals at this time. Instead, though, officers are recommending that the Council resolve to indicate its intention to develop and/or review urban design policy related to the Busselton City Centre and Dunsborough Town Centre. Officers would then, following informal discussion and consultation, present detailed proposals for formal Council consideration at a later time. That recommendation would in any case reflect existing recommendations of the Council endorsed Conceptual Plans for the two centres.

## **2. Dunsborough Lakes Development Contributions**

The Dunsborough Lakes Estate DCP came into effect subsequent to the disposal of the undeveloped portion of Dunsborough Lakes Estate by the then developer Aspen. Unlike other landholdings where contributions are spent elsewhere (i.e. divided between district facilities and precinct facilities), contributions collected via subdivision and development at Dunsborough Lakes are to be allocated to the development of district level active open space and its associated facilities within the DCP area. As a result, a higher level of contribution per lot was discussed with, and accepted by, the then prospective new estate landowner and developer by (although, it should be noted that the arrangement did not and does not represent an 'agreement' between the City and developer in any formal, legal sense). The DCP was prepared in cooperation with the new developer on their understanding that it would discharge all obligations in respect to their development contributions within Dunsborough Lakes.

On the basis of the history surrounding the formulation of the DCP, the request by the developer for the Amendment to exclude the requirement to include those land parcels identified in DCA 1 in Attachment C (which would attract monetary contributions in addition to those required by the DCP) is considered reasonable.

It should be noted that this position would not necessarily bind or preclude City officers and/or the Council from reviewing the contributions arrangements applicable to Dunsborough Lakes Estate (or any other development contribution area or plan for that matter) and recommending informed alternative positions. Similarly, the relevant WAPC policy also requires developer contribution plans to be regularly reviewed.

Notwithstanding this, the exclusion of the land parcels identified on Attachment C from either DCA 1 or the DCP would remain an anomaly on the Scheme Map. To rectify this, officers are recommending that the Dunsborough Lakes Estate Developer Contribution Plan be amended to include all land parcels in Dunsborough Lakes, however the current overall contribution of approximately \$1,275,000 would remain unchanged and apply to all, but continue to be collected in relation to the currently affected lots only. Corresponding modifications to the Dunsborough Lakes Structure Plan and a basic Amendment to LPS21 will also be required, and those processes can occur once the DCP is amended.

## **3. Miscellaneous corrections to the Advertised Maps**

The following additional errors have recently been identified in the advertised Maps and are recommended to now be corrected as part of the Schedule of Modifications.

### Lot 964 Yoganup Place, Yoganup

Recommendation 5.11 of the Omnibus Amendment No. 1 identifies the rezoning of Lot 964 Yoganup Place, Yoganup from 'Recreation' Reserve to 'Bushland Protection' and 'Agriculture' zones as follows:

5.11	Lot 964 Yoganup Place, Yoganup	Rezone portion from 'Recreation' Reserve to 'Bushland Protection' and 'Agriculture'.
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The land is in private ownership and will not be used as a 'Recreation' Reserve. The owner has been granted a permit from the then Department of Environment and Conservation (DEC) to clear native vegetation for the purpose of increasing pasture areas for stock grazing. The remaining vegetation is intended to be within the 'Bushland Protection' zone with the remainder of the property zoned 'Agriculture'.

The mapping was taken directly from the 'Permit to Clear' issued by the DEC on 13 December 2012, which identified vegetation that was approved to be cleared and vegetation that was to be retained and protected by fencing. Clearing of vegetation has now taken place in accordance with that Permit to Clear.

The mapping associated with the Omnibus Amendment was intended to identify the protected vegetation within the 'Bushland Protection' zone, but the area approved to be cleared had inadvertently been identified as being within the 'Bushland Protection' zone instead. Although sent directly to the landowner for comment during the public consultation period, no response was received.

The correct Scheme Amendment map associated with Lot 964 Yoganup Place, Yoganup is now provided at Attachment D. The Schedule of Modifications has been updated to reflect the recommendation to correct this mapping error.

#### Lot 601 Armstrong Place, Dunsborough

Sheet 9 of the advertised version of the full Scheme Maps (showing mapping amendments proposed to Local Planning Scheme 21 by Omnibus Amendment No. 1) inadvertently identified Lot 601 Armstrong Place, Dunsborough as being proposed for a 'Special Purpose' zone. This proposed zoning should only have applied to adjoining Lot 600 Armstrong Place, being the site for the future Cape Care Aged Persons Accommodation, in accordance with Resolution 5.30.

The modification to rectify this error has now been included in the Schedule of Modifications at Attachment B, such that sheet 9 of the Advertised Scheme Maps be amended to remove Lot 601 Armstrong Place, Dunsborough from the proposed 'Special Purpose' zone. That is, the Lot shall remain as 'Recreation Reserve' as per the existing designation under the Scheme.

As these modifications to the advertised maps are obviously very minor in both cause and effect, their re-advertisement is not considered to be warranted.

## **CONCLUSION**

The purpose of Amendment 1 is to improve the functionality and currency of Local Planning Scheme 21 by refining, updating and correcting provisions and mapping where these have been found to be deficient. A significant number of essentially minor changes have been introduced that reflect the endorsed recommendations of previous strategic studies and outcomes (e.g. the Local Cultural Planning Strategy (2011), the Local Commercial Planning Strategy (2011) and the City/Town Centre Conceptual Plans for Busselton and Dunsborough).

The detailed information and explanatory rationales provided within the Agenda report on 10 February 2016 (and in the *initial* report to the Council, on 26 August 2015) address the continuing orderly and proper planning of the City.

To further ensure this, the Amendment was further refined and improved following the extensive public consultation process, and a small number of adjustments were subsequently recommended to the Council in the Schedule of Modifications, included as Attachment B.



The Officer Recommendation is adoption by the Council of Amendment 1 for consideration for final approval, subject to the proposed Schedule of Modifications, as well as the provision of direction related to the two related matters described above.

## **OPTIONS**

Should the Council not wish to support the Officer Recommendation, it could consider the following options:

1. Resolve to adopt the proposed Omnibus Amendment for final approval, subject to revised or additional modification(s) to those recommended in the 'Schedule of Modifications'.
2. Resolve to recommend that the WAPC and Minister for Planning not adopt the Amendment for final approval.

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

The implementation of the Officer Recommendation will require provision of relevant documentation concerning the Amendment to the Western Australian Planning Commission, for review and determination ahead of a report to the Minister. Digital and hard copy transfer of all relevant documentation will be done within 28 days of the date of the Council decision.

## **OFFICER RECOMMENDATION**

That the Council, with respect to Amendment 1 to Local Planning Scheme 21 -

### **A. In relation to drive-through facilities in the Business Zone -**

1. Recommends proposals included within Amendment 1 not be proceeded with, as set out in the 'Schedule of Modifications'; and
2. Prepares and/or reviews broad-based urban design policy for the Busselton City Centre and Dunsborough Town Centre;

### **B. In relation to community facilities developer contributions for the Dunsborough Lakes area -**

1. Recommends proposals included within Amendment 1 not be proceeded with, as set out in the 'Schedule of Modifications'; and
2. Resolves pursuant to clause 7.7 of Local Planning Scheme 21 to amend the Dunsborough Lakes Estate Developer Contributions Plan to include the areas currently excluded from the Dunsborough & Quindalup Precinct of DCA 1, as identified on Attachment C, within that Contributions Plan.

### **C. In relation to Amendment 1 generally -**

1. Pursuant to s.75 of Part V of the *Planning and Development Act 2005*, resolves to adopt proposed Omnibus Amendment No. 1 to the City of Busselton Local Planning Scheme No. 21 for final approval, in accordance with modifications proposed in the 'Schedule of Modifications' at Attachment B for the purposes of:

#### **1. CapeROC Initiative**

- 1.1 Amending Table 1 "Zoning Table" by –

- a. Amending the following Use Class titles:
  - i. 'Agriculture' to read 'Agriculture – Extensive';
  - ii. 'Intensive Agriculture' to read 'Agriculture – Intensive';
  - iii. 'Animal Husbandry' to read 'Animal Husbandry – Intensive';
  - iv. 'Chalet Development' to read 'Chalet';
  - v. 'Residential Enterprise' to read 'Home Business';
  - vi. 'Cottage Industry' to read 'Industry – Cottage';
  - vii. 'Rural Industry' to read 'Industry – Rural';
  - viii. 'Place of Public Worship' to read 'Place of Worship';
  - ix. 'Roadside Stall' to read 'Rural Stall';
  - x. 'Forestry' to read 'Tree Farm'; and
  - xi. 'Veterinary Hospital' to read 'Veterinary Centre';and associated references throughout the Scheme accordingly.
- b. Inserting the use classes 'Ancillary Accommodation', 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm'.
- c. In relation to the 'Residential' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'P';
- d. In relation to the 'Residential' zone and in relation to the use class 'Park Home Park', insert the symbol 'A';
- e. In relation to the 'Residential' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- f. In relation to the 'Business' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- g. In relation to the 'Business' zone and in relation to the use class 'Brewery' and 'Exhibition Centre', insert the symbol 'A';
- h. In relation to the 'Business' zone and in relation to the use class 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- i. In relation to the 'Restricted Business' zone and in relation to the use class 'Brewery' and 'Exhibition Centre', insert the symbol 'A';
- j. In relation to the 'Restricted Business' zone and in relation to the use class 'Ancillary Accommodation', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- k. In relation to the 'Tourist' zone and in relation to the use class 'Park Home Park',

insert the symbol 'D';

- l. In relation to the 'Tourist' zone and in relation to the use class 'Brewery' and 'Exhibition Centre', insert the symbol 'A';
- m. In relation to the 'Tourist' zone and in relation to the use class 'Ancillary Accommodation', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- n. In relation to the 'Industrial' zone and in relation to the use class 'Brewery', insert the symbol 'D';
- o. In relation to the 'Industrial' zone and in relation to the use class 'Ancillary Accommodation', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- p. In relation to the 'Agriculture' zone and in relation to the use class 'Ancillary Accommodation' and 'Rural Pursuit', inserting the symbol 'P';
- q. In relation to the 'Agriculture' zone and in relation to the use class 'Rural Produce Sales', inserting the symbol 'D';
- r. In relation to the 'Agriculture' zone and in relation to the use class 'Brewery', 'Exhibition Centre' and 'Wind Farm', inserting the symbol 'A';
- s. In relation to the 'Agriculture' zone and in relation to the use class 'Park Home Park', inserting the symbol 'X';
- t. In relation to the 'Agriculture' zone and in relation to the use class 'Industry – Cottage' and 'Rural Stall', replacing the symbol 'D' with the symbol 'P';
- u. In relation to the 'Agriculture' zone and in relation to the use class 'Chalet', replacing the symbol 'A' with the symbol 'D';
- v. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Ancillary Accommodation' and 'Rural Pursuit', inserting the symbol 'P';
- w. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Rural Produce Sales', inserting the symbol 'D';
- x. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Brewery', 'Exhibition Centre' and 'Wind Farm', inserting the symbol 'A';
- y. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Park Home Park', inserting the symbol 'X';
- z. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Agriculture – Intensive', 'Industry – Cottage' and 'Rural Stall', replacing the symbol 'D' with the symbol 'P';
- aa. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Animal Husbandry', 'Chalet' and 'Industry – Rural', replacing the symbol 'A' with the symbol 'D';
- bb. In relation to the 'Rural Residential' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'P';

- cc. In relation to the 'Rural Residential' zone and in relation to the use class 'Rural Pursuit', insert the symbol 'A';
  - dd. In relation to the 'Rural Residential' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales' and 'Wind Farm', insert the symbol 'X';
  - ee. In relation to the 'Rural Landscape' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
  - ff. In relation to the 'Rural Landscape' zone and in relation to the use class 'Rural Produce Sales' and 'Rural Pursuit', insert the symbol 'A';
  - gg. In relation to the 'Rural Landscape' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', and 'Wind Farm', insert the symbol 'X';
  - hh. In relation to the 'Conservation' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
  - ii. In relation to the 'Conservation' zone and in relation to the use class 'Rural Produce Sales', insert the symbol 'A';
  - jj. In relation to the 'Conservation' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
  - kk. In relation to the 'Bushland Protection' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
  - ll. In relation to the 'Bushland Protection' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X'; and
  - mm. Removing the use classes 'Poultry Farm', 'Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated permissibilities.
- 1.2 Modifying clause 4.5 "Exceptions to the zoning table" by amending clause 4.5.3(a) to read as follows:
- "(a) within the Rural Residential zone on any lot less than 4,000 m<sup>2</sup> in area, any purpose other than a single house (including any incidental development), ancillary accommodation, guesthouse, holiday home (single house), home business, home office, home occupation, bed and breakfast or public utility;"*
- 1.3 Amending clause 5.14 "Residential Enterprise" to read as follows:
- "5.14 HOME BUSINESS*
- 5.14.1 A home business shall –*
- (a) not occupy an area greater than 50m<sup>2</sup>, provided further that the area within which it is conducted is not visible from the street or a public place;*
  - (b) be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not*

*conducted on Sundays and public holidays;*

- (c) not have more than one advertising sign and the sign displayed does not exceed 0.2m<sup>2</sup> in area; and*
- (d) not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.*

*5.14.2 Where a local government grants planning approval for a home business, such planning approval –*

- (a) must be personal to the person to whom it was granted;*
- (b) must not be transferred or assigned to any other person;*
- (c) does not run with the land in respect of which it was granted; and*
- (d) must apply only in respect of the land specified in the planning approval.”*

1.4 Amending clause 5.16 “Cottage Industry” to read as follows:

*“5.16 INDUSTRY – COTTAGE*

*An Industry – Cottage shall –*

- (a) not occupy an area in excess of 100m<sup>2</sup>; and*
- (b) not display a sign exceeding 0.2m<sup>2</sup> in area.”*

1.5 Amending Schedule 1 “Interpretations” by –

- a. Removing the definitions ‘Poultry Farm’, ‘Recreation Agriculture’, ‘Recreation Area’, and ‘Rural Enterprise’;
- b. Amending the following definitions to read:
  - i. *“‘Abattoir’ means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;”*
  - ii. *“‘Animal Establishment’ means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;”*
  - iii. *“‘Hotel’ means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;”*
  - iv. *“‘Market’ means premises used for the display and sale of goods from stalls by independent vendors;”*
  - v. *“‘Plant Nursery’ means premises used for propagation, the growing and either retail or wholesale selling of plants, whether or not ancillary products are sold therein;”*

- vi. *“‘Reception Centre’ means premises used for hosted functions on formal or ceremonial occasions;”*
- vii. *“‘Service Station’ means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —*
  - (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
  - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;”
  - viii. *“‘Tourist Accommodation’ means single occupancy accommodation units, which may be self-contained and may include associated central facilities for the exclusive use of guests, and includes serviced apartments;”*
  - ix. *“‘Winery’ means premises used for the production of viticultural produce and associated sale of the produce;”*
- c. Amending the following titles and definitions:
  - i. ‘Agriculture’ to read:

*“‘Agriculture - Extensive’ means premises used for the raising of stock or crops but does not include agriculture — intensive or animal husbandry — intensive;”*
  - ii. ‘Intensive Agriculture’ to read:

*“‘Agriculture – Intensive’ means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following —*

    - (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
    - (b) the establishment and operation of plant or fruit nurseries; or
    - (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);”
    - iii. ‘Animal Husbandry’ to read:

*“‘Animal Husbandry – Intensive’ means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;”*
    - iv. ‘Chalet Development’ to read:

*“‘Chalet’ means a dwelling forming part of a tourist facility that is —*

      - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and

- (b) designed to accommodate short-term guests with no guest accommodated for periods totalling more than 3 months in any 12 month period;”

v. ‘Residential Enterprise’ to read:

“‘*Home Business*’ means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not involve the retail sale, display or hire of goods of any nature except where those goods are manufactured or produced at the residence;
- (d) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (e) does not involve the use of an essential service of greater capacity than normally required in the zone;”

vi. ‘Cottage Industry’ to read:

“‘*Industry – Cottage*’ means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry –

- (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (b) if the premises is located in a residential zone — does not employ any person other than a member of the occupier’s household; and
- (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put;

and may include the wholesale and appointment only sale of products produced on site.”

vii. ‘Rural Industry’ to read:

“‘*Industry – Rural*’ means premises used —

- (a) to carry out an industry handling, treating, processing or packing rural products grown, reared or produced in the locality; or
- (b) for a workshop servicing plant or equipment used for rural purposes in the locality;”

viii. 'Place of Public Worship' to read:

*“‘Place of Worship’ means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;”*

ix. 'Roadside Stall' to read:

*“‘Rural Stall’ means a place, temporary structure or moveable structure used for the retail sale of agricultural produce produced on the property on which it is situated as an activity totally incidental to and dependent upon the principal use of the land for agricultural purposes;”*

x. 'Forestry' to read:

*“‘Tree Farm’ means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;”*

xi. 'Veterinary Hospital' to read:

*“‘Veterinary Centre’ means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;”*

d. Inserting the following new definitions:

i. *“‘Brewery’ means premises used for the production and consumption of beer, cider or spirits but does not include any other land use defined elsewhere in this Schedule;”*

ii. *“‘Exhibition Centre’ means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;”*

iii. *“‘Home Office’ means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –*

(a) is solely within the dwelling; and

(b) does not entail clients or customers travelling to and from the dwelling; and

(c) does not involve the display of a sign on the premises; and

(d) does not require any change to the external appearance of the dwelling;”

iv. *“‘Park Home Park’ means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;”*

v. *“‘Rural Produce Sales’ means any premises used for the purpose of retail sale of products which are grown, reared or produced on site, including a cellar door operation and retail sales associated with Industry – Cottage or Industry – Rural;”*



- vi. *“‘Rural Pursuit’ means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used for —*
  - (a) *the rearing or agistment of animals; or*
  - (b) *the keeping of bees; or*
  - (c) *the stabling, agistment or training of horses; or*
  - (d) *the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or*
  - (e) *the sale of produce grown solely on the premises;”*
- vii. *“‘Wind Farm’ means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;”*

## **2. Town Centre Strategies**

### **2.1 Modifying clause 4.2.2 ‘Business zone’ Policies by –**

- a) Amending Policy (c) to read as follows:

*“(c) To provide for medium to high density residential development within the Busselton City Centre and Dunsborough Town Centre.”*

- b) Inserting a new clause (d) as follows, and renumber subsequent clauses accordingly:

*“(d) Within neighbourhood and local centres, to allow residential development only where it is a component of commercial development.”*

### **2.2 Introduce a new sub-clause to clause 5.3.1 as follows:**

- “(i) On land coded R-AC3, Deemed-to-comply provision 6.1.1 C1 (Building Size) of the R-Codes is varied as per the provisions of clause 5.19.”*

### **2.3 Amend clause 5.3.2 to read as follows:**

*“5.3.2 Building height provisions as specified under Table 3 and Table 4, and Deemed-to-comply provision 5.1.6 C6 and 6.1.2 C2 of the R-Codes do not apply, except for on land coded R-AC3. In all other areas, maximum building height requirements are required to comply with the provisions of clause 5.8 of the Scheme.”*

### **2.4 Insert a new sub-clause under clause 5.8 ‘Height of Buildings’ to read as follows:**

*“5.8.9 For land in the Business zone where a residential density coding has been designated, the height of any building shall not exceed the height limits identified in the Residential Design Codes. Where a residential density coding has not been designated, the height of any building shall be determined in accordance with clauses 5.8.1 to 5.8.5.”*

### **2.5 Amend clause 5.19 ‘Residential Development in the Business Zone’ to read as follows:**

### ***“5.19 DEVELOPMENT IN THE BUSINESS ZONE***

*Where land is zoned ‘Business’ and is designated a residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:*

- (a) Where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or*
- (b) Where a development incorporates a Restaurant, Tavern or other similar use that will provide for informal social interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and*
- (c) The plot ratio incentives set out in sub-clauses (a) and (b) above may be combined, provided that the total plot ratio area does not exceed 3.0.”*

#### **2.6 Amend Schedule 2 “Additional Uses” by –**

- a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:

<b>No.</b>	<b>PARTICULARS OF LAND</b>	<b>LAND USE PERMITTED/SPECIFIED</b>	<b>CONDITIONS</b>
A74	<p>-Lots 202 (1), 201 (3), 2 (5), 3 (7), 26 (8), 4 (9), 25 (10), 5 (11), 24 (12), 21 (13), 37 (14), 4 (15), 38 (16), 3 (17), 2 (19), 15-16 (20), 3 (21), 2 (23), and 12-13 (24) Duchess Street, West Busselton;</p> <p>-Lots 200 (29), 28 (37), 27 (41), 34 (43), 1-2 (45), 1 (47), 1 (55), 2 (57), 73 (59), 74 (61), 1-7 and 10-16 (63), 1-5 (69), 6 (71), and 5 (73) Gale Street, West Busselton;</p> <p>-Lots 2-3 (3), 128 (4), 129 (6), 1-3 (7), 1-2 (9), 1-7 (10), 1-6 (11), 130 (14), 30 (16), 29 (18), 28 (20), 27 (22), 26 (24) and 25 (26) Kent Street, West Busselton;</p> <p>-Lots 1 (34), 14 (40), 1-2 (42), 34 (44), 24 (48), 35 (52), 1-10 (54), 39 (58) and 42 (60) West Street, West Busselton,</p> <p>-Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20) and 115 to 127 Geographe Bay Road, Lots 1 to 17 (3) Dunn Bay Road, Lots 1 &amp; 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough</p>	<p>Guesthouse, Medical Centre, Office, Professional Consulting Rooms, Restaurant, Shop, Tourist Accommodation</p>	<ol style="list-style-type: none"> <li>1. The Additional Uses specified shall be deemed to be “D” uses for the purposes of the Scheme.</li> <li>2. ‘Shop’ land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space.</li> <li>3. A nil setback to the street shall be considered for active frontages.</li> <li>4. The provisions of Clause 5.23 relating to cash in lieu of car parking shall apply.</li> </ol>

- b. Deleting Additional Use No. 63 relating to Lot 60 (House 191) Naturaliste Terrace, Dunsborough, and amend the Scheme maps accordingly.

- c. Deleting Additional Use No. 73 relating to Lot 8 (House 226) Naturaliste Terrace, Dunsborough, and amend the Scheme maps accordingly.

2.7 Amend Schedule 3 “Special provision areas” by –

- a. Modifying Special Provision 41 relating to Lots 15, 16, 24 & 38 Duchess Street, West Busselton to remove reference to “Limited Office Use” from within the “Zone” column.
- b. Deleting Special Provision 20 relating to Lot 1 (House 61) Dunn Bay Road, Dunsborough, and amend the Scheme maps accordingly.
- c. Deleting Special Provision 46 relating to Lots 1-11 (House 15) Dunn Bay Road, Dunsborough, and amend the Scheme maps accordingly.
- d. Deleting Special Provision 49 relating to Lot 202 (House 24) Dunn Bay Road, Dunsborough, and amend the Scheme maps accordingly.

2.8 Amend the Scheme maps by –

- a. Amend the Scheme in relation to land currently zoned ‘Business’ within the Busselton City Centre to include a residential density code of R-AC3, being:

- i. Lots bound by Peel Terrace, Brown Street, West Street and Marine Terrace;
- ii. The portion of Lot 73 Peel Terrace currently zoned ‘Business’; and
- iii. Lots 74 and 75 Peel Terrace;

And subject to the following exclusions:

- i. All lots also contained within the Adelaide Street Special Character Area;
- ii. The portion of Lot 73 Peel Terrace currently reserved for ‘Community Purposes’.

- b. Amend the Scheme map in relation to land currently zoned ‘Business’ within the Dunsborough Town Centre to include a residential density code of R-AC3, being:

- i. Lots bound by Caves Road, Cape Naturaliste Road, Dunn Bay Road and Seymour Boulevard;
- ii. Lots bound by Cape Naturaliste Road, Dunn Bay Road, Naturaliste Terrace and Reserve 42673;
- iii. Lots bound by Dunn Bay Road, Naturaliste Terrace and Hannay Lane;
- iv. Lots 1-7 (233) Naturaliste Terrace, Lots 1-17 (31) Dunn Bay Road, and Lot 104 (29) Dunn Bay Road.

- c. Rezoning land currently zoned ‘Tourist’ and ‘Special Purpose’ with frontage to Dunn Bay Road, Dunsborough to ‘Business’ and applying a residential density code of R-AC3.
- d. Rezoning land currently zoned ‘Industrial’ and ‘Restricted Business’ within the Dunsborough Town Centre to ‘Business’ and applying a residential density code of

R-AC3, being:

- i. Lots bound by Cape Naturaliste Road, Reserve 42673, Naturaliste Terrace and Reserve 42545.
- e. Rezoning Lot 106 (House No. 16) Cyrilleen Way, Dunsborough from 'Recreation' to 'Business' and applying a residential density code of R-AC3.
- f. Modifying the residential density coding to R80 over Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20) and 115 to 127 Geographe Bay Road, Lots 1-17 (3) Dunn Bay Road, Lots 1 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough.

### 3. Scheme Area

3.1 Amend clause 3.1 'Scheme Area' to read as follows:

#### **"1.3 SCHEME AREA**

*The Scheme applies to the Scheme area as shown on the Scheme maps, or to the Low Water Mark, if the Scheme map does not extend to or beyond the Low Water Mark."*

3.2 Amend clause 3.3 'Local Reserves' to read as follows:

#### **"3.3 LOCAL RESERVES**

*Local Reserves are delineated and depicted on the Scheme map according to the legend on the Scheme map, and in addition land between High Water Mark and Low Water Mark shall, unless identified otherwise in the Scheme map, be considered to be 'Recreation Reserve'."*

3.3 Amending Schedule 1 "Interpretations" by –

a. inserting the following new definitions:

- i. *"**Low Water Mark**", in relation to tidal waters, means lowest water mark at spring tides."*
- ii. *"**High Water Mark**", in relation to tidal waters, means ordinary high water mark at spring tides."*

b. Amending the following definition to read:

*"**Mean High Water Mark**' means the demarcation line shown on the Scheme map as provided by Landgate on the day of 22 June 2015, that identifies the interface of the ocean and land, and shall exclude any demarcation of natural inland water systems or man-made harbours/canals."*

3.4 Amending Schedule 4, clause 5(d) of the 'Eagle Bay Special Character Area' to include the word "mean" in front of the words "high water mark";

3.5 Amending the Scheme maps by –

- a. Aligning the Scheme area boundary to the Low Water Mark and including Lot 350 Queen Street, Busselton;

- b. Delineating the Mean High Water Mark as provided by Landgate on the day of 22 June 2015;

#### **4. Miscellaneous Scheme Text Amendments**

##### **4.1 Modifying clause 4.4.2 by –**

- a. Amending clause 4.4.2(a) to read as follows:

*“(a) determine that the use is consistent with the objectives and policies of the particular zone and is therefore permitted; or”*

- b. Amending clause 4.4.2(c) to read as follows:

*“(c) determine that the use is not consistent with the objectives and policies of the particular zone and is therefore not permitted.”*

##### **4.2 Modifying clause 4.5 “Exceptions to the zoning table” by –**

- a. Deleting clause 4.5.3(d) and renumbering subsequent clauses accordingly.
- b. Introducing a new sub-clause to clause 4.5.4 to read as follows:

*“(h) the use of land within the Rural Residential zone, identified for rural or primary production on an approved Subdivision or Development Guide Plan for the purposes of agriculture – intensive, subject to advertising pursuant to clause 10.4 of the Scheme.”*

- c. Amending clause 4.5.4(a) by removing reference to “multiple dwelling”.

##### **4.3 Amending Table 1 “Zoning Table” in relation to the ‘Business’ zone and in relation to the use class ‘Community Centre’, replacing the symbol ‘D’ with the symbol ‘P’.**

##### **4.4 Deleting sub-clause 5.3.1(g) and renumbering subsequent clauses accordingly.**

##### **4.5 a. Inserting a new clause 5.5.2 as follows and renumbering subsequent clauses and clause references accordingly:**

*“5.5.2 Notwithstanding clause 5.5.1 above, the following development is expressly prohibited:*

*(a) Drive-through facilities in the Business zone, as specified by clause 5.20; and*

*(b) Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 5.40.”*

- b. Inserting a new clause 5.20 as follows and renumbering subsequent clauses and clause references accordingly:

##### **“5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE**

*Drive-through facilities shall not be approved in the Business zone.”*

- c. Amending Schedule 1 “Interpretations” by inserting the following new definition:

***“Drive-through facility” means a facility incidental to another use, such as shop or takeaway food outlet, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle.”***

- 4.6 Amend clause 5.8.1 to read as follows:

*“5.8.1 A person must not erect any building that -*

- (a) contains more than two storeys or exceeds a height of 9 metres where land is within 150 metres of the mean high water mark; or*
- (b) contains more than three storeys or exceeds a height of 12 metres where land is more than 150 metres from the mean high water mark, except where otherwise provided for in the Scheme.”*

- 4.7 Amending clause 5.18 “Permanent/Residential Occupation of Tourist Developments” to read as follows:

***“5.18 PERMANENT/RESIDENTIAL OCCUPATION OF TOURIST DEVELOPMENTS***

*5.18.1 Outside the residential zone, occupation by any person of the following use classes approved under the Scheme as short stay accommodation is limited to a maximum of 3 months in any 12 month period. This applies to the following use classes:*

- (a) Guesthouse;*
- (b) Chalet;*
- (c) Caravan Park;*
- (d) Park Home Park;*
- (e) Tourist Accommodation.*

*5.18.2 Notwithstanding the provisions of clause 5.18.1 and subject to consideration of the need to make available adequate tourist accommodation the local government may grant planning approval for the permanent occupancy of up to:*

- (a) 100% of caravan sites within a Caravan Park or Park Home Park on land in the Residential zone; and*
- (b) 15% of caravan sites within a Caravan Park or Park Home Park on land in the Tourist zone.”*

- 4.8 Deleting clause 5.29 “Fire Management in Rural Areas” and renumbering subsequent clauses and clause references accordingly.

- 4.9 Amending clause 5.35 “Setback Requirements in the Agriculture and Viticulture and Tourism Zones” by –

- a. Amending sub-clause 5.35.2 to read as follows:

*“In the Agriculture or Viticulture and Tourism zones, a building must not be constructed within 100 metres of Bussell Highway or Caves Road, or 60 metres of*

*Vasse Highway without planning approval, which must not be granted unless the local government is satisfied that the development is consistent with all relevant provisions of the Scheme. Where the local government receives such application it shall forward the application to Main Roads Western Australia for comment and take such comments into consideration when determining the application."*

- b. Deleting sub-clause 5.35.3 and renumbering subsequent clauses and clause references accordingly.

4.10 Amending Schedule 1 "Interpretations" by removing the definition 'Health Care Professional'.

4.11 Amending Schedule 14 "Exempted Advertisements" by –

- a. Replacing the term "Information Sign" with "Information Panel" at (A)11.
- b. Inserting a new 'Note' after clause (B)1 to read as follows:

*"Note: Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited as specified by clause 5.40."*

## 5. Scheme Maps

Amending the Scheme maps as shown on the Scheme Amendment maps and as follows:

	Address	Details – The proposed modification
5.1	Implement Cadastre Changes to all Scheme maps	Scheme maps to be updated with the most up to date cadastre data
5.2	Lot 306 (1191) Vasse – Yallingup Siding Road, Quindalup	Rezone portion of lot from 'no zone' to 'Agriculture'
5.3	Lot 307 (9122) Quindalup South Road, Quindalup	Rezone portion of lot from 'no zone' to 'Agriculture'
5.4	Lot 308 (1105) Vasse – Yallingup Siding Road, Quindalup	Rezone portion of lot from 'no zone' to 'Agriculture'
5.5	Lot 309 (26) Quindalup South Road, Quindalup	Rezone portion of lot from 'no zone' to 'Agriculture'
5.6	Lot 310 (67) Quindalup South Road, Quindalup	Rezone portion of lot from 'no zone' to 'Agriculture'
5.7	Lot 3733 Coulls Road, Yallingup Siding	Rezone from 'no zone' to 'Agriculture'
5.8	Yallingup Special Character Area	Identify the Yallingup Special Character Area as shown on the Scheme Amendment map
5.9	Lot 1451 (461) Princefield Road, Ruabon	Rezone portion of lot from 'no zone' to 'Agriculture'
5.10	Lot 3124 Princefield Road, Abba River	Rezone from 'no zone' to 'Agriculture'
5.11	Lot 964 Yoganup Place, Yoganup	Rezone portion from 'Recreation' Reserve to 'Bushland Protection' and 'Agriculture'.
5.12	Lot 583 (910) Ludlow-Highergreen Road, Abba River	Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'

5.13	Lot 582 (459) Princefield Road, Abba River	Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'
5.14	Lot 687 Princefield Road, Abba River	Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'
5.15	Lot 26 Vasse Highway, Yoongarillup	Rezone portion of the lot from 'Public Purpose – Drain' Reserve to 'Agriculture'
5.16	Lot 1 (71) Boundary Road and Lot 109 (8113) Bussell Highway, Metricup	Rezone portion of lots from 'Agriculture' to 'Special Purpose – Caravan Park'
5.17	Lot 21 (3806) Caves Road, Wilyabrup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'
5.18	Lot 2680 (811) Puzey Road, Wilyabrup	Rezone from 'Recreation' Reserve to 'Viticulture and Tourism'
5.19	Lot 1 (1092) Chapman Hill Road, Chapman Hill	Rezone from 'no zone' to 'Agriculture'
5.20	Lot 31 (261) Jindong-Treeton Road, Kaloorup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture' and the directly adjacent road reserve from 'Recreation' Reserve to 'no zone'
5.21	Portion of Lot 125 (3763) Caves Road, Wilyabrup	Rezone from 'Recreation' Reserve and 'no zone' to 'Viticulture and Tourism'
5.22	Lot 282 (516) Lindberg Road, Kalgup	Rezone portion from 'Recreation' Reserve to 'Agriculture'
5.23	Lot 3978 (980) Vasse Highway, Yoongarillup	Rezone from 'Recreation' Reserve to 'Special Purpose – Telephone Exchange'
5.24	Lot 100 (3) Caladenia Close, Lot 101 (6) Eagle Crescent and Lot 102 (23) Fern Road, Eagle Bay	Rezone portions of the lots from 'Public Purpose' Reserve to 'Residential R5'
5.25	Eagle Bay Special Character Area	Identify the Eagle Bay Special Character Area as shown on the Scheme Amendment map
5.26	Lot 999 (245) Cape Naturaliste Road, Dunsborough	Rezone from 'Special Purpose – School Site' to 'Special Purpose – Educational Establishment'
5.27	Lot 200 (1) Gifford Road and Lots 91 (3), 92 (3A), 93 (5A) and 94 (5) Hurford Street, Dunsborough	Rezone portions of the lots from 'no zone' to 'Residential R15', and remove the 'Recreation' Reserve designation and 'Landscape Value' Area from the Hurford Street road reserve
5.28	Old Dunsborough Special Character Area	Identify the Old Dunsborough Special Character Area as shown on the Scheme Amendment map
5.29	Dunsborough Landscape Value Area	Realign the 'Landscape Value' Area around the Dunsborough Residential zone, such that it is located between the 'Agriculture' zone and the 'Residential' zone, as shown on the Scheme Amendment map
5.30	Lot 600 (7) Armstrong Place, Dunsborough	Rezone from 'Recreation' Reserve to 'Special Purpose – Aged Person Housing'
5.31	Lot 42 (201) Geographe Bay Road, Quindalup	Rezone from 'Public Purpose' Reserve to 'Special Purpose – Youth Hostel'
5.32	Lot 2761 (29) Commonage Road, Quindalup	Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'.



5.33	Quindalup Special Character Area	Identify the Quindalup Special Character Area as shown on the Scheme Amendment map
5.34	Lots 1 (29) and 2 (2/31) Wardanup Crescent, Yallingup	Rezone portion of the lots from 'no zone' to 'Residential R10'
5.35	Lot 5 (20) Elsegood Avenue and Lot 21 (9) Dawson Drive, Yallingup	Rezone from 'Tourist' to 'Residential R10', as shown on the Scheme Amendment map
5.36	Lot 15 Quindalup Siding Road, Quindalup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'
5.37	Lots 40 (1721) and 41 (1701) Wildwood Road, Yallingup	Rezone portion of the lots from 'Public Purpose' Reserve to 'Viticulture and Tourism'
5.38	Lot 2000 Edith Cowan Court, Abbey and Lot 5614 Wagon Entrance, Broadwater (Reserve 48280)	Reserving from 'Residential R5', 'R20' and 'R30' to 'Recreation' Reserve
5.39	Lot 6 (2) Grace Court, West Busselton	Rezone from 'Public Purpose' Reserve to 'Special Purpose - Educational Establishment'
5.40	Lot 500 Grace Court, West Busselton	Rezone from 'Special Purpose – Various' to 'Special Purpose – Church Site, Educational Establishment, Child Care & Hall'
5.41	Lot 688 (1) Piano Box Boulevard and Lot 689 (34) Pickmore Circus, West Busselton	Rezone from 'no zone' to 'Residential R20'
5.42	Lot 501 (190) Bussell Highway, West Busselton	Rezone portion of lot from 'no zone' to 'Residential R15'
5.43	Lot 502 Bussell Highway, West Busselton (Reserve 41554)	Rezone portion of lot from 'no zone' to 'Recreation' Reserve
5.44	Lot 4691 (7) Kingfish Road, Broadwater	Rezone from 'Recreation' Reserve to 'Residential R15'
5.45	Lot 200 (165) Marine Terrace, Geographe	Rezone portion of lot from 'no zone' to 'Residential R15'
5.46	Lot 5016 (75) Ford Road, Geographe (Reserve 44384)	Rezone from 'Recreation' Reserve to 'Residential R20'
5.47	Lot 10 (86) Causeway Road and Lot 12 (69) Molloy Street, Busselton	Rezone portions of the lots from 'Special Purpose – Service Station' to 'Residential R20'
5.48	Lot 300 Leeuwin Boulevard, West Busselton	Rezone from 'Recreation' Reserve and 'no zone' to 'Residential R20'
5.49	Lot 2000 Deacon Walk, West Busselton	Reserve lot as 'Recreation' Reserve from 'Residential' zone
5.50	Lot 197 (1) MacKillop Avenue, West Busselton (MacKillop Catholic College)	Rezone from 'Public Purpose' Reserve to 'Special Purpose – Educational Establishment'
5.51	Lot 5320 (2) Kelly Drive, West Busselton (St Joseph's Primary School)	Rezone from 'Public Purpose' Reserve and 'no zone' to 'Special Purpose – Educational Establishment'
5.52	Lot 2002 Pinnacle Avenue, Ambergate (Reserve 50288)	Reserve portions of lot as 'Recreation' Reserve from 'Rural Residential' zone
5.53	Lot 44 Chapman Hill Road, Kalgup	Rezone from 'Public Purpose' Reserve to 'Agriculture'
5.54	Lot 16 Lindberg Road, Bovell	Rezone from 'no zone' to 'Agriculture'

5.55	Lot 25 (580) Vasse Highway, Yoongarillup	Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'
5.56	Lot 60 (3908) Bussell Highway, Ruabon	Rezone in part from 'Recreation' Reserve to 'Agriculture'.
5.57	Lots 127 (30), 128 (28), 129 (24), 130 (18) and 135 (31) Old Timber Court, Reinscourt	Rezoning portions of lots from 'Conservation' to 'Rural Residential'
5.58	All lots within Dunsborough Lakes with the exception of Lot 9033 Commonage Road, Dunsborough	Include all areas of Dunsborough Lakes, with the exception of Lot 9033 Commonage Road, Dunsborough, within the 'Dunsborough & Quindalup' Precinct of DCA 1
5.59	Lot 27 (606) Rendezvous Road, Vasse (Heron Lake)	Exclude lot from DCA 1 to be included within the Vasse Development Contributions Plan.
5.60	Map Legend	<p>Insert the following into the Map Legend in alphabetical order under 'Special Purpose':</p> <p>"CECH CHURCH SITE, EDUCATIONAL ESTABLISHMENT, CHILD CARE &amp; HALL"</p> <p>"EE EDUCATIONAL ESTABLISHMENT"</p> <p>"TE TELEPHONE EXCHANGE"</p> <p>"YH YOUTH HOSTEL"</p>

2. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the 'Schedule of Submissions' at Attachment A prepared in response to submissions received on the proposed Omnibus Amendment No 1 following public consultation between 4 November 2015 and 16 December 2015.
3. Pursuant to r.50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to support the modifications to proposed Omnibus Amendment No. 1 shown in the 'Schedule of Modifications' at Attachment B, prepared to address issues raised in submissions received following public consultation.
4. Pursuant to r.53 and r.55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to provide the proposed Omnibus Amendment No. 1 to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
5. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to the proposed Omnibus Amendment No 1 are required, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers to be likely to significantly affect the purpose and intent of the proposed Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
<b>Government Agencies</b>				
1	Department of Aboriginal Affairs 151 Royal Street East Perth WA 6004	General advice provided with regard to Aboriginal heritage places within the City of Busselton. No comment specific to the proposed omnibus amendment.	Noted.	That the submission be noted.
2	Department of Fire and Emergency Services Bunbury WA 6230	No comment to provide.	Noted.	That the submission be noted.
3	Department of Water South West Region	No objection.	Noted.	That the submission be noted.
4	Water Corporation PO Box 100 Leederville WA 6902	<p>The proposed R-AC3 coding of the Busselton and Dunsborough Business zones, the proposed R80 up-coding of land adjoining the Dunsborough town centre, and the proposed development control provisions concerning 4-5 storey building heights and land use mix in the 'Business' zone may have implications for the water and sewerage systems in the locality.</p> <p>The Water Corporation will incorporate the proposed town centre zoning changes in a future review of water and wastewater planning for Busselton and Dunsborough to determine any future Water Corporation upgrades to headworks infrastructure (generally water distribution mains and sewers &gt;=300mm diameter), and if any upgrades to the local water and wastewater reticulation pipes (generally &lt;300mm diameter) will need to be undertaken by land developers and builders at the development stage.</p> <p>With regard to the site specific rezonings:</p> <ul style="list-style-type: none"> <li>• Sheet 2 – Lot 1451 Princefield Rd, Ruabon – contains a rural drain</li> <li>• Sheet 2 – Lot 3124 Princefield Rd, Abba River – contains a rural drain</li> <li>• Sheet 2 – Lot 583 Ludlow-Hithergreen Rd, Abba River – contains a rural drain</li> <li>• Sheet 2 – Lot 582 Princefield Rd, Abba River – contains a rural drain</li> <li>• Sheet 2 – Lot 687 Princefield Rd, Abba River – contains a rural drain</li> <li>• Sheet 2 &amp; 29 – Lot 26 Vasse Hwy, Yoongarillup – contains a rural drain</li> </ul>	<p>That the Water Corporation will incorporate the planned future demand for reticulated water and sewer in the Busselton and Dunsborough localities has been noted.</p> <p>With regard to the specific site rezonings, the ability for the Water Corporation to manage the individual land holdings is controlled under separate legislation.</p> <p>In specific relation to Lot 44 Chapman Hill Road, Kalgup, Department of Lands has confirmed that the Water Corporation is the responsible agency for this parcel of land as it contains a rural drain. It is recommended that the Scheme map remains as "Public Purpose" Reserve in this instance.</p>	<p>That the submission be noted and supported.</p> <p>That recommendation 5.53 of the resolution be deleted and subsequent recommendations be re-numbered accordingly.</p>

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		<ul style="list-style-type: none"> <li>Sheet 4 – Lot 282 Lindberg Rd, Kalgup - contains a rural drain</li> </ul> <p>Under the conditions of the Corporation's 'Drainage Operating Licence' these rural drains are under the Water Corporation's control and management. The relevant provisions of the <i>Water Services Act 2012</i> permit the Corporation to access the property to maintain or repair a drain. This requirement is not affected by the proposed change in reservation/zoning.</p> <p>The following proposed zoning changes affect portions of rural drains for which the Water Corporation has the vesting of the reserve. The City is requested to retain the "Public Purpose" reservation over these two portions of drain reserve.</p> <ul style="list-style-type: none"> <li>Sheet 25 – Lot 44 Chapman Hill Rd, Kalgup – drain is contained within a drainage reserve vested with the WC.</li> <li>Sheet 29 – Lot 25 Vasse Hwy, Yoongarillup - contains rural drain, some parts are vested/owned by WC.</li> </ul>		
5	Department of Agriculture and Food PO Box 1231 Bunbury WA 6230	No objection.	Noted.	That the submission be noted.
6	ATCO Gas Australia 81 Prinsep Road Jandakot WA 6164	<p>No objection.</p> <p>ATCO Gas advises gas infrastructure is located within a number of properties affected by the proposed Amendment:</p> <ul style="list-style-type: none"> <li>Lot 688 (1) Piano Box Boulevard and Lot 689 (34) Pickmore Circus, West Busselton</li> <li>Lot 501 (190) Bussell Highway, West Busselton</li> <li>Lot 300 Leeuwin Boulevard, West Busselton</li> </ul> <p>ATCO Gas requests early consultation with the proponent of any of these lots prior to any proposed construction or ground disturbance occurring.</p>	While the comments raised have been noted, the four particular properties mentioned have already been developed.	That the submission be noted.
<b>Public Submissions</b>				
7	Ian Rotheram & Tammie Reid 8 Haydock Street Bunbury	No objection with proposed Busselton A74. Orderly and planned expansion of the business district is an expected consequence of the growth of Busselton.	'Support' noted.	That the submission be noted.
8	Richard Pennington 28 West Street Busselton WA 6280	We were of the understanding that our property on West Street would be included in the 'Additional Uses' area. Request that the City of Busselton modifies the Busselton	It is noted that one of the three properties contained within the requested 'extension' to the A74 area operates as an existing guesthouse, while a second property contains a	That the request for inclusion of Lots 1, 2 and 3 West Street (to the north of Duchess Street) as

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		<p>CBD Zoning Plan to include our property and two adjacent properties within the 'Additional Uses' area.</p>	<p>building previously operated as a guesthouse. The location of the 3 properties could therefore be seen as a potentially logical extension of the Busselton CBD as defined by the 'Local Commercial Planning Strategy' and the 'Local Cultural Planning Strategy'.</p> <p>An objection to the submission proposal was also received by a neighbouring landowner (Submission 9). Whilst certain concerns have been raised, officers are of the view that the requested inclusion of the three properties, in close proximity to Duchess Street, reflects the historical usage of two of the three lots concerned and should be supported.</p> <p>Any development proposed on Lots 1, 2 and/or 3 West Street would, like all other development in the proposed 'A74' expansion area, be managed and controlled in accordance with the provisions of the Scheme and in the interest of preserving and enhancing (wherever possible) neighbouring character and amenity.</p> <p>It is unlikely that any undesirable precedent would be established in the near term in regard to further expansion of the A74 area north along West Street. The properties immediately to the north contain well-established grouped housing development and, beyond that, is the former Busselton Hospital site owned by the State Government (Department of Health).</p> <p>Support is recommended for the inclusion of subject Lots 1, 2 and 3 West Street in the proposed A74 expansion area in the Busselton city centre. This has been reflected in the 'Schedule of Modifications' accordingly.</p> <p><u>NOTE:</u> Should the Council support the recommendations in respect to c) and d) above, it shall nevertheless remain to be seen if the WAPC will accept inclusion by means of the Schedule of Modifications, or if specific re-advertising would be required (e.g. as a part of future Omnibus Amendment 2).</p>	<p>part of Omnibus Amd 1 be supported and included in the 'Schedule of Modifications'.</p>
9	Jillian May Hufton 21 Powell Court Busselton WA 6280	<p>Objects to proposal by neighbour (Pennington) to extend 'A74' over additional properties on West Street, Busselton. It is my belief that Council was correct in not including those properties because:</p>	<p>The points made and concerns raised in respect to the submission made by the neighbouring landowner (above) are noted.</p>	<p>That the submission be noted but the objection in relation to the inclusion of Lots 1, 2 and 3 West Street into the proposed</p>

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		<ul style="list-style-type: none"> <li>The area north of Duchess Street is a significant residential area (with exception of the Health Facility on the cnr of Myles Street and West Street).</li> <li>Any additional use would impinge on amenity of Powell Court, especially a restaurant and the parking that may be provided at the rear of any of the three properties facing West Street.</li> <li>Any additional land use may unfavourably impart on the special housing at the corner of Myles Street and Powell Court.</li> <li>Significantly reduce the value of my property</li> </ul> <p>Objects to amendment as it relates to the proposed 'Additional Use A74' for properties to the north of Duchess Street, West Busselton.</p> <ul style="list-style-type: none"> <li>Two of the lots in Duchess Street directly adjacent.</li> <li>Lot 20 Duchess Street is likely to use Powell Court for accessing parking to the rear of the subject property.</li> <li>Land uses such as a restaurant would be inappropriate given the residential amenity of the precinct.</li> <li>The value of my property would be reduced.</li> <li>The lots are small in area and present limited parking opportunities. Street parking in Duchess Street would quickly be utilized, excess parking will quickly move to Powell Court. The pedestrian pass from Powell Court to Duchess Street would facilitate easy and quick access into Duchess Street. The residential amenity of Powell Court would be significantly comprised as would the safety of residents in the special housing area at the corner of Powell Court and Myles Street.</li> </ul> <p>Residential use of the properties on the northern side of Duchess Street should remain. Suggest an increase in the current R30 zoning would be a much better alternative.</p>	<p>The concerns expressed regarding potential negative impacts on the amenity and value of the submitter's property, and those of other residential properties nearby, however, are debatable.</p> <p>Any development proposed on Lots 1, 2 and/or 3 West Street would, like all other development in the proposed 'A74' expansion area, be managed and controlled in accordance with the provisions of the Scheme and in the interest of preserving and enhancing (wherever possible) neighbouring character and amenity.</p> <p>Lot 20 Powell Court is <i>not</i> included in proposed 'Additional Use' area 74 <i>because</i> prospective vehicular access and car parking would need to be provided to any development on it from Powell Court, which is not supported.</p>	'A74' expansion area north of Duchess Street not be supported.
10	Andrew Grono & Felicity Adams 18 Kent Street BUSSELTON WA 6280	Concern with rate increase from Residential to Commercial. If so, object to proposed A74 (Busselton).	Whilst the zoning does not change from 'Residential', the 'Additional Use' <i>does</i> create the potential for certain commercial activities on the property. As it currently stands, in the 2015-16 financial year, properties that are zoned 'Residential' with an 'Additional Use' capability are rated	That the submission not be supported.

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			<p>based on that additional use being <i>commercial</i>, whether or not this potential use is actually approved and developed. For example, a 'Residential'-zoned property with an 'Additional Use' of 'Office' will be rated on the basis of that commercial <i>potential</i>, regardless of whether the property is actually being used as an office or not.</p> <p>This current situation is, however, proposed to alter from 1 July 2016, whereby properties will be rated based on their <i>actual</i> use. In other words, and using the above example, if a property remains used solely for <i>residential</i> purposes, then the rating for that property will be assessed on that basis, rather than on a 'commercial' basis, even if it has been approved for <i>potential</i> commercial use. A <i>commercial</i> rating would only apply once the property owner developed and actively used the site for that approved commercial purpose.</p> <p>As it is likely that any determination by the WAPC/Minister to finally approve proposed Omnibus Amd 1, and its subsequent gazettal, will take around 12 months, the concern expressed in this submission about adverse rating implications will be redundant by that stage.</p>	
11	EB Edwards 2 Thomas Street Busselton WA 6280	<p>Object to R-AC3 in Busselton CBD.</p> <p>Height should be maintained at 12m. Tall buildings create wind tunnels and excessive overshadowing, impacts also on solar power. Parking for residents essential.</p> <p>Introducing A74 (Busselton) – large development should be resisted. Some of the commercial uses are not low impact (restaurant, shop and tourist accommodation). Increase in traffic and noise for the adjacent residents. Allowable businesses should mirror those that already exist.</p> <p>Maximum plot ratio of 1.5 in CBD will give little room for parking, rubbish, private parking and courtyard.</p> <p>Object to heights proposed to align with the R-Codes.</p> <p>Increase in heights results in change to climate and poor design.</p>	<p>The Busselton Urban Design Provisions (contained within 'Local Planning Policy 4; Urban Centres') require development to respond effectively to the form of surrounding buildings and avoid unsympathetic contrasts of scale etc. They also require focus and articulation in the design of the built form to break up visual perceptions of bulk and ensure attractiveness and 'useability' of buildings (including access and parking provision). The provisions also require that levels above third storey are to be setback a minimum of 3 metres and be subject to an 'urban design statement' that is to be prepared by a suitably qualified professional.</p> <p>It is considered unlikely, given these design provisions and requirements for the Busselton city centre, that any built form approved would create 'wind tunnelling' or otherwise adversely affect neighbouring residents (such as by 'overshadowing').</p> <p>Together with the Residential Design Codes, the urban design provisions and associated planning and engineering</p>	That the submission not be supported.

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			requirements will guide and encourage desirable development and ensure 'best practice' standards are consistently met. Minimum plot ratio requirements will need to be addressed accordingly in any new building/development proposal.	
12	S Hughes 9/2 Brighton Road Scarborough	Supports Amendment (Chieftain Crescent land owner).	Support noted.	That the submission be noted.
13	M & J Dodd 6 Adam Street Boddington WA 6390	Support proposed Dunsborough R80 and A74. Possible frontage onto Naturaliste Tce to promote retail/cafe business to take advantage of the Reserve along Naturaliste Tce. Consider parallel car parking along Naturaliste Tce. Consider pedestrian traffic at the end of Clark Street for vehicle traffic to give way to pedestrians. Review roundabout intersection (Naturaliste Tce & Cyrillian Way).	Support noted.  Proposed re-orienting of development on those lots fronting Prowse Way that are subject to this proposed Omnibus Amd would: <ul style="list-style-type: none"><li>• Encourage the extension of activity along Naturaliste Terrace, supporting the rezoning intended to include and connect Clark Street to the existing town centre,</li><li>• Improve passive surveillance of the dual use path running through Reserve 35758,</li><li>• Potentially reduce the visibility of any commercial development supported by the proposed 'Additional Use' zoning to residential lots on the opposite side of Prowse Way,</li><li>• Not be likely to be serviceable by vehicular access through the Reserve from Naturaliste Terrace.</li></ul> The potential inclusion of parallel parking and pedestrian improvements - along with intersection treatments - at Naturaliste Terrace, Clark Street and Cyrillian Way will be reviewed in the context of upgrades identified in the 'Dunsborough Town Centre Conceptual Plan' (where these do not have a significant impact on existing remnant vegetation or the location of existing services).	That the submission be noted.
14	Sonia & Perry Moyses 16 Peppermint Drive DUNSBOROUGH WA 6281	No objection as it relates to Dunsborough proposed R80 and A74.	'Support' noted.	That the submission be noted.
15	Tony Sheard 26 Flora Tce Watermans Bay WA 6020	Supports Dunsborough proposed R80.	Support noted.	That the submission be noted.
16	Dorit and Moshe Maor 22 Melrose Crescent Menora WA 6050	Property adjacent to Dunsborough CBD and proposed R80, at 18 (Lot 81) Geographe Bay Road. Seek to be included in the proposed R80 and A74.	This particular property directly abuts the proposed A74 ('Additional Use') and R80 (upcoding from R30) areas proposed in Omni Amd 1. Its situation on Geographe Bay	The submission be supported, viz:



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			<p>Road, with direct views and proximity to coastal amenity along the Dunsborough foreshore, supports its logical inclusion in the area proposed for, in effect, townsite expansion. The property contains an older style building that could be readily redeveloped, for example, for 'Office' uses (as has been suggested, informally, by the landowners).</p> <p>Support is recommended for the inclusion of Lot 81 and this has been reflected in the 'Schedule of Modifications'. Should the Council support this recommendation, it shall nevertheless remain to be seen if the WAPC will accept inclusion <i>by means of the Schedule of Modifications</i>, or if specific re-advertising would be required (e.g. as a part of future Omnibus Amd 2).</p>	<p>1. That recommendation 2.6a of the resolution be amended to include Lot 81 (18) Geographe Bay Road, Dunsborough into the Additional Use (No. A74) provision.</p> <p>2. That recommendation 2.8f of the resolution be amended to include Lot 81 (18) Geographe Bay Road, Dunsborough for modifying the residential density coding to R80.</p>
17	Gregg Plank 7 Coalfields Hwy Darkan	Issue with availability of mains sewerage (relating to Dunsborough proposed R80 and A74). Currently only have a septic system which would not support multi-accommodation units.	<p>Four (4) lots are located very close to the Dunsborough town centre - being 27 (Lot 160), 29 (Lot 161) and 33 (Lot 162) Chester Way and 22 (Lot 141) Lorna Street.</p> <p>The Water Corporation has confirmed that these 4 lots do not have access to sewer for the reason that '<i>...the Water Corporation budget did not extend to these lots</i>'. The Water Corporation (WC) has previously advised landowners that they may pay separately to connect to the reticulated sewer system as such connections are not in the WC 'forward plan'.</p> <p>It is nevertheless recommended that 33 (Lot 162) Chester Way and 22 (Lot 141) Lorna Street <i>remain</i> in the proposed areas of R80 and A74, in order to allow the subject landowners a greater potential for development of those properties, <i>should they wish to pay for connection to existing sewer</i>. The higher density and additional land use opportunities provided may offer sufficient incentive for those landowners to recover connection to sewer costs (it may be beneficial for those landowners to arrange a sharing of connection costs).</p>	That the submission be noted.
18	Glenda Allan 21 Chieftain Crescent Dunsborough WA 6281	<p>Objects to Dunsborough proposed R80 and A74.</p> <p>1. Proposed R80 and A74 will have a negative impact on residential lots. Suggest the R80 etc be deferred for a 5 – 10 year period to allow existing residents to make plans, and for those who have recently renovated to enjoy the fruits of their labour and financial outlay.</p>	<p>1. Despite the understandable contention or desire of some residents and community members in seeing it this way, Dunsborough is no longer 'a little coastal town'; it has become more vibrant, promising and challenging than that, in line with local and state government strategy and policy (and the majority support of residents, businesses and representative community groups). It is an attractive and</p>	That the submission not be supported.

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		<p>Dunsborough is different to Busselton, both its residential and tourist attraction and that it's a little coastal town. Cap the residential population of Dunsborough to slow down urban sprawl. Give amenities and infrastructure a chance to catch up with the growth and changes which have taken place over the last decade.</p> <p>Impact of the proposed changes:</p> <ul style="list-style-type: none"> <li>- More traffic</li> <li>- More pollution</li> <li>- More noise</li> <li>- More crime</li> <li>- More parking problems</li> <li>- More risk of injury when walking</li> <li>- Less birds and wildlife</li> <li>- Less chance of selling my home as a residence</li> <li>- More chance of selling my home as a business</li> <li>- More chance of a viable income from home.</li> </ul> <p>2. Rates – I am assuming they are charged at the normal residential costs, unless one has a business.</p>	<p>important population settlement area, which the Dunsborough Town Centre must be capable of continuing to service and support.</p> <p>By way of background, and in response to similar submissions to follow, please note:</p> <p>The planning changes and adjustments proposed for the town centre in Omnibus Amendment No 1 have essentially been drawn from and underpinned by the recommendations of the 'Local Commercial Planning Strategy' (2010) and the 'Local Cultural Planning Strategy' (2011) – along with those of the 'Dunsborough Town Centre Conceptual Plan', which was endorsed by the Council in January 2014.</p> <p>The increased density and incremental expansion of core town centre/CBD commercial and retail (etc) uses and opportunities into the more historically established abutting residential area is considered <i>essential</i> to accommodate and support the viable and desirable future growth of Dunsborough per se. In respect to this, the <i>potential</i> population for the Dunsborough settlement has been identified in the 'Leeuwin Naturaliste Ridge Statement of Planning Policy 6.1' (LNRSP) as being up to 20,000 people. The current population is around 8,000. Whether or not this potential future population is actually achieved, there is a long-standing recognition that it needs to be comprehensively, strategically and appropriately <i>planned for</i>.</p> <p>The City of Busselton Draft 'Local Planning Strategy' (LPS) has identified the importance of the coordinated strategic expansion of the Dunsborough settlement that will be necessary to:</p> <ul style="list-style-type: none"> <li>• accommodate desirable population growth,</li> <li>• further establish and continue to support and maintain a thriving local community,</li> <li>• enable the timely provision of necessary public and community utilities, services, facilities and infrastructure,</li> <li>• develop and promote/generate residential quality of life, local employment, and tourism-related,</li> </ul>	

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			<p>agricultural/horticultural, 'creative industry' and other business (etc) development opportunities.</p> <p>The draft LPS is anticipated to be advertised for public consultation, subject to formal review and consent by the WAPC, in Feb/March 2016.</p> <p>The future growth of the Dunsborough settlement will be necessarily limited and constrained by (inter alia) important coastal 'wetland amenity' and other environmental factors, high quality agricultural and horticultural land, diversification of land ownership, and the like. The only feasible growth and expansion area for the Dunsborough population settlement, therefore, has been recognised as being to the south-east of 'Dunsborough Lakes'. Structure planning for this area needs to commence in the <i>short term</i> such that future demands for housing and associated urban development can be assessed and addressed to ensure effectively staged and varietal housing supply, stability in pricing and affordability, and the timely provision of associated supporting infrastructure (roads, footpaths, sports grounds, public open space, parking, health and education facilities, shops, restaurants, offices etc).</p> <p>It should be noted that the WAPC has <i>not</i> supported the inclusion of this identified S-E urban growth area in the draft LPS (as was proposed by the City) as it has not been <i>specifically</i> identified in the LNRSP. It is trusted that the 'Leeuwin Naturalist Sub-Regional Strategy', proposed by the WAPC to review and update where necessary the LNRSP, will formally acknowledge this growth direction and recognise the need to initiate related structure planning processes at the earliest opportunity. A working group will shortly be convened to undertake a preliminary examination and 'report card' review (over 6 months, to July 2016) of the historical 'pros' and 'cons' of the LNRSP. The City (along with the Shire of AMR) will be assisting with this. Since its adoption in 1998, the LNRSP has been formally 'reviewed' and amended just <i>once</i>, in relation to the Smith's Beach development, in 2003 (NOTE: s1.3.4 of the LNRSP states that it '<i>...undergo a formal review every five (5) years</i>').</p> <p>'Urban sprawl' in regard to the Dunsborough settlement</p>	

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			<p>(and to Busselton itself, or any of the other identified urban growth areas elsewhere in the municipality) will <i>not</i> be allowed to occur; by either the Council or the WAPC (as has been strongly signalled in the draft Local Planning Strategy and higher level regional strategies, such as the 'SW Framework' (WAPC 2009)).</p> <p>The constructive consolidation and well-planned, strategically timed <i>expansion</i> of the Dunsborough town centre will be vitally important for the provision of quality goods and services, retail shopping, office and business opportunities, local employment, tourist visitation and accommodation, civic and community facilities etc for the benefit of the local settlement, the municipality and the region. The City of Busselton has, to date, planned (and is implementing) significant improvements to streetscapes, parking, public open space and other facets of the Dunsborough town centre - at all times consulting widely with residents, government agencies, community groups and other relevant parties. Given this (and that preceding) the potential for 'adverse impacts' from the planned future development of the town centre, whilst clearly <i>possible</i>, are not considered <i>likely</i> to occur. The City is committed to continuing constructive engagement with the local community to ensure 'transitional' improvements to the Dunsborough town centre are well-founded, well-consulted, broadly supported and highly successful.</p> <p>In specific respect to the proposed areas of R80 and A74, and similar concerns raised in this and other submissions:</p> <ul style="list-style-type: none"> <li>Any potential for 'negative impacts' on adjoining residential properties - given that land use 'densification' and mixed use/business development opportunities in the Dunsborough town centre must be provided (as explained previously) in order to support the growth and development of the residential settlement and to maintain and promote commercial vibrancy, public amenity and community services - will be addressed and managed by the City through standard processes and procedures (e.g. development applications);</li> <li>In order to guide and assist such development, the City will be initiating the preparation of 'urban design</li> </ul>	

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			<p>guidelines' in the first half of 2016; commencing with Cells 1 and 3 in the RAC-3 coded CBD area identified in the 'Dunsborough Town Centre Conceptual Plan'. Integrated planning initiatives and incentives will be provided within these cells for mixed use and other built form design and development opportunities;</p> <ul style="list-style-type: none"><li>• 'Urban design guidelines' and/or associated 'special provisions' to guide and control desirable development across the balance of the town centre will also be prepared as required to help manage and address the interface between new R80 and A74 areas and adjoining residential land uses (e.g. privacy, over-looking/over-shadowing, building setbacks from boundaries, on-site car parking, waste disposal and noise management etc);</li><li>• Improved traffic management, car parking, road connectivity and pedestrian permeability through and within the town centre will be developed and implemented in accordance with the endorsed 'Dunsborough Town Centre Conceptual Plan'.</li></ul> <p>2. Whilst the zoning does not change from 'Residential', the 'Additional Use' <i>does</i> create the potential for certain commercial activities on the property. As it currently stands, in the 2015-16 financial year, properties that are zoned 'Residential' with an 'Additional Use' capability are rated based on that additional use being commercial, whether or not this <i>potential</i> use is actually approved and developed. For example, a 'Residential' zoned property with an 'Additional Use' of 'Office' will be rated on the basis of that commercial <i>potential</i>, regardless of whether the property is actually being used as an office or not.</p> <p>This current situation is, however, proposed to alter from 1 July 2016, whereby properties will be rated based on their <i>actual</i> use. In other words, if a property remains used solely for <i>residential</i> purposes, then the rating for that property will be assessed on that basis, rather than on a 'commercial' basis, even if it has been approved for potential commercial use. A <i>commercial</i> rating would only apply once the property owner developed and actively used the site for that approved commercial purpose.</p>	

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
19	Ken Anderson 17 Chieftain Crescent Dunsborough WA 6281	<p>Objects to Dunsborough proposed R80 and A74.</p> <p>Object to uses 'Restaurant', 'Guesthouse' and multi-storey holiday apartments.</p> <p>Higher rates and water costs.</p> <p>Privacy</p> <p>Overshadowing</p> <p>Noise from cars and patrons of restaurants and guesthouses late at night. Loud music.</p> <p>Concern with Chieftain Crescent becoming cul-de-sac, fire safety concern with only one exit.</p> <p>No objection to offices, doctors, consulting rooms.</p>	<p>Please refer to extensive previous comments on same/similar matters.</p> <p>The objection to 'Restaurant' and 'Guesthouse' (and multi-storey tourist accommodation) additional uses (A74) on the basis of '<i>noise from cars and patrons....late at night</i>' is noted. Such concerns are, of course, entirely reasonable, although the potential for obvious noise/nuisance generation would be 'designed out at source' during the development application assessment stage (e.g. the positioning of bins, on-site car parking, alfresco dining areas etc). Similarly, the operational management and control of premises through restrictions related to liquor licensing, trading hours, 'light-leakage' etc can be used to limit noise and nuisance generation.</p> <p>Public and private amenity and the right to quiet enjoyment of a residential home are all important 'entitlements' and considerations, although it needs to be recognised and expected that these might occasionally be compromised when living in or near a town centre/CBD. Offering a diverse range of development opportunities for different <i>potential</i> land uses and business options in the commercial heart of Dunsborough is very important - and is considered necessary to encourage active investment, employment generation, built form variation and interest (through the attractive regeneration of facades and built form etc).</p> <p>Noise and nuisance (odours etc) generation are stringently controlled through legislation including the <i>Environmental Protection Act 1986</i>, <i>Environmental Protection (Noise) Regulations 1997</i>, and the <i>Health Act 1911</i>. Any future complaints about operational procedures generating unreasonable noise or nuisance would also be strictly policed by the City.</p> <p>The matter of Chieftain Crescent becoming a cul-de-sac is not relevant to matters being addressed through proposed Omnibus Amd 1; rather it is a proposal supported by the Council and identified for staged implementation through the endorsed 'Dunsborough Town Centre Conceptual Plan.'</p> <p>Other matters noted.</p>	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
20	Errol & Patricia Russell-Lane 43A Sulman Ave Salter Point WA 6152	Objects to Dunsborough proposed R80 and A74 and relaxation of height limits in Chieftain Crescent, Dunsborough. a) Intrusion of noise and light from commercial properties. b) Invasion of privacy from over height commercial buildings. c) Impact of traffic noise associated with commercial properties. d) Extended trading hours could exacerbate all of the above. This area is a quiet residential area and wish it to remain so. Do not wish this residential area, including Chieftain Crescent, to become a part of the Dunsborough CBD.	The objection is noted. Please refer to extensive previous comments on same/similar matters.	That the submission not be supported.
21	Steven Hooker 13 Hibernia close Dunsborough	Object to proposed density increase to R80 in Dunsborough and height of buildings that could be constructed close to fenceline. Loss of privacy and visual impact of buildings. Devaluation of property. Shading on property due to height of buildings. Sufficiency of utilities for multi-storey buildings. Availability of parking. Rate increases.	The objection is noted. Please refer to extensive previous comments on same/similar matters.	That the submission not be supported.
22	W & CMA Franssen 23 Chieftain Crescent DUNSBOROUGH WA 6281	Objection to Dunsborough proposed R80 and A74. Recommends the proposal is deferred for 10 years.	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
23	Chris Farris and Janet Nugent 29 Chester Way Dunsborough WA 6280	Concerns relating to the Dunsborough proposed R80 and A74. No buffer between commercial use and residential. Commercial next to residential, plus increased traffic due to road reconfigurations. Commercial needs to be in the main streets or rezone all the same in this precinct.	The submission is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
24	Lee & Pauline Venables 14 Cooke Street Bunbury WA 6230	Objects Dunsborough proposed R80 and A74 and relaxation of height limits in Chieftain Crescent, Dunsborough. a) Noise and light from commercial properties. b) Privacy from over height commercial buildings. c) Traffic noise associated with commercial properties. d) Extended trading hours could exacerbate all of the above. Area is a quiet residential area and wish it to remain so.	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
25	Anthony Perkin 7 Carnegie Drive Dunsborough WA 6281	(Submission not provided on required Form 3a) Objection to Dunsborough proposed R80 and height increase in CBD.	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		Proposed height out of scale and context. Insufficient infrastructure (sewer, telecommunications). Negative impact on holiday town and its ambience.	The height and scale (inter alia) of new development will be subject to urban design guidelines and potential special provisions to ensure appropriate design integration with adjoining land uses and that neighbouring amenity is protected. It is believed that the proposals contained in Omnibus Amd 1, especially as they relate to the Dunsborough town centre, will have a strong and lastingly positive impact. They will assist to re-vitalise, beautify and generally improve functional purpose and ambience, both as a tourist destination and as a legible goods and services provider for the local and municipal community.	
26	Clifford Shanhun 13 Lorna Street Dunsborough WA 6280	Object to Dunsborough proposed rezoning of properties in Lorna/Chieftain Streets. Existing park and Bayview Resort acts as a buffer between commercial uses and existing residential. Business activity would require vehicle access including deliveries, parking for staff and customers; traffic on Lorna or Chieftain Streets would alter the residential atmosphere, decrease safety and increase noise.	The objection is noted. Please refer to previous comments on same/similar matters.  Traffic management initiatives and strategic car parking areas located at the periphery of the expanded town centre will significantly reduce vehicular congestion, encourage higher pedestrian use and improve safety.	That the submission not be supported.
27	Colleen Shanhun 13 Lorna Street DUNSBOROUGH WA 6281	Object to Dunsborough proposed A74. In residential area, traffic and noise would increase and parking already limited. Safety of children of concern. Restaurants are noisy during meal times and parking requirements. Restaurants and shops have early morning deliveries and trucks have reversing sensors, which can be intrusive to residents.	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
28	Edward Mularczyk & Vicki Butler 11 Hibernia Close DUNSBOROUGH WA 6281	Objection to Dunsborough proposed R80 and proposed height of buildings. Impact on property value. Loss of privacy. Visual impact from height of buildings. Very little timeframe of notice to inception from zoning amendment. Shading of property due to height of buildings.	The objection is noted. Please refer to previous comments on same/similar matters.  Apart from extensive public consultation throughout 2013-2014 in regard to the now endorsed 'Dunsborough Town Centre Conceptual Plan', much of which informed the proposals within the current Omnibus Amd 1, the Amd itself was advertised for public comment between 4 November and 16 December 2015.  Subject to Council and WAPC/Ministerial final approval (in whole, in part, or subject to a 'Schedule of Modifications'), it is anticipated that the recommendations and proposals contained in Omnibus Amd 1 (including rezonings) will be gazetted around July 2017.	That the submission not be supported.
29	I R Hooker	Concern with change from R15 to R80 and its impact.	The submission is noted. Please refer to previous comments	That the submission not be



NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	13 Hibernia Close Dunsborough WA 6281	Concern with proposed height of buildings. Visual impact from height of buildings. Loss of privacy. Shading of property due to height of buildings. Impact of value on property.	on same/similar matters.	supported.
30	David C Hosking 36 Geographe Bay Road Dunsborough WA 6280	<p>1. Concern with rate increase (related to proposed Dunsborough R80).</p> <p>2. Armstrong Reserve is poor choice for aged housing. Clarke Street as alternative location.</p> <p><u>NOTE:</u> Further comments were not specifically relevant to the proposed Omnibus Amendment currently being considered.</p>	<p>1. The submission is noted. Please refer to previous comments on same/similar matters.</p> <p>2. The issue of the 'Armstrong Reserve' is not, in isolation, relevant to proposed Omnibus Amd 1. However, in the context of Clark Street, the following is noted:</p> <p>The proposed \$35 million development of the 4 ha site on Naturaliste Terrace has received all necessary environmental approvals, in 2015. Detailed building designs for the Armstrong Park aged care 'Village' are understood to be in the process of final preparation by the owner, CapeCare. The development will be limited (by the environmental compliance requirements) to approx. 1.4 ha of the subject site. A formal Development Application for approval to commence construction is anticipated to be received by the City in the first quarter of 2016.</p> <p>The use of Clark Street for aged care housing would not be appropriate or practical, given that the properties there:</p> <ul style="list-style-type: none"> <li>Are in diverse private ownership,</li> <li>Are currently zoned 'Industrial' and proposed (in Omnibus Amd 1) to be rezoned to 'Business'</li> <li>Are far better suited for the logical, effective extension of the Dunsborough town centre (with the desirable relocation, over time, of the industrial land uses to a more appropriate location).</li> </ul>	That the submission not be supported.
31	Chris & Michelle Boag 11 Lorna Street Dunsborough WA 6281	Object to Dunsborough R80 & A74. Increased noise, height and traffic. Commercial traffic would make it more difficult to cross Geographe Bay Road.	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
32	Beryl Eastlake 42 Geographe Bay Road Dunsborough WA 6281	Object to development in Dunsborough. Feels Dunsborough is being changed into another "Gold Coast".	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
33	Rod Leach 15 Costello Road West Busselton WA 6280	(Submission not provided on required Form 3a) Objection to Dunsborough R80 & A74.	The objection is noted.	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
34	Kim Hancock Fallston Pty Ltd 23/26 Dunn Bay Road Dunsborough WA 6281	Fully support the proposed amendment to 'Business' with a residential density code of R-AC3 in Dunsborough, as it will encourage and expand options of land use by current and prospective owners, add vibrancy and interest to the Dunsborough Town Centre. Has potential to make it more attractive to investors/developers for the future good of the community.	Support noted.	That the submission be noted.
35	Nick & Francesca Goode PO Box 127 Dunsborough WA 6281	Supports Amendment as it relates to Dunsborough Town Centre. The rezoning and increased density for town centre is an important move forward adding vibrancy. Amendments that increase the tourism potential of the town and region are necessary for economic growth.	Support noted.	That the submission be noted.
36	David Read TPG on behalf of Eldorado Pty Ltd PO Box 7375 Cloisters Square PERTH WA 6850	Supports Amendment as it relates to the Dunsborough Town Centre, except for concerns with the proposed plot ratio controls to restrict the size of buildings. Recommend additional sub-clause at clause 5.19 to allow consideration of development in excess of 3.0 plot ratio.	A maximum plot ratio of 3.0 is expected to be sufficient to facilitate optimum commercial development design, whilst allowing for articulated facades, effective pedestrian linkages and open spaces, and accommodating air flow between buildings. The City has the flexibility to consider and approve variations to site and development standards in any event, through clause 5.5 of the Local Planning Scheme 21 (if and where deemed appropriate and justifiable). It is not considered that any modification to proposed clause 5.19 of Omni Amd 1 is necessary.	That the submission not be supported.
37	Anthony Sharp 170 Lagoon Drive Yallingup WA 6282	Generally agree with the amendments, object to the proposed height level of 5 storeys for Dunsborough. Three storeys is more in keeping with the town while still maintaining allowing for mixed use within the town centre. Dunsborough has a separate feel and identity to Busselton and want to maintain that difference.	The hierarchal order of the centres within the municipality is recognised within the 'Local Commercial Planning Strategy', which acknowledges and addresses the express strengths/weaknesses and opportunities for both Busselton and Dunsborough. The Strategy also acknowledges certain inadequacies and loss of desirable commercial development opportunities through poor connectivity of the Dunsborough town centre to the Geographe Bay foreshore (especially via a logical extension of the town centre along Dunn Bay Road). The Strategy recognises the potential for increasing height limits to result in potential increased amenity, through proximity and connectivity, bay views, additional mixed use development opportunities etc. The strategically planned relaxation of height controls will stimulate and foster desirable development and capital investment in the town centre and CBD. Increased controlled growth and investment will strongly support, rather than hinder, the local community and economy through the provision of local employment opportunities (both during construction phases and beyond).	That the submission be noted, although not supported in respect to the particular objection raised.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			Dunsborough will continue to preserve and retain its different 'feel' and 'identity' to Busselton, with urban design guidelines and development provisions to be separately drafted and assessed/endorsed by the Council in the relatively near future. These draft guidelines will be made available for public consultation and feedback prior to any final presentation to, and determination by, Council.	
38	D Gardiner PO Box 973 Dunsborough WA 6281	Objects to Amendment Dunsborough and Busselton have different character and requirements, they should not be treated the same. The height of building in and around Dunsborough should be kept to a minimum, definitely below 5 storeys, to maintain the character of the town. An increase in the height of buildings will have negative effects on the attraction of the town to tourists.	Matters addressed/referred to previously.  The character and built-form 'requirements' of Busselton CBD and Dunsborough CBD will be treated 'the same' only in regard to their being subject to urban design guidelines and other development provisions requiring determination and assessment within their particularly defined areas. As with the conceptual plans that have been developed for both centres, independent of each other, these will be concerned with issues and characteristics particularly applying to each.	
39	Douglas Kirsop PO Box 139 Dunsborough WA 6281	Objects to Amendment Dunsborough and Busselton are different. The character of Dunsborough would be compromised and it would change its appeal and attraction. It is a holiday centre and increasing the building height to 5 storeys would ruin that attraction. There would be increased pressure on traffic and parking which is already at a premium.	Matters addressed/referred to previously.  The City is actively engaged in the strategic planning and negotiated purchase of car parking areas towards the edges of the CBD that will help reduce and mitigate traffic congestion and other impacts. Streetscape and other urban design and engineering improvements currently being implemented by the City will continue, in line with recommendations endorsed in the Dunsborough Town Centre Conceptual Plan.	That the submission not be supported.
40	Richard Paterson 9 Koorabin Drive Yallingup WA 6282	Objects to amendment. The "village" atmosphere of Dunsborough will be lost if development takes place at heights above the existing buildings. Busselton and Dunsborough are different. The two districts should not be considered under the same planning concepts. Refer to Fremantle as an excellent example of how to preserve an old, cohesive, architectural style with two storey buildings while still allowing compatible modern redevelopment.	The objection is noted. Please refer to previous comments on same/similar matters.  The perception of what a 'village atmosphere' might be, and what that might actually entail for Dunsborough in 2016, is a subjective matter that would be very likely to vary from person to person. Preserving building heights, forms and styles (outside heritage-listed places) from 'days of yore', when Dunsborough was little more than a seaside fishing, camping and holiday cottage settlement would unnecessarily restrict and adversely impact the desirable and continuing vibrant growth and urban development of what has become an important residential and tourism-based settlement.  The Amd proposals concern and address the best interests	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			of the both the local and broader community in the City by facilitating the well-planned, attractively coordinated, functional and <i>limited</i> urban expansion of the town. Every effort will be made to protect and enhance the recognised positive characteristics of Dunsborough in so doing. Opportunities for economic growth and development, for job creation, business stimulation and capital/infrastructure investment, are also considered highly important if not imperative. These initiatives would not find traction or ultimately be possible were the status quo to prevail.	
41	Heino Hofferberth PO Box 1129 Dunsborough WA 6281	Objects to amendment Dunsborough and Busselton are two very different places and should not be compared and/or have same architectural requirements. High rise building over say two/three stories will negatively impact on “down south” character and overall rural setting.	The objection is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
42	Charles & Jullian Morgan 3 Hobbs Ave Dalkeith WA 6009	Height restriction in Dunsborough CBD should be limited to maximum 3 storeys. Any higher loses the Country town ambience, diminishing its attraction. Example, Noosa, QLD height restrictions of 3 storeys as opposed to larger developments in towns south of Noosa and in particular Gold Coast, QLD.	The submission is noted. Please refer to previous comments on same/similar matters.	That the submission not be supported.
43	Nigel Smith 20 Howson Rise Yallingup WA 6282	Objection to height increase for Dunsborough CBD. Serious impact on the character and amenity of the town, further impacting tourism. Request full and independent assessment of the impact on the overall planning intent, as well as on the potential impact of the local economy, is undertaken.	The objection is noted. Please refer to previous comments on same/similar matters.  Strategic assessment, analysis and rigour will continue to apply to the orderly and proper planning of the District, in accordance with the provisions of the Scheme, all relevant legislation and administrative probity, and the endorsement of the Council.	That the submission not be supported.
44	Peter Hales 109 Blackbutt Close Yallingup WA 6281	Supports amendment as it relates to the Clark Street area in Dunsborough as there isn't enough business space in the Dunsborough town.	Support noted.	That the submission be noted.
45	James Harman 31A Conservation Loop Mandurah WA 6210	Supports Amendment as it relates to Clark Street Industrial Area, Dunsborough.	Support noted.	That the submission be noted.
46	J & D Shaw 10 Fortview Road Mt Claremont WA 6010	Concern over building heights in Clark Street enabling up to 4-5 storeys. As our property backs onto these properties we are concerned with: - loss of privacy, - decrease in the holiday amenity of our holiday house and	The submission is noted. Please refer to previous comments on same/similar matters.  Whilst a concern for a potential ‘loss of privacy’ is noted, it is reminded that development of a house or grouped dwelling on Clark Street would be required to comply with the	That the submission be noted.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		- loss of value due to the height and scale of buildings now being allowed.	<p>Residential Design Codes of WA (the R-Codes). The design of any <i>commercial</i> development would, similarly, need to take account of important aspects of local amenity, including privacy (including overlooking etc), car parking and access, potential for noise-generation and the like.</p> <p>A 6 metre wide strip of vegetated reserve is located between the proposed Clark Street 'Business' zone and the nearest existing residential properties along Kunzea Place. This will provide an additional spatial and visual buffer between the adjoining land uses.</p> <p>Matters in respect to 'decrease of amenity' and 'loss of value' in respect to your holiday home are unlikely to apply, or to be significant if they did apply. Please bear in mind that the current zoning and permitted land use is 'Industrial'. Given the importance to the City and the <i>whole</i> community of Dunsborough of a consolidated, well-planned, well-connected and vibrant CBD, the concerns expressed here are considered to be relatively minor.</p>	
47	Mark & Theresia McManus 8 Kunzea Place Dunsborough WA 6280	<p>Concerns regarding rezoning of Clark Street from 'Industrial' to 'Business' with 'R-AC3'.</p> <p>1. Noise, current businesses operate 7.15am to 5pm and area is quiet outside those times. Mixed use will jeopardise this.</p> <p>Privacy, future developments up to 5 storey result in loss of privacy to Kunzea Place properties.</p> <p>Concern laneway reserve between Clark Street properties and Kunzea Place properties will be used for vehicles, creating more noise, loss of privacy, trees and wildlife.</p> <p>2. Contamination of Dugalup Brook from fertiliser use and stormwater to be addressed in future development. Development encroaching on (Dugalup Brook) reserve boundaries.</p>	<p>The submission is noted. Please refer to previous comments on same/similar matters.</p> <p>The use of the 'C' class reserve between the existing Industrial area along Clark Street and the existing properties/residences on Kunzea Place for vehicular access or thoroughfare would not be permitted.</p> <p>Any future applications for development approval must fully address 'water sensitive urban design' principles and guidelines. There must be no potential for adverse impacts on the Dugalup Brook.</p> <p>The matter of existing development encroaching into the Dugalup Brook reserve is being investigated under a separate compliance process and is not relevant to the current Omnibus Amd process.</p>	That the submission be noted.
48	Alasdair Jackson PO Box 1473 BUSSELTON WA 6280	The mean high water mark (MHW) line adjacent to Wonnerup Town site does not correlate with the pre-Port Geographe development coastline MHW. Concern that the new definition of the MHW may alter or remove the responsibility of other parties for replacing sand in	The technical determination of the 'MHW' is subject to amendment over time, as the shoreline naturally erodes and accretes. There is no new 'definition' of this measurement being proposed (the determination of the MHW is reliant on technical data collated and provided to the City by	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		Wonnerup as a consequence of the Port Geographe groyne construction. The new MHWL coastline delineation should not be part of the map for the area of Wonnerup to reduce the risk of a flood event to Busselton.	Landgate).  The identification of the MHWL on the Scheme Maps has been proposed in this instance as a means to assist with the determination of setbacks for height controls for landholdings in the municipality.  The submitter may have mistaken the intention of delineating the MHWL with the extension of the Scheme Area mapping to the Low Water Mark (LWM). Nevertheless, neither of these proposals within the proposed Omnibus Amd 1 will have any bearing on the responsibility and commitment of the City for the planning, management and adaption (to effects of climate change) of our coastline.	
49	James Taylor 154 Geographe Bay Road Quindalup	Supports the proposed height change from 7.5 to 9 metres as it will allow for better environmentally friendly home design, specifically insulation and solar power.	Support noted.	That the submission be noted.
50	Aaron Bell (on behalf of Tagboin Pty Ltd) 29 New River Ramble West Busselton	Supports amendment to clause 5.8.1 of LPS 21 to lift the building height for land within 150 metres of the mean high water mark from 7.5 to 9 metres.	Support noted.	That the submission be noted.
51	DV Hanran Smith 20 Elsegood Ave Yallingup	Supports amendment specific to Lot 5 (No. 20) Elsegood Avenue, Yallingup.	Support noted.	That the submission be noted.
52	Richard Rowell C/- Yallingup Steiner School 1721 Wildwood Road Yallingup	Supports amendment specific to Yallingup Steiner School.	Support noted.	That the submission be noted.
53	Graham Alp c/- Busselton Lifestyle Village 16 Leeuwin Blvd Busselton	Supports amendment as it relates to Lot 300 Leeuwin Boulevard, Busselton.	Support noted.	That the submission be noted.
54	Laurie Ayers 3806 Caves Road Wilyabrup	(Submission not provided on required Form 3a) Lot 21 (No. 3806) Caves Road, Wilyabrup Amendment shows rezoning from Reserve to Agriculture. The balance of the land is Viticulture and Tourism, which would seem the logical change.	The Proposed Zoning map and Omnibus Amendment documentation <i>incorrectly</i> shows the rezoning to 'Agriculture' when it should instead be to 'Viticulture and Tourism' (to be consistent with the zoning on the remainder of the property).	That recommendation 5.17 of the resolution be <i>amended</i> to correctly state the following: "Rezone portion of lot from 'Recreation' Reserve to 'Viticulture and Tourism'".
55	Errol Barrett 9 Spencer Street Bunbury WA 6230	Supports amendment as it relates to Lots 1 and 2 Wardenup Crescent, Yallingup.	Support noted.	That the submission be noted.
56	St Joseph's Primary School	Supports amendment as it relates to Lot 197 Mackillop	Support noted.	That the submission be noted.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	Att: Ben Doyle PO Box 120 Busselton WA 6280	Avenue, West Busselton.		
57	Robert John Saunders PO Box 33 Cowaramup WA 6284	Supports Amendment as it relates to Lot 1 and Lot 109 Bussell Highway, Metricup.	Support noted.	That the submission be noted.
58	RPS (on behalf of Dunsborough Lakes Estate) PO Box 749 Busselton WA 6280	Object to Dunsborough Lakes Estate properties being included within Development Contribution Area DCA1. Will establish a discrepancy with the provisions of the approved DGP, is contrary to previously agreed positions by City and WAPC through the DGP process, compromises spirit of previous negotiations on how development contributions relating to Dunsborough Lakes are to be secured as the project progresses to completion.	<p>For the purposes of allocating and ensuring appropriate developer contributions towards community facilities and infrastructure, all relevant land within the overall Scheme Area is subject to either 'Development Contribution Area 1' (DCA1) or by a specifically endorsed Developer Contribution Staging Plan (DCSP); as for Port Geographe, the Vasse Development Area, Yalyalup etc. A large majority of the Dunsborough Lakes Development Area already lies within DCA1 (Lot 9033 is subject to a separately-endorsed DCSP).</p> <p>The remaining four (4) pockets of the Dunsborough Lakes Development Area (DLDA) that were recommended for inclusion within DCA1 through Omnibus Amendment 1 were considered appropriate to incorporate because:</p> <ul style="list-style-type: none"> <li>• Their continued exclusion from the DCA1 area would not be consistent with the remainder of the City and would represent an ongoing situation that would be both anomalous and anachronistic. These pockets of land have previously been through different ownerships, have been proposed for development that has since been changed or modified, and/or have already been approved for subdivision/development (and therefore not retrospectively liable to pay developer contributions);</li> <li>• Their inclusion in DCA1 would bring the DLDA into formal alignment with the remainder of the City in terms of identified developer contribution areas;</li> <li>• The requirements of Planning Policy Statement 22 on endorsed DGPs (now 'Structure Plans') for Dunsborough Lakes refers to contributions being required as a result of (inter alia) any net increase in development potential beyond that depicted on the endorsed DGP as at 14 July 2010. It is evident that there has been, across the DLDA, such a net increase in yield and potential since 2010 (e.g. through relocation of the Primary School site from the north-western pocket to Lot 9033, and adjustments to the Tourist-zoned land in the north-east pocket, etc);</li> </ul>	<p>That the submission be noted.</p> <p>That recommendation 5.58 of the resolution be <i>deleted</i> and subsequent recommendations be numbered accordingly.</p>

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			<ul style="list-style-type: none"><li>Three of the four pockets of land concerned have already been approved for subdivision and/or development. These areas have therefore not been required to provide developer contributions to the City for use in the provision of community facilities (and would not be affected by their inclusion into DCA1 and Scheme Mapping now). The remaining pocket (in the south-east) would, in effect, be the only remaining developable area in the DLDA subject to future developer contribution requirements. This requirement under the DCA1 area would be approx. \$3,037 per lot, considerably less than the \$5,000 per lot recently negotiated with the same landowner and endorsed in the separate DCSP (2015) for Lot 9033. This is considered to be fair and reasonable and will assist the City in providing desirable community facilities that will benefit the DLDA.</li></ul> <p>On the basis of the history surrounding the formulation of the DCP, the request by the developer for the Amendment to exclude the requirement to include those land parcels identified in DCA 1 in Attachment E (which would attract monetary contributions in addition to those required by the DCP) is considered reasonable and this position has been agreed through discussions between senior City executive officers and the subject developer.</p> <p>It should be noted that this position would not necessarily bind or preclude future City officers and a future Council from reviewing the contributions arrangements applicable to Dunsborough Lakes Estate (or any other development contribution area or plan for that matter) and recommending informed alternative positions. Similarly, the relevant WAPC policy also requires developer contribution plans to be regularly reviewed.</p> <p>Notwithstanding this, the exclusion of the land parcels identified on Attachment E from either DCA 1 or the DCP would remain an anomaly on the Scheme Map. To rectify this, officers are recommending that the Dunsborough Lakes Estate Developer Contribution Plan be amended to include all land parcels in Dunsborough Lakes, however the current overall contribution of \$1,275,000 would remain unchanged and apply to all. Corresponding modifications to the Dunsborough Lakes Structure Plan and a basic Amendment</p>	



NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			to LPS21 will also be required and those processes can occur once the DCP is amended.	
59	Andrew Ingle (on behalf of YHAWA Inc.) 201 Geographe Bay Road Quindalup WA 6281	Concerns regarding proposed rezoning of Lot 42 Geographe Bay Road, Quindalup from 'Public Purpose' Reserve to 'Special Purpose – Youth Hostel'.  The terminology "Youth Hostel" is no longer an accurate description or reflective of the true nature or purpose of YHA as an organisation. Properties are now for the use and enjoyment of all ages. "Short Stay Tourist Accommodation" a more appropriate description.	The concerns of Mr Ingle in respect to the terminology "Youth Hostel" are noted and supported.	That recommendation 5.31 of the resolution be amended to state as follows:  "Rezone from 'Public Purpose' Reserve to 'Special Purpose - Hostel'".
60	Christine Emerson 30 Hakea Way Dunsborough WA 6281	Lot 600 Armstrong Place, Dunsborough – 'C' Class Reserve in centre of town. The walkway from Naturaliste Terrace to Armstrong Place is part of the path network used by the whole neighbourhood to get to the beach. Please ensure new owners and aged care developers keep this path open for the Dunsborough people and tourists alike.	Lot 600 Naturaliste Terrace/Armstrong Place is currently a 1.28 ha Reserve for 'Recreation' in the ownership of Ray Village Aged Services Inc. Informal pedestrian access between Armstrong Place and Naturaliste Terrace, through Lot 600, is thus currently occurring through private property. Matters of formal pedestrian connectivity will be further examined and determined at the development application stage.	That the submission be noted.
61	Lynn & V Webb on behalf of Dunsborough Noongar Association 262A Marine Tce BUSSELTON WA 6280	A class reserve has been catalogued for rare and endangered species. Family has collected food and medicine from site for generations. Object to building on A class reserve.	If this submission is referring to Lot 600 Naturaliste Terrace/Armstrong Place, the rezoning proposed in Omnibus Amendment No 1 (Reserve for 'Recreation' to 'Special Purpose – Aged Person Housing') reflects already sanctioned Ministerial directives, including the freehold sale of the site for aged care development. Required state and federal government environmental approvals have also been issued. Matters of aboriginal heritage have been studied and assessed, with preservation and protection of remnant bushland values taken into account. The objection concerning built form development of the site does not specifically concern the issue of zoning 'rationalisation' being conducted through this proposed Amendment, but is noted.	Objection noted, but not supported in terms of this proposed amendment.
62	Roberts Day on behalf of Busselton Beach Resort C/- Roberts Day PO Box 6369 EAST PERTH WA 6892	Supports Amendment, specifically relating to height controls and implementation of local strategies. Recommends inclusion to Omnibus Amendment No. 1 to assign a Special Provision over Busselton Beach Resort supporting and furthering the Tourist use of the site.	Support for the Omnibus Amendment is noted.  In respect to Busselton Beach Resort, further recommendations of the City of Busselton 'Local Tourism Planning Strategy' are intended to be considered in a future omnibus amendment.	That the submission be noted.
63	Steve Palmer PO Box 699 Dunsborough WA 6281	Requests review of Coastal Management Area boundaries.	The submission does not directly relate to the proposals being considered in Omnibus Amendment No. 1; however this matter will be reviewed in due course and, if necessary, included in a future omnibus amendment.	That the submission be noted.
64	David O'Mahony	Suggests review of Coastal Management Area boundaries.	Please refer to previous.	That the submission be noted.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	410 Caves Road Siesta Park WA 6280			
65	Anne Ryan (on behalf of Wonnerup Residents Association)	(Submission not provided on required Form 3a) Objection on behalf of the Wonnerup Residents Association. Object to way in which consultation has been carried out.	<p>It is not clear from the submission exactly what aspect of proposed Omnibus Amendment No. 1 the submitter is objecting to – it is only inferred that the consultation process undertaken was somehow unsatisfactory and/or insufficient. This being the sole apparent ‘objection’, it is refuted for the following reasons:</p> <p>The public consultation undertaken fully complied with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, which requires:</p> <ul style="list-style-type: none"> <li>a) public notice to be provided in a local newspaper;</li> <li>b) a copy to be provided in the administration offices of the subject local government;</li> <li>c) notice to be provided to relevant Government agencies;</li> <li>d) the proposed amendment itself, along with notice of that proposed amendment, to be provided on the subject local government website;</li> <li>e) consultation and advertising as directed by the WA Planning Commission, and in any other way the subject local government considers appropriate.</li> </ul> <p>Submissions on the proposed Omnibus Amendment were invited for 42 days, between 4 November and 16 December 2015. These dates were purposefully chosen and advertised to end <i>before Christmas</i> and the majority commencement of school holidays in order to avoid, as much as possible, that otherwise busy period.</p> <p>In addition to the above, the advertising undertaken consisted of the following:</p> <ul style="list-style-type: none"> <li>• Correspondence was sent <i>directly</i> to close to 1,800 landowners, including: <ul style="list-style-type: none"> <li>- those affected by site-specific rezonings;</li> <li>- those within the Busselton city centre and Dunsborough town centre and those in residential areas proposed for, or abutting, the A74 and R80 areas recommended in the draft Omnibus Amendment;</li> </ul> </li> </ul>	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			<ul style="list-style-type: none"> <li>- those within 150m of the 'Mean High Water Mark' (including 138 landowners in the Geographe and 47 landowners within the Wonnerup localities);</li> <li>- all relevant Government agencies;</li> </ul> <p>This correspondence was tailored to the specific part of the proposed Amendment relating to the particular property concerned (e.g. those situated in the CBDs in Dunsborough and Busselton), although further advised those landowners in respect to the considerable balance of the proposed Omnibus Amendment (each letter included a 'summary' information sheet);</p> <ul style="list-style-type: none"> <li>• Notice was provided to relevant business and community groups, such as the Busselton and Dunsborough chambers of commerce;</li> <li>• Signage was installed on land affected by more substantial and site-specific rezonings (e.g. Armstrong Reserve in Dunsborough, Dawson Drive in Yallingup, Ford Road in Geographe etc);</li> <li>• Notice was placed in the 'Busselton Dunsborough Mail' on 4 November 2015;</li> <li>• Hard copies of the proposed Omnibus Amendment were provided at the front counter of the City's Administration office and in both the Busselton and Dunsborough public libraries;</li> <li>• The complete document, along with the summary information sheet, was placed in digital format on the City's public website, in the 'Public Consultations' section.</li> </ul>	
<b>Late Submissions</b>				
66	AT & CA Featch	Support Dunsborough R80.	Support noted.	That the submission be noted.
67	Planning Solutions (on behalf of DCSC Pty Ltd) PO Box 8701 Perth WA 6849	<p>Object to proposed prohibition of drive-through facilities:</p> <ol style="list-style-type: none"> <li>1. Will extinguish ability for a legitimate commercial use to be established within most commercial areas of the City. Commercial protection of certain businesses is not a legitimate planning justification, Policy (b) of the Business zone seeks to allow market forces to influence retail land uses with minimal intervention by the local government.</li> <li>2. Undesirable impacts can be mitigated through the provision of built form controls, development</li> </ol>	Before addressing the key issues in relation to the Business zone, which is the only area to which the proposal relates, it is worth noting that most commercial areas in the City are, in fact, not zoned Business. Most commercial areas in the City, in terms of a majority of the land zoned for principally commercial purposes is, in fact, zoned 'Restricted Business' or 'Industry', and no further control or regulation of drive-through facilities is proposed in relation to that land. Further, land zoned 'Business' in the town planning scheme is not, in fact, exclusively for commercial purposes, rather, the zoning is a mixed-use one to facilitate the development	That the submission be supported and that the proposal relating to the prohibition of drive-through facilities in the 'Business' zone be removed from Amendment No. 1.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		standards or design guidelines. City should seek to establish scheme provisions providing design-based solutions rather than ban legitimate commercial use.	<p>of vibrant, diverse, walkable centres of community life, including social, cultural, recreational and residential uses, in addition to commercial or business uses. Whilst drive-through facilities are potentially appropriate in more exclusively commercial and car-dominated environments, where the land is zoned 'Restricted Business' or 'Industry', they are not considered an appropriate part of the rather different character and form of development in place and emerging in the main centres, where the land is zoned 'Business'.</p> <p>The strategic purpose and intent of the City in regard to the planning and urban design of the town/city centres of Busselton and Dunsborough has been consistently endorsed by the Council (most recently in the Busselton City Centre Conceptual Plan (2014) and the Dunsborough Town Centre Conceptual Plan (2014); the respective recommendations of which are currently being implemented in approved stages.</p> <p>Planned initiatives in terms of urban design, built-form and land use development management and control, engineering, environmental sustainability (etc) are being promoted and undertaken in these centres to constructively address matters such as commercial trading vitality, strategic car parking, safe and attractive pedestrian access and connectivity, traffic legibility and vehicular 'de-congestion', façade improvement incentives, streetscape/laneway activation and beautification et al.</p> <p>The introduction of 'drive-through' facilities into these business centres (existing facilities would have 'non-conforming use rights') would run counter to these important initiatives and compromise the fundamental purpose and intent of the City in ensuring these centres become increasingly more vibrant and pedestrian-friendly, and far less vehicle-dependent and 'traffic-cluttered'.</p> <p>There are many alternative areas in the City in which appropriate, well-designed 'drive-through facilities' may be proposed and approved. They should be strongly discouraged/disallowed in core commercial and business centres (as has been proposed through this Amendment).</p>	

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			This matter is proposed to be removed from the Omnibus Amendment No. 1 and the City recommended to initiate investigations into alternative detailed urban design guidelines to further refine the control of drive-through facilities. In order to do this, the drive-through facility proposal is recommended to be removed from Amendment No. 1 through the Schedule of Modifications.	

	Resolution	Advertised as:	To be modified as:
1.	<p>Recommendation 1.1 mm</p> <p>Removing the use classes ‘Poultry Farm’, ‘Recreation Agriculture’, ‘Recreation Area’ and ‘Rural Enterprise’ and associated permissibilities.</p>	<p>1.1 mm Removing the use classes ‘Poultry Farm’, ‘Recreation Agriculture’, ‘Recreation Area’ and ‘Rural Enterprise’ and associated permissibilities.</p>	<p>That recommendation 1.1 mm of the resolution be <b>amended to state:</b></p> <p>“Removing the use classes ‘Poultry Farm’, ‘Recreation Agriculture’, ‘Recreation Area’ and ‘Rural Enterprise’, associated permissibilities and associated references throughout the Scheme.”</p>
2.	<p>Recommendation 2.6:</p> <p>Amend Schedule 2 ‘Additional Uses’ by –</p> <p>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</p> <p><i>[Please refer to extensive Table in original Recommendation]</i></p>	<p>2.6 Amend Schedule 2 ‘Additional Uses’ by –</p> <p>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</p> <p><i>[Please refer to extensive Table in original Recommendation]</i></p>	<p>That recommendation 2.6a of the resolution be amended to <b>include the following additional condition</b> in the ‘Conditions’ column:</p> <p><i>“5. Urban design guidelines (and/or Special Provisions) shall be prepared and adopted as a Local Planning Policy to address the following matters in relation to any proposed development:</i></p> <ul style="list-style-type: none"> <li><i>- Appropriate building setbacks to prevent or suitably mitigate overshadowing or overlooking of neighbouring properties;</i></li> <li><i>- Built form articulation, architectural design, function, bulk, scale, massing, grain, signage and surveillance (in relation to the streetscape, surrounding buildings, adjoining land uses and the overall character and amenity of the subject development area);</i></li> <li><i>- Vehicular access, and the location of crossovers/provision of onsite car parking;</i></li> <li><i>- Roofscapes, skylines and service installation sites to ensure minimal visual intrusion.’</i> </li></ul>

	Resolution	Advertised as:	To be modified as:
3.	<p>Recommendation 2.6:</p> <p>Amend Schedule 2 'Additional Uses' by –</p> <p>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</p> <p><i>[Please refer to extensive Table in original Recommendation]</i></p>	<p>2.6 Amend Schedule 2 'Additional Uses' by –</p> <p>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</p> <p><i>[Please refer to extensive Table in original Recommendation]</i></p>	<p>That recommendation 2.6a of the resolution be amended to <b>include Lot 81 (18) Geographe Bay Road, Dunsborough</b> into the Additional Use (<b>No. A74</b>) provision.</p>
4.	<p>Recommendation 2.6:</p> <p>Amend Schedule 2 'Additional Uses' by –</p> <p>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</p> <p><i>[Please refer to extensive Table in original Recommendation]</i></p>	<p>2.6 Amend Schedule 2 'Additional Uses' by –</p> <p>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</p> <p><i>[Please refer to extensive Table in original Recommendation]</i></p>	<p>That recommendation 2.6a of the resolution be amended to <b>include Lots 1 (28), 2 (30) and 3 (32) West Street, Busselton</b> into the Additional Use (<b>No. A74</b>) provision.</p>
5.	<p>Recommendation 2.8:</p> <p>Amend the Scheme Maps by:</p> <p>f. Modifying the residential density coding to R80 over Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20) and 115 to 127 Geographe Bay Road, Lots 1-17 (3) Dunn Bay Road, Lots 1 &amp; 2 (4), 5 (2), 17, 18, 41 to 43</p>	<p>2.8 Amend the Scheme Maps by:</p> <p>f. Modifying the residential density coding to R80 over Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20) and 115 to 127 Geographe Bay Road, Lots 1-17 (3) Dunn Bay Road, Lots 1 &amp; 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough.</p>	<p>That recommendation 2.8f of the resolution be amended to <b>include Lot 81 (18) Geographe Bay Road, Dunsborough</b> for modifying the residential density coding to <b>R80</b>.</p>

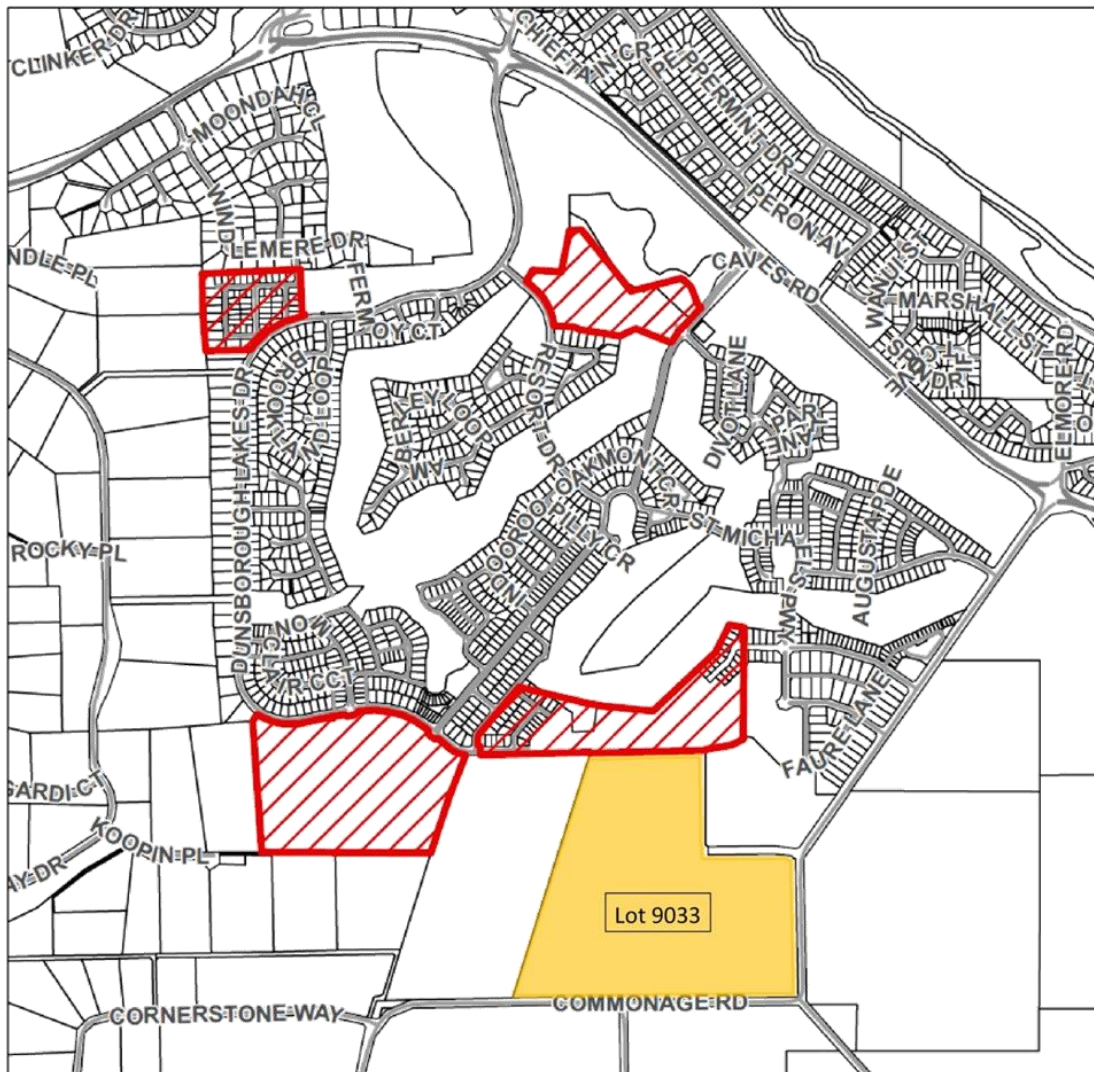
	Resolution	Advertised as:	To be modified as:
	Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough.		
6.	Recommendation 5.17  Lot 21 (3806) Caves Road, Wilyabrup	5.17 Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'.	That recommendation 5.17 of the resolution be <b>amended to correctly state</b> as follows:  "Rezone portion of lot from 'Recreation' Reserve to 'Viticulture and Tourism'."
7.	Recommendation 5.31  Lot 42 (201) Geographe Bay Road, Quindalup	5.31 Rezone from 'Public Purpose' Reserve to 'Special Purpose – Youth Hostel'.	That recommendation 5.31 of the resolution be <b>amended</b> to state as follows:  "Rezone from 'Public Purpose' Reserve to ' <b>Special Purpose - Hostel</b> '."
8.	Recommendation 5.53:  Lot 44 Chapman Hill Road, Kalgup	5.53 Rezone from 'Public Purpose' Reserve to 'Agriculture'	That recommendation 5.53 of the resolution be <b>deleted</b> and subsequent recommendations be re-numbered accordingly.
9.	Recommendation 4.5:  Prohibition of Drive-through Facilities in the Business Zone	4.5 a. Inserting a new clause 5.5.2 as follows and renumbering subsequent clauses and clause references accordingly:  <i>"5.5.2 Notwithstanding clause 5.5.1 above, the following development is expressly prohibited:</i>  <i>(a) Drive-through facilities in the Business</i>	That recommendation 4.5 of the resolution be <b>amended</b> to remove proposals relating to drive-through facilities and as such state as follows:  "4.5 Inserting a new clause 5.5.2 as follows and renumbering subsequent clauses and clause references accordingly:  <i>"5.5.2 Notwithstanding clause 5.5.1 above, the</i>





	Resolution	Advertised as:	To be modified as:
		<p><i>zone, as specified by clause 5.20; and</i></p> <p><i>(b) Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 5.40."</i></p> <p>b. Inserting a new clause 5.20 as follows and renumbering subsequent clauses and clause references accordingly:</p> <p><b>"5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE</b></p> <p><i>Drive-through facilities shall not be approved in the Business zone."</i></p> <p>c. Amending Schedule 1 "Interpretations" by inserting the following new definition:</p> <p><b>"'Drive-through facility' means a facility incidental to another use, such as shop or takeaway food outlet, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle."</b></p>	<p><i>following development is expressly prohibited:</i></p> <p><i>(a) Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 5.40.'"</i></p>
10.	<p>Recommendation 5.58:</p> <p>All lots within Dunsborough Lakes with the exception of Lot 9033 Commonage Road, Dunsborough</p>	<p>5.58 Include all areas of Dunsborough Lakes, with the exception of Lot 9033 Commonage Road, Dunsborough, within the 'Dunsborough &amp; Quindalup' Precinct of DCA 1.</p>	<p>That recommendation 5.58 of the resolution be <b>deleted</b> and subsequent recommendations be numbered accordingly.</p>

	Resolution	Advertised as:	To be modified as:
11.	Scheme Amendment Map relating to Recommendation 5.11:  Lot 964 Yoganup Place, Yoganup	The Scheme Amendment Map relating to Lot 964 Yoganup Place, Yoganup was inadvertently advertised identifying the incorrect area of land identified as 'Bushland Protection' zone. The zone should correspond to the area identified to be protected on the 'Permit to Clear' issued by the Department of Environment and Conservation.	That the Scheme Amendment Map relating to Lot 964 Yoganup Place, Yoganup (Recommendation 5.11) be <b>amended</b> to correspond to the 'Bushland Protection' zone with the area coloured 'red' on the 'Permit to Clear' issued by the Department of Environment and Conservation on 13 December 2012.
12.	Sheet 9 of the advertised version of the full Scheme Maps (showing mapping amendments proposed to Local Planning Scheme 21 by Omnibus Amendment No. 1).	Lot 601 Armstrong Place, Dunsborough was inadvertently advertised in the Scheme mapping as being proposed for a 'Special Purpose' zone, whilst this proposed zoning should only have applied to adjoining Lot 600 Armstrong Place, in accordance with Resolution 5.30.	That sheet 9 of the Advertised Scheme Maps be <b>amended</b> to remove Lot 601 Armstrong Place, Dunsborough from the proposed 'Special Purpose' zone. That is it shall remain as 'Recreation Reserve' as per the existing designation under the Scheme.

**AREAS PROPOSED TO BE INCLUDED WITHIN THE  
DUNSBOROUGH LAKES ESTATE DEVELOPER  
CONTRIBUTIONS PLAN**

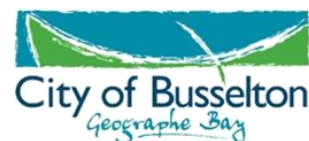


**LEGEND**

-  LAND TO BE INCLUDED
-  LAND CURRENTLY SUBJECT OF DCP

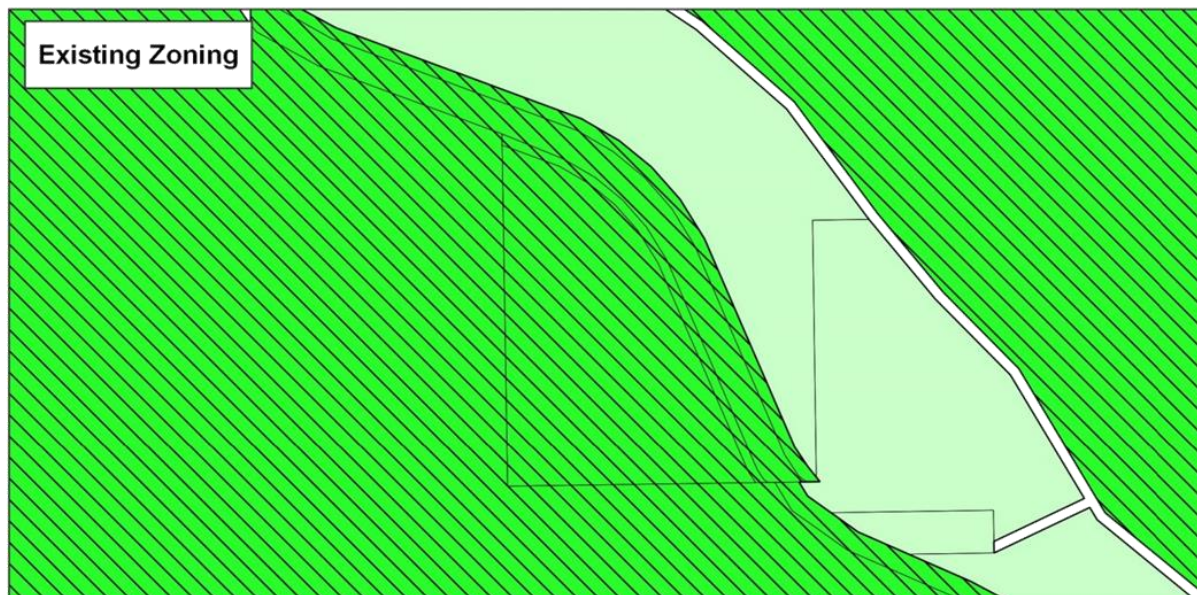
**Disclaimer**

The City of Busselton does not guarantee that this map is without errors and accepts no responsibility for consequences of actions that rely on this map.



# SCHEME AMENDMENT MAP

City of Busselton  
Local Planning Scheme No.21  
Sheet 2 - Lot 964 Yoganup Pl, Yoganup



Zone	Reserve
AGRICULTURE	RECREATION
BUSHLAND PROTECTION	

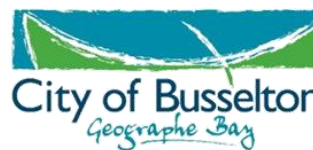
## Disclaimer

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Map Produced on 12/4/2016  
GIS Section, City of Busselton

ID: 2

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10.2 PROPOSED REVOCATION OF LOCAL PLANNING POLICY 9B: BUSHFIRE PROTECTION PROVISIONS

<b>SUBJECT INDEX:</b>	Planning and Development
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Development Services and Policy
<b>REPORTING OFFICER:</b>	Manager, Development Services - Anthony Rowe
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Environment and Heritage Conservation Policy

### PRÉCIS

In April, new policy and regulations relating to planning for bushfire protection came into effect at a State level. The new State level requirements essentially supersede and/or replicate requirements that the Council had previously established via its own local planning policy and related documents. To remove the obvious duplication and/or any potential for confusion that exists, it is recommended that the Council formally revoke its policy.

### BACKGROUND

The Council is asked to consider the revoking of its Local Planning Policy - Bushfire Protection Provisions, and its Bushfire Hazard Assessments maps in favour of the comprehensive approach now introduced by the State Government and operational on 8 April 2016.

The City of Busselton has been a state leader in the development of policy to minimise the risk to life and property following the 2009 Victorian Bushfires.

It subsequently mapped areas 100m beyond identified bushfire vegetation in accordance with the methodology in the Australian Standard 3959 (AS 3959) and also introduced a Local Planning Policy in 2011 providing a process for structure plans, subdivision and building standards for development.

In 2014 the West Australian Government, concerned about the slow voluntary adoption by individual local governments in developing their bushfire protection frameworks, and following the Keelty (State Government) Review of the Margaret River Fires 2010 determined it would introduce a State Bushfire map. This would in turn impose across all local governments the control of development and the introduction of construction requirements for buildings within the Bushfire Prone Areas.

The State Government also undertook to review its State Planning Policy 3.7 (Planning in Bushfire Prone Areas) and its principal guidelines (Guidelines for Planning in Bushfire Prone Areas).

This represents a comprehensive approach Bushfire Risk Management Framework and comparable with interstate best practice. The development of the State approach has been part of the response to the two 'Keelty' reports prepared following bushfires in Margaret River and the Perth Hills (Roleystone).

A copy of the Council's existing policy is included as Attachment A, and copies of the relevant State documents can be provided to Councillors on request.

## STATUTORY ENVIRONMENT

### State Regulation

On 7 December 2015 the State Government Gazetted Regulations across a number of Acts, collectively referred to as the Bushfire Risk Management Framework. The affected legislation and the main features are identified below:

- *Fire and Emergency Services Act 1998* – amended to enact the State Bushfire Prone Areas Map;
- *Planning and Development (local planning schemes) Amendment Regulations* – amended to impose across all local Schemes, new controls on building development in Bushfire Prone Areas with reference to the State Bushfire Prone Areas Map and AS3959;
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning In Bushfire Prone Areas* – comprehensively revised. It articulates the objectives and measures and authorizes the administration of the new Guidelines for Planning in Bushfire Prone Areas). It sets out the process for determining planning strategy, planning policy, and in assessing subdivision and individual development applications;
- *Building Amendment Regulations (No.3)2015* – amended to assign applicable building standards in Bushfire Prone Areas, to apply the Building Code Australia (BCA) and AS3959 construction standards.

The construction requirements apply to class 1-3 buildings (houses, residential accommodation, and tourist accommodation) and to class 10 buildings (outbuildings) if within 6m of a class 1-3 building.

The *Deemed* provisions affect the assessment of development, but do not apply to housing development on land less than 1,100m<sup>2</sup>. The BCA requirement however, still apply to housing on lots less than 1,100m<sup>2</sup> meaning they are still subject to BAL assessment and construction requirements in accordance with AS 3959. The *Deemed* provisions aside from housing on lots less than 1,100m<sup>2</sup> require, despite any other exemptions from planning approval, that if the land is identified as BAL 40 or BAL FZ a planning approval is required.

### City of Busselton Local Planning Scheme 21

The City of Busselton Local Planning Scheme 21, is one of four local planning Schemes in the State of Western Australia to have specific provisions that address Bushfire.

#### CI 6.13 Special Control Area

Scheme 21 provides a Special Control Area with specific considerations for a designated Bushfire Prone Area. It establishes the City's Bushfire Hazard Assessments maps which in turn requires all development within these maps and that AS3959 standards must be applied to development within the map area. *This is now superfluous as the BCA automatically applies to any area declared as Bushfire Prone, and this has now been declared by the State map.*

Should the City revoke its map then the Special Control Area would have no practical effect and would fall away to be replaced by the State's policy.

## RELEVANT PLANS AND POLICIES

### State Planning Policy 3.7 and Guidelines

State Planning Policy 3.7 sets out the hierarchy and the information that applies at each stage of the planning process, cascading from strategic land identification through to subdivision and building development. It incorporates the *Guidelines for Building in Bushfire Prone Areas* and these provide the descriptions on how the policy should be implemented. This includes detail for the preparation of a Bushfire Hazard Level assessment (required for strategic documents – Regional and Local Planning Strategy), detail for the preparation of Bushfire Attack Level Contour Maps (required for Structure Plans and subdivisions), and detail for the preparation of Bushfire Attack Level Assessment (required for subdivision and building developments).

The Guidelines also provide solutions including templates for identifying Bushfire Protection (design) Criteria, and in preparing Bushfire Management Plans (FMPs) and Bushfire Risk Management (minimization) Plans. It also provides procedures for determining *Unavoidable Development* (where no alternative location exists), *Vulnerable Landuses* (limited capacity of occupants ie hospitals, nursing homes, schools) and *Minor Development* (dwellings on lots greater than 1100m<sup>2</sup>).

The Bushfire Protection criteria, in the Guidelines, places an emphasis upon self-reliance, that bushfire protection measures are to be achieved within the lot or arrangements are made to provide ongoing protection. The Protection criteria as an example provides Asset Protection Zones (APZs) of 20m which must be within the boundaries of the lot (an *Acceptable Solution*), if not an equivalent solution must be found as *Performance Principle* with the approval of DFES. *An APZ was formerly called a Bushfire Protection Zone (BPZ)*

The State Planning Policy 3.7 establishes general principles to prevent damage to environmentally significant areas at the strategic planning considerations and to minimize the extent of clearing required for bushfire protection. It provides that clearing for the APZ, if it is to extend further than 20m, that it should be no more than the extent to achieve BAL 29 at the building.

The State Planning Policy 3.7 also establishes the Consultation requirements with DFES. Consultation is required for:

- Scheme Amendments and Structure Plans.
- Alternative measures - where acceptable solutions are not met ie. two access routes.
- Minor development (*BAL 40-BAL FZ*) and those not meeting the *Acceptable Solutions*.
- Unavoidable/vulnerable developments.
- Technical advice.

### Local Planning Policy 9 – Bushfire Protection Provisions

The City has prepared a Local Planning Policy to augment the state's planning for Bushfire protection Guidelines. Key features are summarised as

- The identification of 3 sub areas within the Bushfire Hazard Assessment Maps
  - Urban not BFP – *The BCA AS 3959 does not applied*
  - BFP Urban – *A minimum BAL 19 construction requirement regardless of a lesser assessed level. Development that is assessed as BAL FZ is to be refused.*
  - BFP General – *A minimum BAL 19 construction requirement regardless of a lesser assessed level, BPZ 25m but may be extended accounting for slope upto BAL 29 and the BPZ not reduced below achieving BAL 40. Proposals that are assessed as BAL FZ are to be refused.*



- A Fire management Plan is to precede structure plans (DGPs and DAPs), FMPs have a 4 year currency. *The State policy is now 5 years.*
- FMPs to be identified on land title .s70A. *This is now required by the State policy.*
- Scheme Amendments and Structure Plan to balance biodiversity conservation with bushfire protection measure. *This is now required by the State policy.*
- Amendment of State Guidelines for accepting a single access rather than two access points (one offering an alternate route direction for escape). *The new requirements enable a relaxation of the additional access subject to the design being approved by DFES, this policy is no longer necessary.*
- Design specifications
  - Accessible tanks for firefight to be located on land vested to the City. (This is now required by the State policy)
  - Design requirements for water tanks. (This can be addressed by City Technical specifications at subdivision like any other public infrastructure)

## **FINANCIAL IMPLICATIONS**

Nil

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

Nil

## **STRATEGIC COMMUNITY OBJECTIVES**

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

## **RISK ASSESSMENT**

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

Bushfire is unpredictable and dangerous. The recommendation to revoke the City's current policy is based on instead using the new State Bushfire Risk Management Framework. It is not diluting the response to the risk.

Overall there is also an advantage in this approach, particularly for consistency across the State and to apply learnings from incidents that may occur in other areas, to anticipate and then apply improved practice in the City of Busselton.

The implementation of the Officer Recommendation will involve the adoption of the State map (Bushfire Prone Area) which is reviewed at an annual frequency; a higher frequency than the City map and therefore it is more accurate.

In this regard no elevated risks are identified.

## **CONSULTATION**

There is no requirement upon the City to consult externally when revoking a local planning policy.



**OFFICER COMMENT**

The State Government has now introduced a comprehensive and up to date Bushfire Risk Management Framework.

The introduction of the State's new Bushfire Risk Management Framework and the deemed provisions in particular have created a duplication within the Scheme.

There are now no substantive advantages presented by the City local planning policy, (or cl. 6.13) that outweigh the benefit of instead having a consistent approach with other local government areas across the State.

The duplication is causing confusion for owners and their builders and also for City assessing officers.

Revoking the local planning policy would provide clarity that the State policy and guidelines cleanly apply. This will provide greater certainty for owners and their builders and for assessing officers.

The City's Bushfire Hazard Assessment Map whilst largely consistent with the State map is not as accurate and its presence is causing confusion where there is conflict. The State map is the most accurate and has a high frequency of refreshment which should be relied upon.

Revoking the Bushfire Hazard Assessments maps pursuant to cl 6.13.2 would effectively remove the effect of that clause, and the State map and policies would apply.

**CONCLUSION**

The retention of the City Bushfire Risk Management framework has no advantage over the State framework which became operational on 8 April 2016. The City Bushfire Risk Management framework should be revoked in favour of relying on the State Framework.

**OPTIONS**

Options that the Council could conceivably consider include -

1. Retain all the current local planning policy and City Bushfire Hazard Assessments maps.
2. Amend the local planning policy and Bushfire Hazard Assessments maps (to align to the State map).
3. Revoke the current local planning policy and City Bushfire Hazard Assessments maps.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Effective as from the date of Revocation published in accordance with clause 6(b) (Schedule 2) Development (Local Planning Schemes) Regulations 2015.

**OFFICER RECOMMENDATION**

That the Council resolve;

1. Pursuant to clause 3(4) (Schedule 2) *Development (Local Planning Schemes) Regulations 2015*, to revoke - Local Planning Policy 9 – Bushfire Protection Provisions
2. Pursuant to clause 6.13.2 of the City of Busselton Local Planning Scheme 21, revoke the

Bushfire Hazard Assessments maps.

3. Pursuant to Pursuant to clause 6(b) (Schedule 2) *Development (Local Planning Schemes) Regulations 2015*, cause to be published a *Notice of Revocation* addressing the revocation of Local Planning Policy 9 – Bushfire Protection Provisions, and the Bushfire Hazard Assessment map.



## 9B BUSH FIRE PROTECTION LOCAL PLANNING POLICY PROVISIONS

### INTRODUCTION

These provisions set out the City's approach to bush fire protection issues in association with development and subdivision proposals throughout the City. The provisions will guide the City in assessing proposals for town planning scheme amendments and applications for approval of development guide plan, subdivision, building envelope relocation, planning consent and building permit applications.

*Note: Development that would otherwise be exempt from planning approval will require planning approval, pursuant to Scheme 20, Cl.16(e), if such development would be inconsistent with the requirements of Bush Fire Protection Local Planning Policy.*

The policy is based on and supplements key guidance regarding bush fire protection set out in the Western Australian Planning Commission and Department of Fire and Emergency Services endorsed *Planning for Bush Fire Protection Guidelines (edition 2)*, as well as *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas (AS3959-2009)*. The policy is an integral and important part of the City's overall approach to bush fire protection. The City may also develop, from time to time, more detailed guidance statements regarding the matters subject of these provisions.

### OBJECTIVES

The objectives of these provisions are to -

1. Ensure that new development in identified bush fire prone areas is located, designed, constructed and maintenance undertaken to address the identified bush fire hazard.
2. Provide a consistent approach to the assessment of development in areas identified as bush fire prone.
3. Balance economic, bush fire protection and biodiversity objectives, within the context of ensuring that a satisfactory bush fire protection outcome is always achieved (noting that fire will always remain a real and significant risk, and we cannot plan or manage away all of that risk);
4. Set out where the City will require alternative or additional solutions to those outlined in State level documents and regulations.
5. Provide for the integration of town planning/building control responses to bush fire protection with broader approaches to bush fire protection, especially the City's annual bush fire notices.

### STATUTORY BASIS/CONSIDERATIONS

These provisions have been adopted, pursuant to the *City of Busselton Local Planning Scheme 21*, as local planning policy and will be given due regard by the City in the assessment of proposals for town planning scheme amendments and applications for approval of development guide plans, subdivision, building envelope relocation, planning consent and, to the extent possible given statutory constraints, building permit applications, throughout the City.

The designated bush fire prone area mapping referred to in these provisions has been formally adopted by the City pursuant to the *City of Busselton Local Planning Scheme 21* and is available on the City website [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au).



## BACKGROUND

The Building Code of Australia (BCA) requires that local governments ensure new dwellings (and other forms of accommodation, as well as additions to existing buildings in some instances) in designated bush fire prone areas are constructed to the standards set out in *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas* (AS3959-2009). The *City of Busselton Local Planning Scheme* provides the City authority to adopt mapping which designates bush fire prone areas.

The *City of Busselton Local Planning Scheme* (in 'Matters to be considered'), specifically requires that the City consider bush fire issues in assessing applications for planning consent. The broader planning framework for the City of Busselton and also at a State level, also requires that bush fire issues are considered as part of the assessment of development and subdivision proposals. The State's approach to these issues is particularly set out in the Western Australian Planning Commission and Department of Fire and Emergency Services endorsed *Planning for Bush Fire Protection Guidelines (edition 2)*. Those guidelines must be given due regard by all local governments in Western Australia when assessing planning proposals. Other parts of the planning framework and building legislation also oblige the City to have due regard to bush fire protection issues when considering new development proposals.

Although the BCA and *Planning for Bush Fire Protection Guidelines (edition 2)* are the principal basis for the City's consideration of bush fire issues, the City is able to adopt and apply more detailed local level guidance to ensure an appropriate response to the local context. These policy provisions provide that more detailed guidance and are based on advice from and consultation with the community, industry, State agencies and a range of relevant professionals in the fields of town planning, building design, bush fire management and environmental protection.

## INTERPRETATION

Terms used in these policy provisions shall be interpreted as set out in the *City of Busselton Local Planning Scheme* or Building Code of Australia as appropriate, and for purposes of clarification the following terms have meanings as defined below -

**'AS3959-2009'** means *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas*;

**'BAL'** means Bushfire Attack Level as set out in *Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas*;

**'BCA'** means the Building Code of Australia;

**'BPZ'** means Building Protection Zone as set out in the Western Australian Planning Commission and Department of Fire and Emergency Services endorsed *Planning for Bush Fire Protection Guidelines*;

**'Bush Fire Hazard'** means a generally contiguous area of vegetation with greater than 5 tonnes per hectare fuel loading;

**'Bush Fire Prone Area'** means an area identified as 'Bush Fire Prone - General' or 'Bush Fire Prone - Urban' on the mapping at Annexure A to these provisions, as adopted pursuant to the City of Busselton Planning Scheme from time to time;

**'DFES'** means the Department of Fire and Emergency Services and any subsequent agency with similar responsibility for bush fire issues (and was formerly the Fire and Emergency Services Authority – FESA);

**'Guidelines'** means the Western Australian Planning Commission and Department of Fire and Emergency Services endorsed *Planning for Bush Fire Protection Guidelines*;

**'HSZ'** means Hazard Separation Zone as set out in the Western Australian Planning Commission and Department of Fire and Emergency Services endorsed *Planning for Bush Fire Protection Guidelines*;

**'Minor building work'** means building work -



- (a) which results in an increase in gross floor area of an existing premises by no more than the lesser of 50 m<sup>2</sup> or 25% of the existing gross floor area, and does not adversely affect the safety of persons accommodated in or resorting to a building, or
- (b) alterations of not more than 50% of the existing premises building fabric and does not adversely affect the safety of persons accommodated in or resorting to a building; or
- (c) a non-habitable building located more than 6.0 metres from and not physically connected to a habitable building;

**‘Major development’** means development likely to result in bush fire issues similar to those created by subdivision, and includes proposals with the potential to result in strata title subdivision;

**‘Performance Standard’** means the Australian Building Codes Board *Performance Standard for Private Bushfire Shelters*;

**‘Scheme’** means the *City of Busselton Local Planning Scheme 21*, as amended or superseded from time to time.

## POLICY PROVISIONS

### 1.0 General

- 1.1 Bush fire issues are to be considered in the assessment of all proposals and applications.
- 1.2 Except as varied by these provisions, the City will assess proposals for town planning scheme amendments and applications for approval of development guide plan, subdivision, subdivision clearance, building envelope relocation, planning consent and building permit applications against the Guidelines.
- 1.3 The bush fire prone areas mapping included as Annexure A to these provisions has been adopted pursuant to the Scheme, and areas identified on the mapping as ‘Bush Fire Prone - General’ or ‘Bush Fire Prone - Urban’ are designated bush fire prone areas for the purposes of the Scheme, these provisions and the BCA.
- 1.4 These provisions apply to proposals for town planning scheme amendments and applications for approval of structure plan, development guide plan, detailed area plan, subdivision, building envelope relocation and planning consent, and approval of building permit applications.

### 2.0 Need for bush fire hazard assessments and/or fire management plans to be provided in support of proposals and applications

- 2.1 Unless otherwise agreed, **town planning scheme amendment proposals** that, in part or whole:
  - fall within any land identified as designated bush fire prone area; or
  - fall within 100 metres of a bush fire hazard of more than 1.0 hectare in extent; or
  - adjoin a bush fire hazard of more than 0.25 hectares in extent;

shall be accompanied by a bush fire hazard assessment consistent with guidance statement A1 of the Guidelines, and, depending on the findings of that assessment and the nature of the proposal, may need to be accompanied by a fire management plan.

- 2.2 Unless otherwise agreed or unless a fire management plan that addresses all relevant issues in a manner consistent with these provisions has been submitted in support of a preceding proposal or application, all **structure plan, development guide plan and detailed area plan applications** that, in part or whole:
  - fall within any land identified as designated bush fire prone area, or
  - fall within 100 metres of a bush fire hazard of more than 1.0 hectare in extent; or





- adjoin a bush fire hazard of more than 0.25 hectares in extent;

shall be accompanied by a bush fire hazard assessment consistent with guidance statement A1 of the Guidelines, and, unless the development facilitated by the structure plan, development guide plan or detailed area plan will reduce the bush fire hazard to a level where ongoing management is not required, shall be accompanied by a fire management plan.

- 2.3 Subject to 2.4 below, all **subdivision, building envelope relocation, planning consent and building permit applications** that fall, in part or whole, within any land identified as designated bush fire prone area, shall be accompanied by a fire management plan unless:
- the proposal is minor building work only; and/or
  - a fire management plan that addresses all relevant issues in a manner consistent with these provisions has been submitted in support of a preceding proposal or application and the proposal is consistent with this.
- 2.4 In designated 'Bush Fire Prone - Urban', **subdivision, building envelope relocation, planning consent and building permit applications** only need to be accompanied by a fire management plan where subdivision or development is proposed within 100 metres of a bush fire hazard of greater than 1.0 hectare in area.
- 2.5 Notwithstanding 2.1 to 2.4 above, where a fire management plan has previously been approved consistent with these provisions and unless development is proposed in a location different to that indicated on the approved fire management plan, then a new bush fire hazard assessment or fire management plan shall not be required in support of an application. However, if more than four years elapses between approval of the preceding proposal or application and a **building permit application**, then an updated fire management plan is to be provided in support of the building permit application.

### **3.0 Minimum requirements for bush fire hazard assessments and/or fire management plans**

- 3.1 All fire management plans are to include for all proposed buildings or, in the case of town planning scheme amendment proposals or applications for approval of a structure plan, development guide plan, detailed area plan or building envelope relocation, potential building locations –
- 3.1.1 A bush fire hazard assessment consistent with the Guidelines;
- 3.1.2 An identification of the minimum BAL pursuant to AS3959-2009 and minimum width of the BPZ and fire break/access/egress requirements to achieve a satisfactory bush fire management outcome in accordance with the Guidelines and AS3959-2009; and
- 3.1.3 Where native vegetation is required to be cleared, managed or modified to achieve a satisfactory bush fire management outcome, an identification of the extent of required clearing, management or modification, and the nature and condition of the vegetation to be cleared, managed or modified, including an analysis of the comparative impact of the proposed location/s relative to alternative location/s. Where there is an approved building envelope which does not require the clearing, management or modification of vegetation, then that building envelope shall not be relocated unless clear and compelling reasons have been provided.
- Note: Reasons such as enhanced access to views, reduction in construction costs, enhancing privacy or any other reason where moving the envelope will increase the impact of development on biodiversity values and/or achieve a less than satisfactory bush fire protection outcome for that lot or adjacent lots will not be deemed clear and compelling reasons.*
- 3.2 All fire management plans are to be in a format consistent with the model fire management plan set out in Appendix 3 of the Guidelines, and be consistent with the following more detailed advice –



3.2.1 All plans/maps of the site are to use the latest and best available aerial photography and latest cadastral information as base layers, and are to be provided to the City in digital form to allow them to be mapped as part of the City's Geographical Information System. Specifically -

3.2.1.1 Files are to be supplied in either:

- GIS Formats (MapInfo TAB, MapInfo Import/Export MID/MIF or ESRI SHP) (GIS Formats are preferred); or
- CAD Formats (AutoCAD DXF, Microstation DGN or AutoCAD DWG);

3.2.1.2 All supplied spatial data should have complete and appropriate attribute data – CAD data must contain Level Names – attribute data may be supplied in an Excel File;

3.2.1.3 The attribute data should not contain null data if possible;

3.2.1.4 The data should be correctly referenced to the EPSG Projection 28350 (GDA94 / MGA Zone 50);

3.2.1.5 The data should be amalgamated where possible, grouping by spatial data types (point, line or polygon);

3.2.1.6 Any data supplied from GPS devices should contain the error level where possible; and

3.2.1.7 Data should also be supplied with metadata complying with ANZLIC (Australia New Zealand Land Information Council) Standards (<http://spatial.gov.au/sites/default/files/legacy/osdm.gov.au/Metadata/ANZLIC+metadata+resources/default.html>).

This can be supplied as a separate text file;

*Note: The latest aerial photography can be provided by the City on request.*

3.2.2 In the case of applications intended to result in subdivision or major development, the plan is to include a discrete section setting out how the fire management plan addresses the criteria set out in Appendix 2 of the Guidelines and these provisions; and

3.2.3 The implementation part of the plan is to clearly identify actions to take place –

3.2.3.1 In the case of proposals or applications intended to result in subdivision, prior to commencement of subdivisional works and prior to clearance of subdivision; and

3.2.3.2 In the case of all proposals and applications, prior to commencement of development/construction of buildings and on an annual or other periodic basis.

3.3 All bush fire hazard assessments are to be prepared using a methodology consistent with the Guidelines and shall be developed to reflect the BAL and BPZ requirements set out in provisions 4.0 and 5.0 of this policy.

3.4 All bush fire hazard assessments and fire management plans are to be prepared by experienced and/or qualified bush fire consultants.

*Note: There are no specific accreditation requirements for bush fire consultants at this time in W.A. although in time the City of Busselton will be preparing such accreditation requirements. Until such time, if documents are prepared by a consultant City officers are not familiar with, they may request details of the consultant's experience and qualifications before accepting documents prepared by that consultant.*

3.5 Bush fire hazard assessments and fire management plans submitted to the City in support of town planning scheme amendment proposals, and applications for approval for structure plans, development guide plans, detailed area plans and major development will be referred to DFES for



comment. Project proponents are encouraged to consult with DFES before lodging such proposals or applications with the City.

**4.0 Location of development, and maintenance of Building Protection Zones and protection of biodiversity values**

- 4.1 Town planning scheme amendment proposals shall ensure that the potential for conflict between biodiversity values and bush fire protection objectives is avoided and requirements for ongoing vegetation management minimised wherever reasonably practicable, and impact reduced where it cannot be avoided.
- 4.2 Applications for approval or modifications of structure plans, development guide plans, detailed area plans, subdivision or - where conditions of subdivision require identification of building envelopes or preparation of a fire management plan - subdivision clearance, shall ensure that 'building envelopes', 'development exclusion areas' or similar are put in place and located so as to minimise impacts on remnant and vegetation generally and biodiversity values based on a construction standard of BAL 19 and a BPZ of 25 metres (or, where the vegetation type and land gradient requires, given a 25 metre BPZ, BAL 29). Wherever practicable, to accommodate a combined BPZ and HSZ of 100 metres width, 'building envelopes', 'development exclusion areas' or similar shall be located to provide 100 metres separation from a bush fire hazard. Wherever practicable, building envelopes should also be located to achieve an overlap of the BPZ on one lot with BPZs on adjacent lots. Where there is an existing, approved, development guide plan or subdivision approval that does not meet these policy provisions, the subdivision application or application for subdivision clearance shall address these policy provisions as much as is reasonably practicable.

*Note: The City will not support subdivision being approved subject to conditions that require identification of building envelopes/development exclusion areas or preparation of a fire management plan. Such information should be provided in support of the application for subdivision, if it has not been provided earlier in the subdivision/development process (such as with a development guide plan application), as the information is needed to assess the appropriateness of the subdivision proposal and lot layout. There are unfortunately some subdivision approvals that have been granted in the past subject to such conditions, and the City will work with developers to achieve positive outcomes in those situations.*

- 4.3 In the case of building envelope/development exclusion area plans submitted with applications for subdivision clearance, or, in the case of lots where there are no identified building envelopes, the development and associated BPZ shall be located so as to minimise the impact on biodiversity values, whilst still achieving a satisfactory bush fire management outcome.
- 4.4 Applications for relocation of building envelopes will not be supported to enhance access to views, reduce construction costs, enhance privacy or for any other reason where that will increase the impact of development on biodiversity values and/or achieve a less satisfactory bush fire protection outcome for that lot or adjacent lots.

**5.0 Construction standards for dwellings/accommodation (including any building within 6m), building protection zone requirements, and access to dwellings and private water tanks**

- 5.1 Other than as set out below, in designated bush fire prone areas, a BAL assessment is required and the minimum construction standard in all cases, other than for minor building work, is BAL 19.
- 5.2 In areas designated 'Bush Fire Prone – General':
  - 5.2.1 The minimum BPZ in all cases shall be 25 metres;
  - 5.2.2 Where it is not possible to achieve a satisfactory bush fire management outcome with a combination of a BPZ of 25 metres and a construction standard of BAL 29:
    - 5.2.2.1 The first option shall be the relocation of the proposed development;





- 5.2.2.2 Where relocation of proposed development is not possible (due to the limitations of the lot), the second option shall be the expansion of the BPZ but only to the extent necessary to achieve a satisfactory bush fire management outcome with a construction standard of BAL 29;
- 5.2.2.3 Where expansion of the BPZ cannot be achieved due to encroachment into other ownerships, or due to physical and regulatory constraints (for example, approval cannot or, in all likelihood, will not be given for clearing vegetation) then a minimum construction standard of BAL 40 will be supported;
- 5.2.2.4 The advice of DFES will be sought and considered by the City before approving any development with a minimum construction standard of BAL 40;
- 5.2.3 Where a satisfactory bush fire management outcome cannot be achieved with a minimum construction standard of BAL 40 and the required minimum BPZ, applications for planning consent and/or approval of a building permit shall be refused.
- 5.2.4 In designated bush fire prone areas where reticulated water services are not provided, where a new dwelling is being built more than 50 metres from a public road, constructed private driveways shall be provided to the dwelling in accordance with Acceptable Solution A2.5 of the Guidelines, and access to the same standard shall be provided to the water tank associated with the dwelling. The water tank shall also be fitted with hard suction connections in accordance with DFES requirements.
- 5.3 In designated '**Bush Fire Prone - Urban**' areas,
  - 5.3.1 Where a site is not within 100m of a bush fire hazard of greater than 1.0 hectare in area, a BAL assessment is not required if the minimum construction standard, other than for minor building work, is BAL 19.
  - 5.3.2 Where a site is within 100 metres of a bush fire hazard of greater than 1.0 hectare in area, the minimum construction standard shall be as determined following a BAL assessment but shall be no less than BAL 19.

*Note: Where a building permit application for development that would not otherwise require planning consent is submitted to the City and the application does not comply with these provisions, an application for planning consent will be required and that application will be assessed against these provisions, the Scheme, Planning for Bush Fire Protection Guidelines (edition 2), and Australian Standard 3959-2009: Construction of buildings in bushfire-prone areas (AS3959-2009).*

*Note: For purposes of clarification, the City generally supports the installation of bush fire shelters constructed in accordance with the Performance Standard, but the presence of a bush fire shelter does not affect the bush fire hazard assessment, required BAL, required BPZ or the application of these provisions in any way. Bush fire shelters constructed contrary to the Performance Standard cannot be approved by the City.*

#### **6.0 Variations to the Guidelines relating to proposals or applications intended to result in subdivision and/or major development**

- 6.1 With respect to Element 2 of the Guidelines (Vehicular Access), replace acceptable solution A2.6 (Emergency access ways) and supplement acceptable solution A2.7 (Fire service access routes) with the following additional acceptable solution criteria -
  - 6.1.1 Other than as set out in 6.1.2 below, a public road or, where that is not practicable, fire service access route shall be provided around the perimeter (either on, or in close proximity to, the boundary of the site) of all subdivisions, with preference being for a public road. Such road or access route shall, wherever possible, be designed for connectivity with



existing, planned and potential (i.e. in the case of subdivision on a site where the adjoining land has subdivision potential, but a development guide plan has not yet been prepared for the adjoining land, allowance shall be made for potential future connection points) roads, fire service access routes, strategic firebreaks and similar, so as to contribute towards development of an integrated network of such routes;

- 6.1.2 In the case of Biodiversity Incentive Strategy or other small-scale subdivision proposals where adjoining land is unlikely to be subdivided, or in the case of small-scale subdivision where it is not practicable to provide access around the whole of the boundary of the site, the initial focus shall be to provide for at least one secondary means of access and egress in a manner that will contribute towards the development of an integrated network of such routes over time. Where that is not possible subdivision should generally be avoided. Where subdivision cannot be avoided and at least one secondary means of access and egress cannot be provided, then the primary/only means of access and egress shall be developed to a standard above what would normally be required, so as to reduce the likelihood that the access becomes compromised or unsafe as a means of access or egress during a bush fire emergency. Principally, that would involve location of the primary/only means of access such that fuel loads within 20 metres can and will be maintained below 2 tonnes per hectare;
- 6.1.3 All fire service access routes shall be provided as a reserve for bush fire protection and pedestrian access, with a minimum width of 8.0 metres and vested with the City at time of subdivision;
- 6.1.4 Fire service access routes accommodated in easements across private property, with gates at property boundaries, are not supported;
- 6.1.5 All fire service access routes shall be constructed to a standard suitable for all-weather access by two-wheel drive vehicles, being a minimum of 6 metre wide compacted gravel or limestone. The material is to be sourced from a dieback free area;
- 6.1.6 Emergency access ways, must not be greater than 100 metres in length. Where vehicle access routes are to be longer than 100 metres in length, they shall be provided as a fire service access route in accordance with the Guidelines; and
- 6.1.7 The City will seek to achieve the outcomes outlined in 6.1.1 to 6.1.6 above even where an existing structure plan, development guide plan, detailed area plan or subdivision approval is not consistent with 6.1.1 to 6.1.6 above, but recognises that it may not always be practicable to do so, and will apply 6.1.1 to 6.1.6 above in a reasonable manner in those cases.
- 6.2 With respect to Element 3 of the Guidelines (Water), supplement acceptable solutions A3.2 and 3.3 (non-reticulated areas) with the following –
  - 6.2.1 All water tanks other than tanks providing drinking water supply, pumps and standpipes are to be located on land vested with or owned by the City and to either be immediately accessible from a public road, or accessed by a fire service access route. All pipes and other infrastructure linking tanks, pumps and standpipes shall either be on land vested with or owned by the City, or shall be located within easements in favour of the City.
  - 6.2.2 Water tanks to incorporate a clear PVC pipe, externally visible, with a red float as a water level gauge, protected by bollards and a protective steel sheath to protect PVC pipe from radiant heat.
  - 6.2.3 Water pumps provided as follows –
    - 6.2.3.1 Where reticulated electricity is available, pumps should be electric, or must have the capacity for both AC and DC connections, or a separate petrol driven pump holding a minimum 10 litre fuel supply shall be provided;



- 6.2.3.2 Where reticulated electricity is not available, a separate petrol driven pump holding a minimum 10 litre fuel supply shall be provided;
- 6.2.3.3 Pumps housed within a permanent, tamper resistant, lockable shed or cage with concrete floor, with a City of Busselton compatible padlock and operating instructions for the water pumps must also be provided with the equipment; and
- 6.2.3.4 Electric pumps, when provided in a location away from the standpipe, should be able to be switched on and off at the standpipe, with the switch located in a lockable cabinet, with a City of Busselton compatible padlock.

*Note: Where a non-electric pump is provided, petrol pumps are preferred over diesel pumps due to the ease of refuelling (the operator would be required to bleed a diesel pump prior to restarting). Refuelling of a tank during a fire situation would be discouraged, hence the integrated 10 litre fuel tank with the pump.*

6.2.4 Standpipes provided as follows -

- 6.2.4.1 The standing area for filling shall be located as per 6.2.1 and shall be sealed and, where adjoining a sealed, public road, the tapers shall also be sealed;
- 6.2.4.2 A flexible filler hose located at a minimum of 2.5 metres from the edge of a public road and the standpipe outlet (at the steel flange) a minimum 3.5 metres above ground;
- 6.2.4.3 Designed and constructed generally in accordance with Annexure B, this includes a support for the standpipe and two heavy duty bollards; and
- 6.2.4.4 A minimum tanker refill capacity of 500 litres per minute and a minimum head of six metres to the tank at 2 metres above the ground at the standpipe.

6.3 With respect to Element 4 of the Guidelines (Siting of development), supplement acceptable solution A4.4 (Hazard separation zone) with the following –

- 6.3.1 Prior to commencement of subdivision work or prior to subdivision clearance (if appropriate), reduction of fuel loads over the entire site in accordance with the approved Fire Management Plan shall be necessary, unless not permitted for environmental reasons.

**7.0 Fire management plans to be subject of notification on title**

- 7.1 Fire management plans submitted to and approved by the City in accordance with these provisions shall be registered as a notification under s.70A of the Transfer of Land Act on the title of the affected property or properties. This shall be achieved as a condition of the development guide plan to be complied with prior to subdivision, as a condition of subdivision, as a condition of planning consent, or, in the case of an application for a building permit, as a pre-condition to the issue of a building permit.

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

### **11.1 ROAD NAMING - 'VASSE BYPASS' AND OTHER ROADS IN VASSE**

<b>SUBJECT INDEX:</b>	Thoroughfares
<b>STRATEGIC OBJECTIVE:</b>	Transport options that provide greater links within our district and increase capacity for community participation.
<b>BUSINESS UNIT:</b>	Engineering and Facilities Services
<b>ACTIVITY UNIT:</b>	Land matters
<b>REPORTING OFFICER:</b>	Land and Infrastructure Officer - Andrew Scott
<b>AUTHORISING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Map of Proposed Road Names Attachment B Table of Proposed Road Names

#### **PRÉCIS**

This report seeks the Council's endorsement to name the newly constructed section of highway around the Vasse development 'Bussell Highway', and for other roads within the Vasse development to be renamed.

#### **BACKGROUND**

##### The 'Vasse Bypass'

The 'Vasse Bypass' is a new section of highway that has been constructed around the Vasse development. It extends approximately 2.1km west of the Busselton Bypass / Bussell Highway roundabout (Vasse roundabout), then south 1.8km where it rejoins Bussell Highway.

The 'Vasse Bypass' was opened 29 January 2016 and is yet to be named.

##### Road naming process and Landgate

All public roads are named through Landgate Geographic Naming under delegation from the Minister for Lands, on the advice of local government.

Landgate Geographic Naming operates according to the 'Policies and Standards for Geographical Naming in Western Australia', which defines a set of standards for the naming of roads and other geographic features and places. Example policies that apply to roads are:

- road names must not be duplicated within a local government area (policy 2.3), including names that are similar in sound; and
- commemorative names must not be used to commemorate victims of accidents or tragedies (policy 1.4).

Proposals to change a road name require prior consultation with affected property owners.

When submitting road names to the Landgate, ordinarily a preferred name, an alternate name and an explanation of the names is submitted for approval (refer to Attachment B).

### Main Roads Western Australia propose the 'Vasse Bypass' is named 'Bussell Highway'

Main Roads WA is the controlling body for the 'Vasse Bypass'. Main Roads WA has proposed the road is named 'Bussell Highway' as it is now the main highway link between Busselton and Augusta as the Bussell Highway has traditionally been. The road has been signposted accordingly.

However officially naming the new highway 'Bussell Highway' would require the renaming of a section of Bussell Highway through the Vasse village centre. The approximate 2.6km section of road that would require renaming stretches from the Vasse roundabout (at the western end of the Busselton Bypass) to the new intersection at the southern end of the 'Vasse Bypass' (near Florence Road). Several properties including businesses would be affected by the proposal as the address and number of each property would need to change.

The rural addressing and numbering scheme of properties along Bussell Highway may also be affected by the proposal, as the Bussell Highway would be lengthened and the scheme is based on the length of the road.

### 'Bussell Highway' history

The road from Busselton to Augusta was named 'Bussell Highway' in 1932 (Government Gazette 1932, No. 16, page 472):

*HIS Excellency the Administrator in Executive Council has been pleased to approve, under Section 7 of "The Land Act, 1898," of the road extending from the West boundary of Busselton Municipality and known as Quindalup Road to the "turn-off" to the Margaret River, in Sussex Location 402; thence South-Westerly via Vasse Siding, Carbinup Bridge, Cowaramup, and Margaret River Townsites; thence in a Southerly direction to Augusta (being Roads Nos. 330 and 331 and portion of Quindalup Road)-being named "Bussell Highway," and such road shall hereafter be known as "Bussell Highway" accordingly.*

The road name was announced in a message from The Premier at a ceremony commemorating the Busselton Centenary Year (The West Australian, 8 April 1932, page 20).

### Vasse-Yallingup Siding Road

The construction of the 'Vasse Bypass' resulted in Vasse-Yallingup Siding Road being split into two segments:

- (a) the segment from Chain Avenue (west) to the 'Vasse Bypass' (east), and
- (b) the segment from Commerce Road (west) from Bussell Highway (east).

The development guide plan for the Vasse Newtown Development also shows the Vasse-Yallingup Siding Road being split again (refer to Attachment A). One segment will be through the business park (industrial area) from Commerce Road to Lynwood Street (when constructed from Commerce Road to north of Vasse-Yallingup Siding Road later this year).

The second segment will be through an educational area from Harlequin Boulevard (west end, when constructed) to Bussell Highway (east). According to the development guide plan, there will be no direct access to the business park via this second segment.

The related residential stage of the Vasse development may not occur for several years, but this report recommends that the two segments of Vasse-Yallingup Siding Road should be renamed now before the area is further developed.

### Road names considered not suitable by Landgate

Several road names have been previously submitted to the Landgate for comment. Landgate considers that the following road names are not suitable:

- 'Main Street' is considered to be overused.
- 'Industry Street' is considered not relevant for the location.
- 'Heron Drive' road with same name exists within 10km and road with same name exists in LGA.
- 'Heron Lake Drive' is considered a 'double-barreled' name which is not supported.
- 'Old Bussell Highway' is a duplicate (of Bussell Highway) and is considered a 'double-barreled' name which is not supported.
- Other commemorative names were submitted but related to a tragedy and therefore not supported.

### Related reports to the Council

At a meeting held 27 January 2016, the Council endorsed the dedication of land as public road for the 'Vasse Bypass' (under the *Land Administration Act 1997*); and the 'Vasse Bypass' to be declared as a highway (under the *Main Roads Act 1930*).

### **STATUTORY ENVIRONMENT**

- *Land Administration Act 1997*, sections 26 and 26A apply to the naming of roads.

### **RELEVANT PLANS AND POLICIES**

- Vasse Newtown Overall Development Guide Plan, as endorsed by the City 2 July 2014
- Landgate 'Policies and Standards for Geographical Naming in Western Australia' version 1, 2015, as endorsed by the Minister for Lands.

### **FINANCIAL IMPLICATIONS**

Public consultation for the proposal will incur advertising costs. These costs should fall within existing budget.

Should roads be renamed, street name signs would need to be replaced. These costs should be covered by existing budget for City managed roads.

### Long-term Financial Plan Implications

Nil.

### **STRATEGIC COMMUNITY OBJECTIVES**

Key goal	Community objectives
4. Connected City	4.1 Transport options that provide greater links within our district and increase capacity for community participation

### **RISK ASSESSMENT**

There may be a period of confusion for drivers after roads are renamed, as mapping systems and knowledge of the road names would need time to adjust. Any confusion may be minimized through effective road name signage and by ensuring mapping systems are updated with minimal delay



(noting that the City is not responsible for mapping systems). Emergency services must be informed of any road name changes.

## **CONSULTATION**

This report recommends that where a road is proposed to be renamed, the proposal is advertised and affected persons are notified.

## **OFFICER COMMENT**

Attachment A is a map of proposed road names. Attachment B is a table with further explanation of the proposed and alternate road names.

Subject to the approval of Landgate (for the Minister for Lands), it proposed that:

- a) The 'Vasse Bypass' is named 'Bussell Highway' as the road now forms part of the main highway link from Busselton to Augusta.
- b) The section of 'Bussell Highway' that passes through the village centre is renamed to 'Windelup Street', subject to consultation with the Aboriginal community and owners, residents and businesses of affected property.
- c) The portion of Vasse-Yallingup Siding Road between Commerce Road and Lynwood Street is named 'Trade Street' as the names relate to the commercial nature of the area.
- d) The portion of Vasse-Yallingup Siding Road between Lynwood Street and Bussell Highway is named 'Education Drive' as the names relate to the educational zoning of the immediate area.
- e) An approximate 300m section of Bussell Highway that is now a cul de sac (resulting from the realignment of Bussell Highway at the southern end of the 'Vasse Bypass') is named with an Aboriginal reference (to be determined), subject to consultation.

Renaming Bussell Highway (as proposed) will affect several properties (numbers 6021, 6022, 6023, 6025, 6027, 6028, 6030, 6031, 6034, 6036 and 6204 Bussell Highway). Renaming Vasse-Yallingup Siding Road will also affect several properties (30, 81, 106 and 107 Vasse-Yallingup Siding Road). The affected property owners, residents and businesses will need to be notified of the proposal and any submissions must be considered before a request is made to Landgate. Should there be considerable objection to the proposed road name changes, a report should be submitted to the Council for its consideration.

## **CONCLUSION**

The newly constructed 'Vasse Bypass' is yet to be named. This report recommends the name 'Bussell Highway' as the road now forms the main highway link from Busselton to Augusta.

However the section of Bussell Highway through the Vasse village will first need to be renamed. The proposed name is 'Windelup Street'. Renaming a road involves consultation with affected property owners, residents and business owners.

Vasse-Yallingup Siding Road from Commerce Road to Bussell Highway should also be renamed in two segments before the adjoining land is further developed.

**OPTIONS**

The Council might suggest alternative road names for the roads that are subject to the report.

Vasse-Yallingup Siding Road may be renamed at a later stage, when the area is developed. However when the area is developed, more properties will be affected by a change of address.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

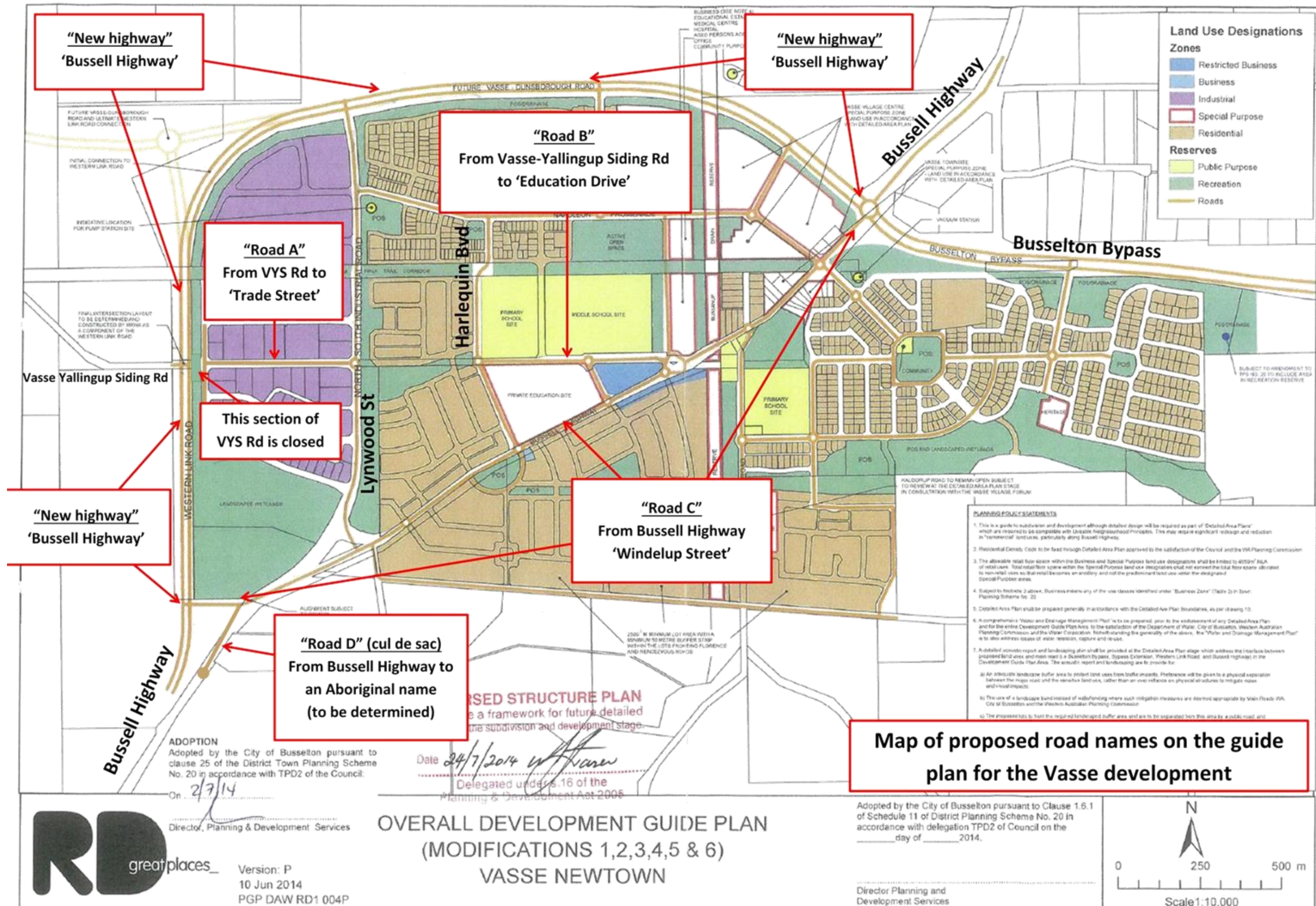
The proposal involves consultation with the Aboriginal community and affected persons and the broader community. This process should be complete within three months. Then, depending on the consultation outcomes, proposed road names may be submitted to Landgate for its endorsement, or a report submitted to the Council for its consideration.

**OFFICER RECOMMENDATION**

That the Council endorses for public consultation:

1. The name 'Bussell Highway' for the new section of highway constructed approximately 2.1km west of the Busselton Bypass / Bussell Highway roundabout in Vasse, then approximately 1.8km south to where the new highway meets Bussell Highway (south of the Vasse village), subject to the renaming of a section of Bussell Highway referred to in 2. below.
2. The renaming of an approximate 2.4km section of Bussell Highway to 'Windelup' where the section of highway starts at the Busselton Bypass / Bussell Highway roundabout in Vasse, south-westerly through the Vasse village and terminates at a T-Junction with the new section of highway, subject to consultation with the local Aboriginal and wider community and a notice of affected persons and a public consultation period of not less than 21 days.
3. The renaming of a section of Vasse-Yallingup Siding Road from Commerce Road to Lynwood Street as 'Trade Street', subject to a notice to affected persons and a public consultation period of not less than 21 days.
4. The renaming of a section of Vasse-Yallingup Siding Road from Lynwood Street to Bussell Highway as 'Education Drive', subject to a notice to affected persons and a public consultation period of not less than 21 days.
5. The renaming of an approximate 300m section of Bussell Highway south of Florence Road that is now a cul de sac to an Aboriginal based name, subject to consultation with the local Aboriginal and wider community.







## Change of road names for sections of Bussell Highway and Vasse-Yallingup Siding Road resulting from construction of the 'Vasse Bypass', 11 April 2016

Road reference on map	Present name	Extent	Proposed road names			Alternate road names		
			Road name	Suffix	Comment	Road name	Suffix	Comment
'New highway' Construction project name 'Vasse Bypass'	No name – New highway	New highway that lies north and west of the Vasse development.	Bussell	Highway	Road forms the highway connection from Busselton to Augusta. <b>NOTE:</b> Use of this name is subject to "Road C" being renamed.	Busselton	Bypass	Extension of the existing highway from Bovell to Vasse.
'Road A'	Vasse-Yallingup Siding Road	Between Commerce Road and future Lynwood Street.	Trade	Street	On a business/commerce theme. Road passes through the Vasse business park / light industrial area.	Barter	Street	On business/commerce theme.
'Road B'	Vasse-Yallingup Siding Road	Between Lynwood Street (under construction) and old Bussell Highway. <b>NOTE:</b> Development guide plan shows the western end of this road will be developed later into a residential area and will <i>not</i> connect with Lynwood Street. House numbering should start at the eastern end, as the road will retract from the west (when the area is developed).	Education	Drive	Passes current and proposed school sites and residential area.	Piaget	Drive	Jean Piaget, Swiss developmental psychologist. Placed great importance on the education of children <sup>1</sup>
'Road C'	Bussell Highway	From the Busselton Bypass roundabout (northern end) to the T-junction with the new 'Vasse Bypass' (southern end)	Windelup	Street	European settlers referred to the Busselton district as 'Vasse' (after the Vasse River). Aboriginal name for the 'Vasse' district is Windelup <sup>2</sup> . <b>NOTE:</b> Reference to be verified and Aboriginal community consulted.	Market	Street	Local markets have been near this road at the old Vasse Hall for many years.
'Road D'	Bussell Highway	Cul de sac to be formed at the southern end of the old Bussell Highway due to the realignment of the road to form a T-junction with the new 'Vasse Bypass'.	To be determined		An Aboriginal name to be determined in consultation with Aboriginal community.	Batfish	Court	Local fish <sup>3</sup> . Fish theme used on residential roads within the Vasse development.

<sup>1</sup> 'Jean Piaget', Wikipedia, [en.wikipedia.org/wiki/Jean\\_Piaget](http://en.wikipedia.org/wiki/Jean_Piaget)<sup>2</sup> 'Naming of Busselton', The South-Western News, 15 October 1937, page 3, [trove.nla.gov.au/newspaper/article/147652218#](http://trove.nla.gov.au/newspaper/article/147652218#)<sup>3</sup> 'Busselton Jetty Fish Finder', [www.busseltonjetty.com.au/marine-research/fish-finder](http://www.busseltonjetty.com.au/marine-research/fish-finder)

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

### **12.1 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION PRECINCT**

<b>SUBJECT INDEX:</b>	Tourism Development
<b>STRATEGIC OBJECTIVE:</b>	A strong, innovative and diversified economy that attracts people to live, work, invest and visit.
<b>BUSINESS UNIT:</b>	Commercial Services
<b>ACTIVITY UNIT:</b>	Economic and Business Development
<b>REPORTING OFFICER:</b>	Manager, Commercial Services - Jennifer May
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Busselton Foreshore Revised Master Plan (February 2016) Attachment B Busselton Foreshore Revised Development Guide Plan (February 2016)

#### **PRÉCIS**

This report outlines a proposed process and selection criteria to recruit commercial interest in developing hotel/short-stay tourism accommodation on the Busselton foreshore.

The report recommends Council publicly invite expressions of interest in the short-stay accommodation precinct identified in the revised Busselton Foreshore Master Plan adopted by Council on 24 February 2016. The revised master plan reduces the number of short-stay tourism accommodation sites from five to three. Following receipt of preliminary expressions of interest, the report recommends short-listed respondents be invited to submit detailed proposals, with the aim of Council selecting a preferred proponent to build and operate new tourist accommodation on Crown land, proposed to be sub-leased by the City of Busselton.

#### **BACKGROUND**

The Busselton Foreshore Master Plan (BFMP) was adopted by Council on 28 March 2012 (C1203/073) and identified potential sites for hotel/short-stay commercial development. The City of Busselton initiated an Expression of Interest (EoI) process to recruit hotel developers and/or operators to lease land for short-stay accommodation developments up to four storeys plus loft, with ground floor commercial retail. As part of the State Government investment into the Busselton Jetty, all revenue generated from the lease of the short-stay accommodation land is to be directed into maintenance, renewal and preservation of the Busselton Jetty.

Upon completion of the time-bounded EoI process, three submissions were received from hotel chains and three from developers. The submissions did not include design concepts or business plans (as was requested), rather they included feedback and commentary as summarized below:

- there will likely be a need for a long leasehold period to attract investment finance;
- a preference for a percentage of units to be able to be purchased under sub-lease arrangements (to also help facilitate financing);
- preference for a portion of the development to be able to be converted to residential should the tourism development fail (not necessarily as a condition for Busselton, but raised in the context of reducing risk should tourism returns lead to failure in the future);

- need for greater certainty on funding and timing of the proposed Busselton Regional Airport expansion to induce increased inbound tourism visitation to the region, which was deemed necessary given annual average occupancy rates for tourist accommodation in Busselton was around 51% in 2012/13; and,
- greater certainty on the timing of the Busselton foreshore master plan delivery including utility headworks infrastructure connected to the proposed short-stay tourism sites.

Since the master plan was prepared by the City in 2012, it has been modified several times, resulting in changes to the location of the sites and the overall land area as follows:

- 2012 (10,040m<sup>2</sup> over three sites)
- 2014 (9,400m<sup>2</sup> over five sites)
- 2016 (7,195m<sup>2</sup> over three sites) – (adopted in February 2016)

During the period (2012 to present), the City has been active in creating a more conducive investment environment for the hotel/short-stay opportunity, and addressing several of the concerns expressed by respondents to the original EoI. Progress includes:

- Funding for the Busselton Margaret River Regional Airport upgrade has been confirmed, which aims to enable interstate flights to land directly in Busselton, facilitating an expansion in interstate and, in the longer term, international visitation;
- Planning and funding applications for utility services (electricity, sewerage, telecommunications, gas) are complete, which, if successful, will create serviced sites for the short-stay accommodation precinct;
- As sub-lessor of Crown land on the foreshore, the City has facilitated private investment into expanding the Equinox café, the Goose Café (currently subject of a DA) and continued planning for a major hospitality venue (family restaurant, microbrewery and function centre). These developments will support an enhanced tourist experience on the foreshore;
- Detailed planning and funding for delivery of key public components of the foreshore has been completed including confirmation of external grants for the youth and community activities building and commencement of construction of Railway House; and,
- Amalgamation and rebranding of the two local tourism associations has concluded, resulting in a consolidated marketing brand for the Region, which will likely create increased synergies for marketing efforts by regional, state and national tourism organisations.

Following announcement of funding for the regional airport expansion (a major milestone identified in respondent feedback), on 25 February 2015, Council resolved (C1502/037) to request the CEO to prepare and implement a marketing program and subsequent Expressions of Interest process for the short-stay accommodation sites. Passive marketing was undertaken from mid-2015, including production of a revised brochure, online marketing, advocacy at the 2015 Hotels World conference in Sydney and upgraded signage showing the five sites on the (former) foreshore master plan.

## **STATUTORY ENVIRONMENT**

Any proposals for lease of City property will be subject to s3.58(3) of the Local Government Act 1995, which states that before agreeing to dispose of property, the local government is required to:

- (a) give local public notice of the proposed disposition by:

- describing the property concerned;
  - giving details of the proposed disposition (including names of the parties concerned; the consideration to be received by the local government and the market value of the disposition)
  - inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given
- (b) consider 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.

Additionally, s3.59(2) of the Act states that before a Local Government enters into a major land transaction, it is to prepare a business plan and seek public comment by giving state-wide notice.

## **RELEVANT PLANS AND POLICIES**

### Busselton Foreshore Statement of Intent

On 8 June 2011 (C1106/180), the former Busselton Shire Council adopted a 'Statement of Intent' for the development of the Busselton Foreshore, recognising a balanced approach is required to ensure sustainable outcomes from public and private investment. The statement concluded *"the foreshore will be developed in a manner that respects Busselton's identity and heritage whilst providing economic, social, environmental and cultural benefits to the Shire (sic) and the South West region"*.

This statement was updated and reaffirmed by Council on 25 February 2015 (C1502/037).

### Busselton Foreshore Master Plan (BFMP)

The most recent amendment to the BFMP was adopted by Council (C1602/031) on 24 February 2016 and identifies three sites for hotels/short-stay accommodation. A copy of the adopted BFMP showing the hotel/short stay accommodation sites is in Attachment A.

### Busselton Foreshore Development Guide Plan (BFDGP)

The BFDGP (or structure plan), incorporates statutory controls relating to land use, building heights and floor areas that reflect the BFMP and is in Attachment B. The BFDGP was also endorsed (C1602/031) by Council on 24 February 2016 and has since been approved by the Western Australian Planning Commission.

## **FINANCIAL IMPLICATIONS**

Costs associated with promotion of tourism accommodation development opportunities are budgeted within the Property and Business Development section 'Marketing and Promotion' of the City's 2015/16 budget.

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

There is no direct impact on the Long term Financial Plan (LTFP) as a result of the Officer recommendation contained within this report. The LTFP identifies revenue streams from ground leases for the hotel sites from 2019/20 (~\$170k - sites 2 and 3) and from 2020/21.(~\$117k - site 1).

### **STRATEGIC COMMUNITY OBJECTIVES**

#### **Key Goal Area 2:**

Well-planned vibrant and active places: An attractive city offering great places and facilities promoting an enjoyable and enriched lifestyle.

- 2.1 A City where the community has access to quality cultural, recreation, leisure facilities and Services
- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections

#### **Key Goal Area 3:**

Robust local economy: A strong local economy that sustains existing and attracts new business, industry and employment opportunities.

- 3.1 A strong innovative and diversified economy that attracts people to live, work, invest and visit
- 3.2 A City recognised for its high quality events and year round tourist offerings
- 3.3 A community where local business is supported

### **RISK ASSESSMENT**

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

### **CONSULTATION**

Public consultation was conducted as part of Council's consideration of the revised Busselton Foreshore Master Plan adopted by Council on 24 February 2016. The consultation process included opportunity for public comment, an invitation for submissions from other commercial lessees on the Busselton foreshore and direct feedback from key Government agencies. The modified master plan reduces the land area available for commercial development, which was generally favoured in recent and previous consultation feedback.

### **OFFICER COMMENT**

The recent modification to the Busselton Foreshore Master Plan in February 2016, reduced the number and area of sites for commercial tourism accommodation and has been generally well accepted by the community and Government agencies. Coupled with the achievement of key milestones such as funding for the regional airport upgrade and progression of other key elements of the foreshore redevelopment (including completion of the internal road network adjoining sites 2 and 3), Officers suggest it is prudent and timely for Council to progress a more formal time-bounded recruitment process for the short-stay accommodation precinct.

The EoI documentation used in the recruitment process proposes to articulate sites 2 and 3 as being unencumbered and available for development upon execution of a lease. However, it will not specifically exclude submissions for current or future development of site 1 (Tennis courts). Site 1 is currently leased to the Busselton Tennis Club, and expires on 30 June 2021. Notwithstanding this, it is proposed to allow proponents to also express interest in site 1, should, for example, there be interest in contributing to relocation of the tennis courts as part of a negotiated development proposal.

The City currently has a funding application for \$4.5m with the State Government's Royalties for Regions program for the foreshore central core and servicing of sites with utilities. Demonstrating private sector interest in the hotel sites (through the proposed Eol process) may also support Government decision-making for this important enabling infrastructure.

Officers propose an Eol process be conducted in two phases being:

Phase 1: Expressions of Interest (Eol)

Officers propose a publicly advertised expression of interest invitation be initiated in late May 2016 and advertised for a period of four weeks. Respondents will be issued with an information document and requested to make a short submission that will be assessed on documented criteria (see below).

This phase of the Eol process aims to create a shortlist of experienced and reputable developers and/or builders and/or 4-5-star hotel operators to create short stay accommodation on the Busselton foreshore. A current or proposed consortia of the above will be encouraged and rated favourably.

Proponents will be requested to demonstrate the following in their submission:

- Technical, financial, experience and operational capacity to deliver the City's development objectives (Consortia submission will be preferred);
- Four or five star hotel rating (may integrate bar, restaurant, conference space, boutique retail);
- Concept sketches to enable a preliminary conformance assessment against the Busselton Foreshore Master Plan Design Guidelines;
- Indicative construction schedule with estimates for completion;
- General description of building form, typical room configurations and service facilities;
- Compliance with City of Busselton Town Planning Scheme conditions; and,
- Term of the required sub-lease

The invitation for the Eol would be sent to the City's existing register of individuals and organisations (23 entities) that have expressed interest in all previous recruitment efforts as well as being publicly advertised and advocated by other tourism bodies including Tourism WA, Austrade and the South West Development Commission.

A selection panel of staff will assess the submissions and present the review findings to Councillors with a recommendation to invite shortlisted respondents to make a further submission at Phase two - Request for Proposals. The submissions will be assessed using the following criteria.

- Compliance with design guidelines in the Busselton Foreshore Master Plan, Local Town Planning Scheme and Development Guide Plan
- Previous experience of Proponent (s) in similar developments
- Operational capacity of Proponent (s) and a known identity / brand.
- Demonstrated financial capacity of Proponent (s)
- Concept plans and building description

- Construction schedule for the development (i.e. timeliness in delivery)

#### Phase 2: Request for Proposals (RFP)

More detailed submissions will be invited over the period July - September 2016

- Architectural drawings showing:
  - Site plan; building footprint, parking, service access.
  - Building elevations and perspectives
  - Landscape plan
  - Public Facilities and services for non-guests
  - Typical floor plan of each floor and of rooms
  - Schedule of materials and finishes.
- Design initiatives to address views north; (Solar access, energy conservation and efficiency in heating/cooling, selecting materials that have thermal qualities, noise attenuation etc);
- Business plan and development timeline;
- Sub-lease rental proposal and term;
- Acknowledgement City will require Development Agreement and sub-lease;
- Development timetable;
- Estimated construction costs

The submissions will be assessed using the following criteria using weightings.

- High quality (minimum 4-star) development and range of services. Design standard, inclusions and functions. The higher the quality (star rating) the more competitive the submission (20%)
- Planning compliance (5%)
- Climate and Location: Building form and materials which address the Busselton Foreshore climate, views and noise exposure. Design and materials that demonstrate innovation in design to achieve energy efficiency (20%)
- Proven operator with brand identity and commercial viability. Short stay accommodation operation by a proven operator with brand identity. Preparedness to commit to the development (25%)
- Consideration and performance: Demonstrate the offered sub-lease terms and development proposal reflects viability, and quality (10%)
- Timing and staging: Demonstrate a programme and milestones (10%)
- Social/community Dividend. Demonstrate a commitment to partnering the City of Busselton in the delivery of public amenity and services outlined in the Busselton Foreshore Master Plan (10%)

## **CONCLUSION**

Previous recruitment for commercial interest in the hotel/short-stay tourism accommodation precinct (using a time-bounded process) resulted in limited formal interest due to several reasons, many of which have been progressed or resolved. The finalization of a revised Busselton Foreshore Master Plan in February 2016 has also resulted in three sites being identified.



With advancement in planning and construction of other private and public components of the foreshore redevelopment, general shift in macro-economic conditions in Western Australia and greater certainty about the likelihood of new interstate air services resulting from the proposed airport expansion, Officers recommend Council progress a new time bounded EoI process to:

- (a) demonstrate procedural fairness principles in the disposal (leasing) of public land.; and,
- (b) facilitate a competitive process to yield a range of proposals to assess

## **OPTIONS**

Council may elect to:

1. Not commence, or defer any further marketing of the hotel/short-stay tourist accommodations sites, including conducting an EoI process
2. Modify the proposed procedures and selection processes recommended to recruit commercial interest

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

Should Council support the Officer recommendation the following time frames are proposed.

- Late May 2016: Advertise Phase 1 Expressions of Interest (four weeks);
- Early July 2016: Shortlist and report to Council on the outcome of Phase 1 EoI's
- Mid July – mid September 2016: Invite Phase 2 Request for Proposals (eight weeks)

Officers recommend Council seeks to identify and nominate a preferred proponent by late September 2016 and then enter detailed negotiations, with the aim of preparing a Development Agreement and sub-Lease in 2017.

## **OFFICER RECOMMENDATION**

That the Council:

1. Authorises the CEO to invite expressions of interest for development of three sites identified as short-stay accommodation in the revised Busselton Foreshore Master Plan (24 February 2016), using a two-phase, time-bounded recruitment process being :
  - Phase 1: Expressions of Interest with submissions invited for a period of four weeks; and,
  - Phase 2: Request for Proposals with submissions invited for a period of eight weeks following assessment of Phase 1 proposals.
2. Considers a further report from the CEO at the conclusion of Phase 2 of the recruitment process, with the aim of nominating a 'preferred proponent'.

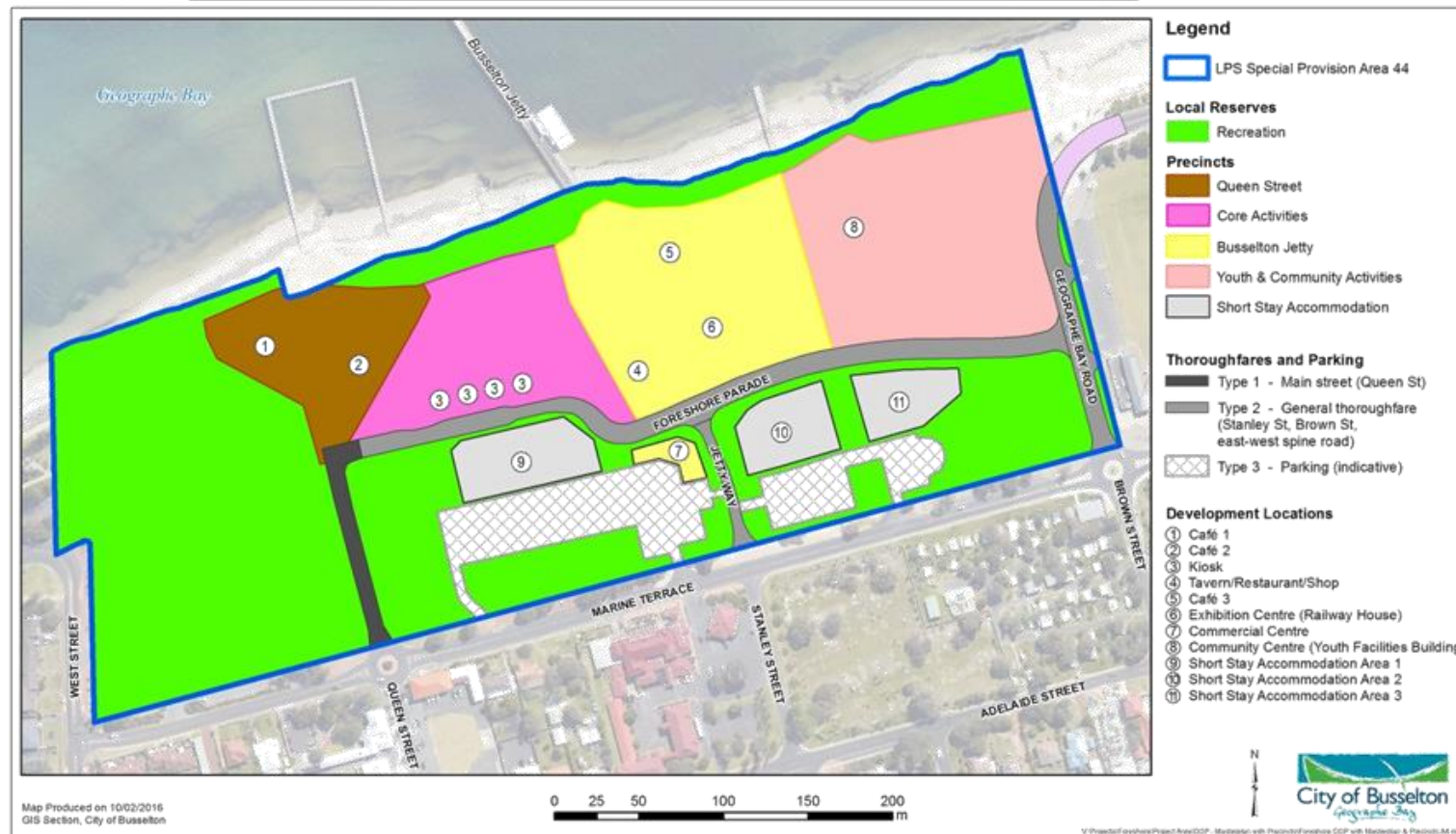




DATE 23.11.2015  
REVISION M  
SCALE 1:750 @ A1

## BUSSELTON FORESHORE UPGRADE STAGE 3 MASTERPLAN



**STRUCTURE PLAN — BUSSELTON FORESHORE****PROVISIONS:**

- This Structure Plan shall be read in conjunction with the City of Busselton Local Planning Scheme 21 (the Scheme“).
- Land use permissibility within the Foreshore Precincts will be in accordance with Table 1.  
Where a use that is listed in the Scheme or Table 1 does not appear against a specific precinct in Table 1 then this land use will generally not be permitted within that precinct.  
Land uses are defined in accordance with the Scheme except as follows:  
‘Exhibition Centre’ means a premises used for the display, or display and sale, of materials of an artistic, cultural or historic nature, and includes a museum or art gallery.  
‘Kiosk’ means a small structure of no more than one storey and up to approximately 90m<sup>2</sup> floor area wherein predominantly food and drinks are offered for sale and consumption.
- Development shall be generally located as indicated on the Structure Plan and to the satisfaction of the Local Government.
- Maximum building heights, maximum storeys and maximum building ground floor areas pertaining to each ‘Development Location’, shall be in accordance with Tables 2 or 3 as applicable.
- Car parking requirements for development within the Short Stay Accommodation Precinct shall be assessed in accordance with the Scheme. On-site car parking is generally not required for development in the other precincts. However, where parking is determined to be required, the amount and location will be to the satisfaction of the Local Government.
- Development design, including all landscaping, servicing, public open space areas, drainage, exterior finish of structures and appearance of the overall developments shall be consistent with the objectives for the relevant Foreshore Precinct as set out in Table 1 and generally in accordance with the guidance provided by the Busselton Foreshore Master Plan.
- All subdivision and development is to be connected to reticulated sewer.
- Preparation of an Irrigation and Fertiliser Management Plan is to be developed and implemented for the DGP area to the satisfaction of the Department of Water.
- Prior to the approval of any subdivision and/or development in the Structure Plan, preparation and endorsement of a Stormwater and Groundwater Management Plan to the satisfaction of the Department of Water.
- At the planning application stage, the City will give detailed consideration to any proposed liquor licensed premises in regard to their design, scale, licensed floor area, hours of operation, management and interface with the public realm to minimise the potential for adverse impacts on the public realm, anti-social behaviour and/or land use conflict. As such, the City will require the proponent to comprehensively address these impacts as part of the planning application.

**Table 1: Land Use Permissibility Table**

Precinct	Precinct Objective	Use Class	Permissibility
Queen Street	This precinct will reflect a pedestrian friendly space, which provides a point of entry to connect the foreshore with the Busselton City Centre, and points of attraction including the existing Equinox Café and a new Café lease site.	Restaurant	D
		Recreation Area	D
Core Activities	This central activity space connects the Queen Street and Busselton Jetty precincts. It will focus on the provision of high quality amenities including a salt water play park as a focal element and new single storey pavilion style kiosks. This precinct will focus on enhancing views of the foreshore and jetty, improving the pedestrian experience, and development will provide for maximum activation of surrounding spaces.	Kiosk	D
		Recreation Area*	D
Busselton Jetty	This precinct is a key movement corridor to Marine Terrace and an extension of the original railway line along Stanley Street into the town centre. It contains interpretive and restaurant functions including ‘Railway House’, an interpretive centre for the Busselton Jetty, the local historic rail network and the south west timber industry. This precinct will provide a pedestrian focused environment, maximum activation of spaces, and retain views of the foreshore and jetty.	Restaurant	D
		Exhibition Centre	D
		Shop	D
		Tavern	D
		Recreation Area*	D
Youth and Community Activities	This precinct is to provide a pedestrian oriented activity space to cater for events and to complement the family oriented beach and parkland. This precinct will include a new community building that will accommodate the Busselton Surf Life Saving Club and other youth groups, a skate/BMX park, adventure playground and occasional kiosk, while retaining a sense of open space and views of the foreshore and jetty.	Community Centre	D
		Recreation Area*	D
Short Stay Accommodation	This precinct will provide for high quality development sites for tourist accommodation and supporting land uses, aiming to provide active frontage to the east-west spine road, landscaped setting and retain wide view corridors between buildings. The predominant land use in this precinct will be short stay accommodation such as hotels and serviced apartments. Restaurants, shops and bars will be provided at ground level to address surrounding streets and the public realm..’	Hotel	D
		Tourist Accommodation	D
		Shop	D
		Tavern	D

‘D’ means that the use is permitted when the local government has exercised its discretion by granting planning approval.

\*Indicates that the use class is permissible throughout the precinct.

Adoption  
Adopted by resolution of Council pursuant to  
City of Busselton Local Planning Scheme No. 21  
On .....

Michael Stephen Lee Archer  
Chief Executive Officer Date .....

**Table 2: Building Height and Floor Area for Development Locations**

Notation	Development Location	Storeys	Maximum Building Height from natural (existing) ground level	Maximum Building Ground Floor Area (m <sup>2</sup> )
1	Café 1 (opposite Equinox)	1	7.5m	240
2	Café 2 (currently the Equinox Cafe)	1 plus loft	7.5m	1000
3	Kiosk 1	1	7.5m	90
3	Kiosk 2	1	7.5m	90
3	Kiosk 3	1	7.5m	90
3	Kiosk 4	1	7.5m	90
4	Tavern/Restaurant/Shop	2	10.2m	1700
5	Café 4 (currently The Goose)	1	7.5m	1000
6	Exhibition Centre (Railway House)	2	10.3m	650
7	Commercial Centre	2 plus loft	12m	600
8	Community Centre (Youth Facilities Building)	2	10.2m	900

**Table 3: Building Height and Floor Area for Short Stay Accommodation Areas**

Notation	Development Location	Storeys	Building Height from Natural Ground Level			Maximum Building Ground Floor Area (m <sup>2</sup> )
			Top of external wall	Top of external wall (concealed roof)	Top of pitched roof	
9	Short Stay Accommodation Area 1	4 plus loft	16m	18m	20m	2,920
10	Short Stay Accommodation Area 2	4 plus loft	16m	18m	20m	2,265
11	Short Stay Accommodation Area 3	4 plus loft	16m	18m	20m	2,010

### **13. FINANCE AND CORPORATE SERVICES REPORT**

#### **13.1 NGILGI CAVES TRANSFER OF MANAGEMENT ORDER TO MARGARET RIVER BUSSELTON TOURISM ASSOCIATION**

<b>SUBJECT INDEX:</b>	Leases
<b>STRATEGIC OBJECTIVE:</b>	Infrastructure assets are well maintained and responsibly managed to provide for future generations.
<b>BUSINESS UNIT:</b>	Corporate Services
<b>ACTIVITY UNIT:</b>	Property Management Services
<b>REPORTING OFFICER:</b>	Property and Corporate Compliance Coordinator - Sharon Woodford-Jones
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Matthew Smith
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

#### **PRÉCIS**

Margaret River Busselton Tourism Association (MRBTA) are the current lessees of a local tourist attraction known as Ngilgi Caves situated on Lot 311, Caves Road, part Reserve 52246 within the Leeuwin-Naturaliste National Park, Yallingup (the Ngilgi Caves Site). The City of Busselton manage this part of the Reserve under a Management order dated 8<sup>th</sup> October 2015.

The purpose of this report is to recommend to Council that the City relinquish their vesting in the Ngilgi Caves Site and request that the Minister for Lands vest the Reserve directly with the MRBTA.

#### **BACKGROUND**

The Ngilgi Caves Site originally comprised part of Reserve 8427 and was under management of the City for the purposes of "Protection and Preservation of Caves and Flora and for Health and Pleasure Resort" with power to lease.

In 1996 the City entered into a lease of the Ngilgi Caves Site with the Cape Naturaliste Tourism Association Inc, the predecessors of the Geographe Bay Tourism Association (GBTA). The lease is for a term of 21 years and expires on 28<sup>th</sup> February 2017. The GBTA and the Augusta Margaret River Tourism Association merged in July 2015 to become the MRBTA.

In 2010 as part of a land rationalisation process, the Department of Lands (DoL) combined numerous reserves and other titles to form one national park reserve (Reserve 8428) and incorporated the Ngilgi Caves Site within the Leeuwin-Naturaliste National Park. An unforeseen consequence of this process was the revocation of the former Management Order vested with the City of Busselton. The administrative error meant that the new Reserve 8428, which included Lot 311 the Ngilgi Caves Site, was vested in the Conservation Commission of Western Australia (the Conservation Commission).

The City did not become aware of the revocation of the Management Order until 2011 when the MRBTA approached the City in relation to their proposed strategy for further activation of the Ngilgi Caves Site. The MRBTA were keen to negotiate a longer term lease with the City to create security of tenure and ensure the viability of their proposals.

Following discovery of the error the City entered into discussions with both the DoL and the Conservation Commission about the most appropriate arrangement for the future management of the Ngilgi Caves Site. One of the proposals suggested was for the Conservation Commission, via their administrative body, the Department of Parks and Wildlife (DPaW), to enter into a lease with the MRBTA on the understanding that the terms being offered to the MRBTA were fair and reasonable.

On 10<sup>th</sup> December 2014 Council were asked to consider a report on this proposal and resolved:

**“C1412/316”** That the Council:

1. Subject to the Conservation Commission of Western Australia agreeing in writing to enter into a lease with the GBTA or the MRBTA, including agreements as to the leased area, term and rent; advise the Department of Lands that the City of Busselton no longer require the Department of Lands to reinstate the Management Order for Lot 311 Caves Road, Yallingup.
2. In the absence of securing written agreement from the Commission to enter into a lease with the GBTA or the MRBTA, agree to pursue the reversion to a joint vesting to the City and the Commission with power to lease vested in the City thereby enabling the City to enter into a new lease with the GBTA or the entity that GBTA are associated with.”

Subsequent to the discussions concerning the issue of a lease by the Conservation Commission to the MRBTA, the DoL informed City officers that their preferred solution in order to rectify the error was to revest the Ngilgi Caves Site in the City of Busselton and issue a new Management Order. The new Management Order was issued on 8<sup>th</sup> October 2015, registered on 20<sup>th</sup> January 2016 and forwarded to the City by DoL on 2<sup>nd</sup> March 2016.

The MRBTA have reiterated to all agencies involved in the process their long association with the caves and that they remain keen to have the management of the Ngilgi Caves Site vested with them.

## **STATUTORY ENVIRONMENT**

The Ngilgi Caves Site is located on Lot 311, Reserve 52246, deposited plan 49920. Under the Management Order recently issued by the DoL the designated purpose is given as “National Park” with power to lease for the designated purpose for any term not exceeding 21 years, subject to the approval of the Minister for Lands.

The care, control and management of reserves are governed by the requirements of section 46 of the Land Administration Act 1997. The Minister may by order place with any one person or jointly the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

## **RELEVANT PLANS AND POLICIES**

NA

## **FINANCIAL IMPLICATIONS**

The rent currently paid to the City under the lease with the MRBTA is a nominal \$10 per annum. The reinstatement of the Management Order to the City brings with it obligations that include ensuring the land is well managed in the future. There is also a cost to the City for staff time involved in administration of a lease.

The Ngilgi Caves Site is in need of modernisation and upgrades to infrastructure. If the City retains the vesting there is potential for some of this obligation to fall to the City. If the MRBTA have direct vesting of the site they are better placed to seek and secure funding for the future management and upgrades to the facility.

**Long-term Financial Plan Implications**

None

**STRATEGIC COMMUNITY OBJECTIVES**

This report presents options consistent with the following City of Busselton Strategic Priorities:

**Key Goal Area 2**

- Provide a range of quality leisure, cultural, recreation and sporting facilities and services
- Responsible management of public infrastructure assets

**Key Goal Area 3**

- Recognition for high quality events and year round tourist offering

**Council Strategy**

- Ensure our recreational facilities meet the needs of our growing community
- Maintain community assets at an appropriate standard, consulting with the community about expectations and cost of maintenance
- Work with key partners to develop new and enhance existing tourist attractions in the region.

**RISK ASSESSMENT**

There are no identified medium or high level risks associated with the Officer Recommendation to vest the management of the Ngilgi Caves Site in the MRBTA.

**CONSULTATION**

Discussions with the DoL have been ongoing since the inadvertent revocation of the Management Order was brought to the attention of City officers in 2011. City staff and the DoL have also been involved in discussions with the Conservation Commission and DPaW concerning the potential for DPaW to enter into a lease with the MRBTA. The DoL however decided to rectify the error by redescribing the boundaries of the A class reserve and then re-vesting the site with the City. They then subsequently issued a new Management Order to that effect.

DPaW are aware of the fact that the MRBTA are in occupation under a lease and that their ultimate aim is to have the Ngilgi Caves Site vested to them direct. DoL informed City officers that the formal approval of DPaW was obtained before the new Management Order was issued in the knowledge that the ultimate objective was for the site to vest directly with the MRBTA.

The MRBTA have reiterated recently to City staff that they are keen to have management of the Ngilgi Caves Site transferred to them and the DoL have confirmed they are supportive of this at an officer level.

**OFFICER COMMENT**

The MRBTA and predecessor tourism associations have managed the Ngilgi Caves for many years. During the course of their long association with this and other caves in the district, they have accumulated a wealth of knowledge about the history of the caves and appreciate the importance of balancing a fragile cave ecosystem with the need to inform and educate visitors whilst maintaining a quality interactive tourist attraction.

The Ngilgi Caves Site is in need of upgrades and modernisation. The toilet block is situated above the caves themselves and needs to be relocated. The ticketing office on the site is also in need of repairs

and improvement. The MRBTA have a Master Plan for the Ngilgi Caves Site which involves significant infrastructure upgrades as well as additional naturescaping and outdoor nature based activities. The Master Plan is currently undergoing an environmental impact assessment.

The MRBTA remain committed to invest in the future of the Ngilgi Caves Site and await the outcome of an application for state funding to upgrade the facility and its infrastructure. The vesting of the reserve would greatly assist them in securing such funding and thus will help to ensure the overall sustainability of the facility.

## **CONCLUSION**

The MBRTA have consistently lobbied both the City and the State for sole management of the reserve. As an organisation they have a proven record of managing similar facilities in the district. The MRBTA are also keen to progress with development of the site whilst recognising the need to protect an important natural asset.

The City is supportive of the strategies of the MRBTA and committed to the development of tourism in the region. The DoL are also supportive of this proposal. The combination of these factors has led to the Officer Recommendation that the Ngilgi Caves Site be vested with the MRBTA to ensure its future potential as a tourist attraction.

## **OPTIONS**

Council could resolve to retain the vesting and instead enter into a new lease with the MRBTA once the current lease expires.

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

Following the resolution of Council, the City will immediately inform the Department of Lands of the outcome. Should the Officer Recommendation be endorsed the timeframe for revesting of the Management Order in the MRBTA will be entirely dependent on the Department of Lands, which is difficult to estimate. It is expected it would therefore be before expiry of the current tenure.

## **OFFICER RECOMMENDATION**

That the Council indicate its support to the Department of Lands for the vesting of Lot 311 on Deposited Plan 49920 (being part of Reserve 52246) direct to the Margaret River Busselton Tourism Association and request that the Minister for Lands cancel the Management Order over that land to the City of Busselton and issue a new Management Order to the Margaret River Busselton Tourism Association.



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

### **14.1 MAYORS FOR PEACE PROGRAM**

<b>SUBJECT INDEX:</b>	Mayors for Peace - Proposed Membership
<b>STRATEGIC OBJECTIVE:</b>	A community that is well connected to its neighbours and the broader world.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Support and Inter-Council Relations
<b>REPORTING OFFICER:</b>	Strategic Projects Officer - Tracey King
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Mayors For Peace Registration Attachment B Mayors For Peace Fact Sheet Attachment C Minutes 10 March 2016 BASSCA

### **PRÉCIS**

The committee of the Busselton and Sugito Sister Cities Association (BASSCA) request Council to consider the City of Busselton becoming a signatory to the “Mayors for Peace” program.

Should this request be approved, Council may consider the opportunity to coordinate a meeting between the Mayor of the City of Busselton with the Mayor of Hiroshima and a ceremonial signing of the Mayors for Peace accord at the Hiroshima Peace Park. It is recommended that this take place during the visit to Sugito during late October / early November this year as part of the 20<sup>th</sup> year anniversary celebrations of the sister city relationship between the City of Busselton and Sugito.

### **BACKGROUND**

At its meeting 10 March 2016, BASSCA resolved to seek the support of Council for Busselton to become a signatory to the Mayors for Peace program.

Mayors for Peace was established by Hiroshima and Nagasaki in 1982 with the goal of *“realizing lasting world peace through inter-city solidarity around the globe promoting the effort to raise a public consciousness of the need to abolish nuclear weapons”*. The program was registered as a Non-Government Organisation in Special Consultative Status with the United Nations Economic and Social Council in May 1991.

As of April 1, 2016, membership stood at 7,028 cities in 161 countries and regions including 87 across Australia. The Mayor of Fremantle sits on the executive Committee.

Sugito Town and Saitama Prefecture both signed the petition in September 2010.

A fact sheet which provides an overview of the activities and detailed objectives of the Mayors for Peace program is attached.

### **STATUTORY ENVIRONMENT**

Section 2.8. ( c ) of the Local Government Act describes the role of mayor or president to carry out civic and ceremonial duties on behalf of the local government; therefore it would be appropriate for Council to endorse the Mayor to sign the required documentation on behalf of the City.



## RELEVANT PLANS AND POLICIES

The Mayors for Peace global accord, which focuses on fostering international relations understanding and world peace, aligns to the City of Busselton and Sugito Sister City Agreement:

*The people of the Shire of Busselton, Western Australia and the Sugito Town, Saitama Prefecture, Japan, agree to join as sister cities to promote goodwill and everlasting friendship. Both municipalities will join in exchange programs to foster understanding between the two towns and peoples of Australia and Japan, to contribute to the building of a peaceful world. The Shire president of Busselton and the Mayor of Sugito, as representatives of their people, sign this sister city agreement.*

## FINANCIAL IMPLICATIONS

Mayors for Peace member cities pay an annual fee of 2,000 Yen which roughly equates to \$25 AUS dollars.

## STRATEGIC COMMUNITY OBJECTIVES

Should Busselton join the Mayors for Peace program, the initiative would align to key goal areas:

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

*4.2: A community that is well connected to its neighbours and the broader world.*

## RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken, and as a result, no risks were rated as 'medium' or above were identified.

## CONSULTATION

In November 2015, BASSCA were approached by members of the Busselton community who suggested that Busselton should join the Mayors for Peace program. Having considered the request at its February and March 2016 meetings, BASSCA resolved to make a request to Council for the City of Busselton to become a signatory to Mayors for Peace.

The City of Busselton Relationship Officer has also consulted with the Relationship Officer in Sugito who is very supportive of Busselton considering this opportunity and has offered assistance to arrange a meeting with the Mayor of Hiroshima and a ceremonial signing of the accord as part of the program of events during the 20<sup>th</sup> Anniversary delegation to Sugito in October /November 2016.

## OFFICER COMMENT

The BASCCA Committee support Busselton becoming a signatory to Mayor's For Peace as it presents a timely opportunity to promote and strengthen the Sister City relationship between Busselton and Sugito. Signing of the agreement at Hiroshima as part of the official delegation to Sugito in 2016 can add to the significance of the 20th Anniversary of this relationship.

Should Council wish to take up the opportunity for the Mayor to meet with the Mayor of Hiroshima and participate in a ceremonial signing, the Town of Sugito would require a formal letter from the City of Busselton and BASSCA stating our wish to meet with the Mayor of Hiroshima, followed by visit to Hiroshima Peace Park.

## CONCLUSION

The mission of Mayors for Peace, as taken from the website is:

*The Mayors for Peace, through close cooperation among the cities, strives to raise international public awareness regarding the need to abolish nuclear weapons and contributes to the realization of genuine and lasting world peace by working to eliminate starvation and poverty, assist refugees fleeing local conflict, support human rights, protect the environment, and solve the other problems that threaten peaceful coexistence within the human family.*

The usual process for becoming a signatory to Mayors for Peace is by submitting an online application form with payment. The enthusiasm of our counterparts in Sugito to arrange a ceremonial meeting and signing at Hiroshima, where the Mayors for Peace program was originated, presents a unique opportunity to promote the Sister City relationship between Busselton and Sugito. Further, there is the opportunity for Busselton to broaden international relations by demonstrating an understanding and support for the global initiative to promote peace and nuclear disarmament as described in the above Mission Statement.

The signing of the peace accord, whilst symbolic in nature, would have more meaning and purpose if it was signed as suggested on the forthcoming 20<sup>th</sup> anniversary visit to Sugito.

Whilst the decision to sign the peace accord is fundamentally the Mayor's prerogative, the Mayor is seeking Council endorsement before progressing this initiative.

## OPTIONS

1. Council may opt to not become a signatory to Mayors for Peace.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

A delegation from Busselton will visit Sugito, in late October/ early November 2016, coinciding with the 20th Anniversary of the Busselton- Sugito Sister City relationship.

## OFFICER RECOMMENDATION

That the Council:

1. Endorse the request from BASSCA for the Mayor of the City of Busselton, on behalf of the community of Busselton, to become a signatory to "Mayors for Peace" as a gesture of the Busselton community's support for world peace.



## Mayors for Peace

### Secretariat

C/O Hiroshima Peace Culture Foundation, 1-5 Nakajima-cho Naka-ku Hiroshima 730-0811 Japan  
Phone:81-82-242-7821 Fax:81-82-242-7452 E-mail:mayorcon@pcf.city.hiroshima.jp

March 2016

Dear Fellow Mayor,

I trust this letter finds you well.

In August 1945, a single atomic bomb instantly reduced Hiroshima and Nagasaki to rubble, taking tens of thousands of precious lives. Even today, many of our citizens still struggle with radiation aftereffects. The pain of our people, who lost family, friends, and their entire community, is beyond my ability to describe.

With our *hibakusha* aging, we are determined to have their experiences and strong desire for peace absorbed and wholeheartedly accepted by future generations and to have those commitments spread throughout the world. I am convinced that disseminating their message will eventually lead to the realization of their most cherished wish, the abolition of nuclear weapons.

To realize this goal, Hiroshima and Nagasaki established Mayors for Peace, and, in conjunction with partner cities around the world, has developed the *2020 Vision Campaign*, calling for the total abolition of nuclear weapons by 2020. After the bombing, it was said that nothing would grow for 75 years, and 2020 is 75 years after the atomic bombing. In addition, we need to achieve our goal as soon as possible so that as many of our aging *hibakusha* as possible can enter with us into that nuclear-weapon-free world. The fact that Mayors for Peace has grown to more than 6,900 member cities is clear evidence that people around the world wish to be liberated from the nuclear threat.

To strengthen global momentum toward the total abolition of nuclear weapons, we believe it is important for as many people as possible, especially policymakers, to come to encounter these A-bombed cities and learn the horror of nuclear weapons and the permanent human damage they inflict. In this way, we will all come to understand and accept the *hibakusha*'s wish.

I hope that you share our feelings and humbly ask that you support our campaign for the abolition of nuclear weapons by 2020. Mayors for Peace is a nonpartisan international network of municipalities, registered at the UN with ECOSOC. We ask every mayor or head of municipality to join our effort to protect future generations.

The rapidly growing number of Mayors for Peace is a powerful force generating real momentum toward peace and the abolition of nuclear weapons. To bequeath to our children a cleaner, safer, more peaceful and sustainable world, I humbly ask that you join our effort toward genuine and lasting world peace.

Sincerely yours,

MATSUI Kazumi  
Mayor of Hiroshima  
President  
Mayors for Peace



## Mayors for Peace Registration Form

To Mr. MATSUI Kazumi  
Mayor of Hiroshima  
President of Mayors for Peace

I hereby express my city/municipality's support for the abolition of nuclear weapons and desire to join Mayors for Peace.\*

Name of your country: \_\_\_\_\_

Name of your city/municipality: \_\_\_\_\_

Mayor's name: \_\_\_\_\_ Gender: ☐ Male ☐ Female

**Mayor's Signature:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

TEL: \_\_\_\_\_

FAX: \_\_\_\_\_

E-mail: \_\_\_\_\_

Contact person

Name: \_\_\_\_\_ Gender: ☐ Male ☐ Female

Position: \_\_\_\_\_

E-mail: \_\_\_\_\_

Website: \_\_\_\_\_

Population: \_\_\_\_\_

Date: \_\_\_\_\_

\*This registration form implies your city/municipality's decision to join Mayors for Peace. If your city/municipality requires specific procedures, including approval from your city/municipal council, please submit this form after such procedures are completed.

**Please send this form to:**  
**Mayors for Peace Secretariat**  
FAX : +81-82-242-7452  
E-mail : mayorcon@pcf.city.hiroshima.jp

# Mayors for Peace

## 1. Mayors for Peace

Mayors for Peace was established in 1982 by Hiroshima and Nagasaki with the goal of realizing lasting world peace through inter-city solidarity around the globe promoting the efforts to raise a public consciousness of the need to abolish nuclear weapons. We were registered as a NGO in Special Consultative Status with the United Nations Economic and Social Council in May 1991.

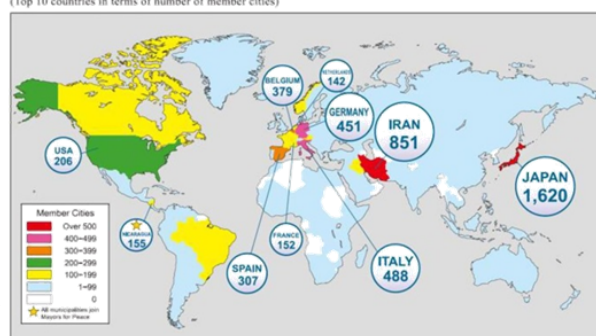
Currently, the membership has expanded to 7,028 cities in 161 countries and regions. The total population of all member cities is approximately 1 billion, which accounts for one seventh of the world population.

## 2. Member Cities (April 1, 2016)

Area	Member
Asia	30 countries & regions 2,915 Cities
Oceania	9 countries & regions 128 Cities
Africa	47 countries & regions 364 Cities
Europe (CIS)	47 countries 2,631 Cities
North America	3 countries & regions 310 Cities
Latin America and the Caribbean	25 countries & regions 680 Cities
<b>Total</b>	<b>161 countries &amp; regions 7,028 Cities</b>

[Membership by Country]

(Top 10 countries in terms of number of member cities)



(As of April 1, 2016)

## 3. Major Activities

Working in close cooperation with cities, citizens, and NGOs around the world, Mayors for Peace pursues our "2020 Vision", the total abolition of nuclear weapons by 2020. Since 2010, the primary focus of the 2020 Vision Campaign has been a nuclear weapons convention (NWC), a treaty comprehensively prohibiting the development, production, testing, stockpiling, or use of nuclear weapons and providing for their elimination. We are working now in the following ways to generate a global movement demanding that such a treaty be concluded without delay.

- 1) Calling on non-member cities to join Mayors for Peace.
- 2) Communicating and transmitting Hiroshima and Nagasaki's messages, through such projects as holding A-bomb poster and material exhibitions, A-bomb survivor testimony through Skype, cultivation of seeds and seedlings of A-bombed trees and preservation of the Flame of Peace to raise international public awareness for the abolition of nuclear weapons.
- 3) Calling on the United Nations and governments around the world to take action in good faith toward the conclusion of a nuclear weapons convention.
- 4) Conducting a global signature drive calling for an immediate start to nuclear weapons convention negotiations.

### [Objectives of 2020 Vision]

#### 1) Immediately de-alert all nuclear weapons

Even today, thousands of nuclear weapons around the world stand ready to launch on warning. This level of alert is madness, and stepping down is the quickest, easiest way to prevent an accidental nuclear holocaust.

#### 2) Immediately start substantive negotiations toward a universal nuclear weapons convention

After repeated promises at NPT Review Conferences and other occasions by the nuclear-weapon states to eliminate their nuclear arsenals, we call on national governments to start substantive negotiations now to achieve a nuclear weapons convention.

#### 3) Conclusion of a nuclear weapons convention

We call on national governments and other institutions to work toward the conclusion of a nuclear weapons convention that comprehensively prohibits the development, production, testing, stockpiling, or use of nuclear weapons and provides for their elimination.

#### 4) Physical destruction of all nuclear weapons by 2020

The weapons can be destroyed. Fissile materials can be rendered unusable. Strict international control is technically feasible. A nuclear-weapon-free world is possible.



# Mayors for Peace

## 4. Conferences

- (1) General Conference: is held once every four years in the cities of Hiroshima and Nagasaki alternately. Mayors for Peace Action Plan and other important issues are determined.  
The next general conference will be held in Nagasaki in August 2017.
- (2) Executive Conference: is a conference for executive cities, held once every two years in an executive city.



8th General Conference of Mayors for Peace held in Hiroshima in August 2013

## 5. Membership fees

Mayors for Peace Member Cities ("Member Cities") shall each pay a Fee of 2,000 yen every year (or, in the case of payment in any other currency, an amount converted at the exchange rate between that currency and yen as of the date of payment). However, Member Cities will not lose their membership if they do not pay the Fee. When deemed appropriate, Member Cities can be exempt from Fee payment.

## 6. Executive Cities

### President

Mayor of Hiroshima (Japan)

### Vice President

Mayor of Nagasaki (Japan)  
Lord Mayor of Hannover (Germany)  
Mayor of Volgograd (Russia)  
Mayor of Malakoff (France)  
Mayor of Muntinlupa (Philippines)  
Lord Mayor of Manchester (U.K.)  
Mayor of Akron (U.S.A.)  
Mayor of Ypres (Belgium)  
Mayor of Biograd na Moru (Croatia)  
Mayor of Granollers (Spain)  
Mayor of Halabja (Iraq)  
Mayor of Brussels (Belgium)  
Mayor of Fongo-Tongo (Cameroon)  
Mayor of Mexico City (Mexico)  
Mayor of Frogn (Norway)

### Executive

Mayor of Fremantle (Australia)  
Mayor of Semey (Kazakhstan)  
Mayor of Bangkok (Thailand)  
Mayor of Wellington (New Zealand)  
Mayor of Sarajevo (Bosnia and Herzegovina)  
Mayor of Montreal (Canada)  
Mayor of Cochin (India)  
Mayor of Santos (Brazil)  
Mayor of Cartago (Costa Rica)  
Mayor of Bogota (Colombia)

## 7. Secretariat

- (1) Secretary General: Yasuyoshi Komizo, Chairperson, Hiroshima Peace Culture Foundation
- (2) Contact information: Mayors for Peace Secretariat  
c/o: Peace and International Solidarity Promotion Division,  
Hiroshima Peace Culture Foundation  
1-5 Nakajima-cho, Naka-ku, Hiroshima 730-0811 Japan  
TEL : +81-82-242-7821 FAX : +81-82-242-7452  
E-mail : [mayorcon@pcf.city.hiroshima.jp](mailto:mayorcon@pcf.city.hiroshima.jp)  
URL : <http://www.mayorsforpeace.org/english/index.html>

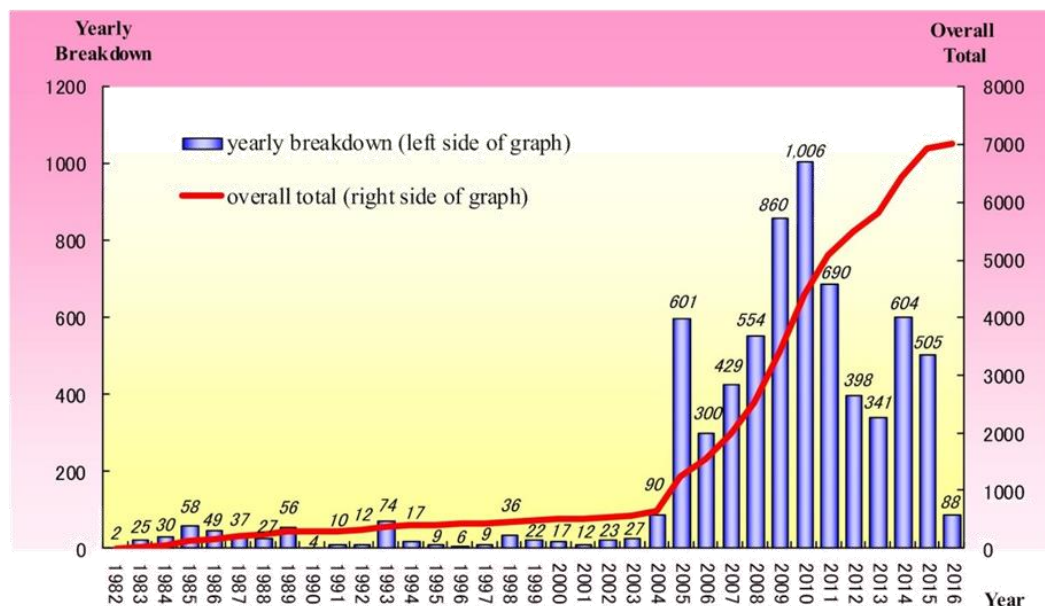




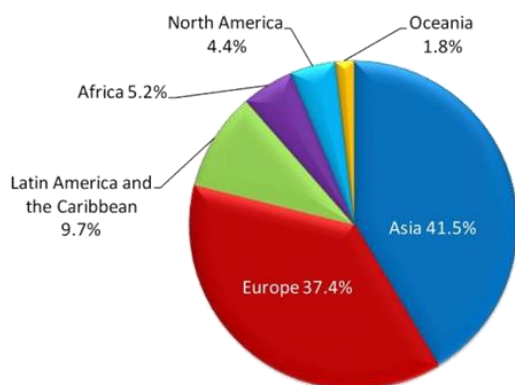
# Mayors for Peace Member Cities

**Member Cities : 7,028 member cities in 161 countries and regions**  
(As of April 1, 2016)

## 1 New city membership by year



## 2 Regional breakdown



## 3 Member cities ranking Top 10

	Countries	Cities
1	Japan	1,620
2	Iran	851
3	Italy	488
4	Germany	451
5	Belgium	379
6	Spain	307
7	U.S.A.	206
8	Nicaragua	155
9	France	152
10	Netherlands	142



# Mayors for Peace Photo Gallery

## Holding Mayors for Peace Meetings



8<sup>th</sup> General Conference of Mayors for Peace  
(August 2013, Hiroshima)



9<sup>th</sup> Executive Conference of Mayors for Peace  
(November 2015, Ypres, Belgium)



5<sup>th</sup> Japanese Member Cities Meeting of  
Mayors for Peace  
(November 2015, Hiroshima)

## Participation in the NPT Review Conference (April-May 2015, New York)



Opening session of the 2015 NPT  
Review Conference



Citizens' groups gathering for the NPT  
Review Conference participated in a  
peace march



Mayor of Hiroshima delivered a speech at  
the NGO Presentation

## Participation in the 3rd Session of the Preparatory Committee for the 2015 NPT Review Conference (April 2014, New York)



Mayor of Hiroshima delivered a  
speech at the NGO Presentation



Mayors for Peace Youth Forum



Meeting with national  
representatives to the NPT Prep  
com



Mayor of Hiroshima offered  
flowers at Ground Zero

## Peace Promotion Efforts in collaboration with citizens



Petition Drive by Mayor of Hiroshima and high school students calling  
for a start of negotiations for a nuclear weapons convention  
(July 2015, Hiroshima)



Mayor of Hiroshima presented Ms. Angela Kane,  
UN High Representative for Disarmament Affairs,  
and Ambassador Taous Feroukhi, President of the  
2015 NPT Review Conference, with a certificate  
of signatures (April 2015, New York)





## BASSCA MINUTES

Committee Meeting: 5.15 pm, 10 March, 2016 in Busselton City Committee Room

Item	ITEM	ACTION
	<b>Welcome</b>	Chair: Pauline Vukelic 5.16pm
	<b>Attendees</b>	Pauline Vukelic, Ray Toia, Mary-lee Kemp, Chris Bleechmore, Cr Rob Bennett, Cr Rob Reekie, Tonia Kilian EO,
	<b>Apologies</b>	Jenny Green, Karen Johnson
	<b>Confirmation of Previous Minutes</b>	MOTION: That the minutes of the previous meeting be accepted as true and accurate: <b>Moved:</b> Ray Toia <b>Seconded:</b> Cr Rob Reekie
	<b>BUSINESS ARISING FROM PREVIOUS MINUTES</b>	
1.	<b>Sister City Marketing</b>	5.1.1 Investigate what is included in package given to new residents. Propose inclusion of BASSC flyer/information, To include BASSCA info as soon as new material available <b>ACTION: Tonia Pending</b>
2.	<b>Appointment of new Committee Members</b>	5.2.1 Requirements prior to being invited to join committee. Attendance at three meetings required before being invited to join committee
3.	<b>Membership</b>	5.3.1 Review of Membership processes to continue <b>ACTION: TK pending</b> 5.3.2 Tonia to develop draft benefits list <b>ACTION: TK pending</b>
4.	<b>Gift Collection</b>	5.4.1 Kimono stand ( 2 ) Quote- Material costs: \$458.22 Construction cost \$150 to be confirmed for one or two. Contact Trevor Fisher at Men's Shed to confirm. Cloe at Bunnings re sponsorship of wood and lights <b>ACTION CB pending</b>
5.	<b>ATO &amp; Dept of Commerce</b>	5.5.1 Update on registration with ATO and Dept of Commerce. Relevant form is being posted by ATO to Tonia. Amendments to reflect:- <b>Primary Contact:</b> Mary-lee and Ray <b>Authorised contact:</b> enquirer Tonia Kilian, Ray Toia <b>ACTION: RT</b>
6.	<b>Sponsorship Guidelines</b>	Guidelines and sponsorship benefits package being written. <b>ACTION: TK &amp; PV pending</b>
7.	<b>Grant Application</b>	5.7.1 Design update. \$1660 Grant approved. 12 banners, 2 per pole City to manage installation. Will be

		displayed when space is available during 2016-17. Grant to be acquitted by April/May 2016. Tonia and Karen <b>ACTION: KJ</b>
6.8	<b>Directional signage at end of jetty - includes Sugito</b>	5.8.1 Update re request to have Sugito sign lowered so that it is more visible. Rob to follow up again re what is involved in moving the Sugito sign <b>ACTION: Rob Bennett/TK</b>
	<b>Correspondence</b>	
6.1		<b>INCOMING:</b> Rotary re Forrest Rally – student help required at Rally. <b>ACTION: 2015 Students have been notified 5 responses</b>
6.2		<b>OUTGOING:</b> <b>ACTION:</b>
	<b>REPORTS</b>	
7.1	<b>President</b>	Activities for the month: 7.1.1 Japan Festival performance attendance at Government House 26 Feb 2016 7.1.2 Parliamentary Delegation & 20 <sup>th</sup> Anniversary Delegation meeting – Barry House, Mayor Grant Henley, CEO Mike Archer 9-2-16 Oct 30 <sup>th</sup> . 7.1.3 Minutes & Agenda preparation 7.1.4 Meetings with Tonia especially student exchange 7.1.5 Liaison re student exchange GMAS Principal Ted Kosicki invited to be on Assistant Tour leader selection panel 7.1.6 Upcoming: attendance at Australia Japan Youth Cultural Exchange Program official welcome party Sunday March 13, Mt Lawley Golf Club
7.2	<b>Treasurer</b>	7.2.1 Clarify Recommendation: Donation of \$200 gratefully received by Busselton Sea Rescue in recognition for hosting of Student and community delegations in 2015. Soup Media – web hosting \$110 paid Balance \$3821.00
7.3	<b>Executive Officer</b>	7.3.1 Working 2 days per week 7.3.2 Bookings of Donga City and CRC <b>ACTION:</b> 7.3.3 Student exchange program promotion 7.3.4 Assistant Tour leader promotion 7.3.5 Youth Advisory Council – meeting with coordinator to develop working relationship 7.3.6 Liaison with Sugito re student exchange and 20 <sup>th</sup> anniversary 7.3.7 Meet with Lisa Shreeve, Bsn Jetty manager 7.3.8 Community Directory now in circulation

7.4	<b>Student Exchange</b>	<p>7.4.1 Assistant Tour leader selection</p> <p>7.4.2 Advertising for students</p> <p>7.4.3 Selection panels selected</p> <p>7.4.4 Timelines revised</p> <p>7.4.5 Airfare quotes been sought</p>
7.5	<b>REPORTS</b>	<p><b>MOTION: ALL REPORTS BE ACCEPTED</b></p> <p><b>Moved:</b> Chris</p> <p><b>Seconded:</b> Ray</p>
	<b>Media/PR</b>	<p>8.1 Suggestion for the next article(s): Story on student exchange</p> <p>8.2 Members emailed Consulate, CLAIR, AJS events, BASSCA events</p> <p>8.3 "Tomodachi News" – 3 stories sent</p> <p>8.4 Intranet and social media marketing of student exchange and other</p> <p>8.5 History Book - Bsn Times pic and story with Mike and Gail Ashbolt</p> <p><b>ACTION: TK</b></p>
	<b>General Business</b>	<p>9.1 Mayor's for Peace Report. Signing in Hiroshima by Parliamentary Delegation and Bsn</p> <p><b>MOTION:</b> Recommendation to COB that Bsn sign up.</p> <p><b>Moved:</b> Cr Rob Bennett <b>Seconded:</b> Cr.Rob Reekie</p> <p><b>ACTION: PAV</b></p> <p>9.2 Review of roles and responsibilities to be organised early 2016. Meet with Mike Archer: <b>ACTION: PV &amp; TK</b></p> <p>9.3 Review of Principal Activities Plan <b>ACTION: TK</b></p> <p>9.4 History book project – Invitation to contribute have been sent.</p> <p>9.5 Nobu Matsuhisa – Invitation to visit Busselton (possible special dinner) in March 2017 to be sent after consultation with Mayor and CEO <b>ACTION: PV</b></p> <p>9.6 Dunsborough Arts Festival 2017 – Write to DDPA re 2017 being Japanese themed &amp; 20<sup>th</sup> anniversary event. <b>ACTION: PV/TK</b></p> <p>9.7 Council Briefing <b>ACTION April TK</b></p> <p>9.8 Child Care Scholarship sponsored by Mr &amp; Mrs Tano. Accommodation provided, 3 day per week work in Child Care Centre,</p> <p>Review English Teacher guidelines. Considerations: Visa,</p> <p>9.9 December 1<sup>st</sup> , 2016</p> <p>9.10 follow up with Emily, and Pradeep.</p>
	<b>Meeting Close: 6.15pm</b>	<p><b>Next Meeting: 5.15 pm April 14, 2016 in Community Resource Room, adjacent to Japanese Garden</b></p> <p><b>Ray &amp; Mary-lee – apologies April 2016</b></p>

IAIR

Pauline Vukelic (President)

igned:

\_\_\_\_\_

Date:

\_\_\_\_\_

14.2 CITY OF BUSSELTON NEW ADMINISTRATION BUILDING: SUPPLY AND INSTALLATION OF OFFICE WORK STATIONS - EXPRESSIONS OF INTEREST EOI 02/16 AND CEO DELEGATION

<b>SUBJECT INDEX:</b>	Administration Building
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Major Projects
<b>ACTIVITY UNIT:</b>	Major Projects
<b>REPORTING OFFICER:</b>	Manager, Major Projects - Paul Crewe
<b>AUTHORISING OFFICER:</b>	Executive Director - Martyn Glover
<b>VOTING REQUIREMENT:</b>	Absolute Majority
<b>ATTACHMENTS:</b>	Attachment A Layout Plan Example - Open Plan Radials Attachment B Layout Plan Example - Office Attachment C Layout Plan Example - Executive Office

## PRÉCIS

Council previously resolved to proceed with construction of the new Civic and Administration Building. The interior office fit-out is a significant component of this project and includes the Supply and Installation of approximately 240 Office Workstations. It is considered that only contractors with a high level of expertise, experience, capacity and resources would be capable of satisfactorily delivering the Supply and Installation of the Office Workstations.

Therefore prior to inviting tenders for the Supply and Installation of the Office Workstations, it is recommended that Council consider making a preliminary selection from amongst prospective tenderers, following an Expressions of Interest (EOI) process.

The Chief Executive Officer (CEO) currently has delegated authority to award tenders up to a value of \$350,000. It is anticipated that the tender value may or may not exceed the current delegated authority consequently a specific delegation is sought for this request for tender.

This report recommends that Council:

1. decide to use a preliminary EOI selection process prior to inviting tenders for the Supply and Installation of the Office Workstations;
2. endorse the proposed selection criteria for the preliminary selection process;
3. delegate to the CEO the power to decide which, if any, of those expressions of interest that are received, are from a person who he thinks to be capable of satisfactorily supplying the goods and services required for the Supply and Installation of the Office Workstations;
4. acknowledge the use of standard selection criteria for the tender process; and delegate to the CEO the power to determine and award the contract for the Supply and Installation of the Office Workstations after consultation with the Councillor members of the internal Administration Building Working Group.

## BACKGROUND

The new Administration and Civic Building, is a capital project of approximately \$23 million.

The Administration and Civic building is being constructed within the boundaries of the existing site located at the corner of Causeway Road and Southern Drive, Busselton. This Project is a complete redevelopment of the City's existing administration and civic facilities and comprises three key

elements (with a projected total area of approximately 6,943 m<sup>2</sup> gross floor area, including new Council Chambers and Civic reception facilities):

- a new three story building (east wing), to be constructed parallel with Causeway Road;
- a new two story building (west wing) replacing the existing single storey structure along Southern Drive; and
- refurbishment of the existing double storey portion of the building (behind the 'west wing) and integration into the new two story west wing.

The above construction process is expected to be completed in February 2017. As part of the interior fit out to occur during January 2017, the supply and installation of approximately 240 office workstations is required.

The Supply and Installation of the Office Workstations will comprise, amongst other things, of the following:

- supply and installation of new desks at each workstation;
- supply and installation of new dividers at each workstation;
- the integration of IT services at each workstation;
- all items to be supplied in accordance with specified materials and relevant Australian standards;
- warranties and certification;

The proposed stages in the process of delivering the Supply and Installation of the Office Workstations are:

1. Identifying suitable suppliers, with the required level of expertise, experience, capacity and resources for Supply and Installation of the Office Workstations. This process is expected to attract significant interest from prospective tenderers.
2. Selecting a preferred supplier from the previously identified suitable suppliers to supply and install the office workstations.

Under the *Local Government (Functions and General) Regulations 1996* (LG Regulations) a local government has the ability to follow a preliminary selection process prior to inviting tenders. The purpose of this process is to make a preliminary selection from amongst prospective tenderers if it is considered to be advantageous to the local government to limit the number of prospective tenders.

With respect to the furnishing, it is expected that only the Supply and Installation of the Office Workstations will require the use of the preliminary expression of interest process and that the other components of the Office fit out will use more traditional quotation/tender processes.

This report proposes that it will be advantageous to Council to implement such a preliminary selection process for the Supply and Installation of the Office Workstations prior to seeking tenders and consequently seeks Council approval for adoption thereof. The statutory framework in relation to this preliminary selection process is discussed in more detail under the STATUTORY ENVIRONMENT section of this report.

## **STATUTORY ENVIRONMENT**

Regulation 11(1) of the LG Regulations requires tenders to be publicly invited before a local government enters into a contract for the supply of goods or services for which the consideration is expected to be more than \$150,000. The costs associated with the Supply and Installation of the Office Workstations will be significantly above this threshold. However in terms of Regulation 21 of the LG Regulations a Local Government may, prior to inviting tenders, follow a formal EOI 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.

It is considered that, in relation to the Supply and Installation of the Office Workstations, there are good reasons to make a preliminary selection amongst prospective tenderers before tenders are invited for the Supply and Installation of the Office Workstations. These reasons are discussed in more detail under the OFFICER COMMENT section of this report. In terms of the LG Regulations the preliminary selection process comprises of:

- The City giving Statewide public notice that expressions of interest are sought, allowing a minimum time of 14 days for submitting expressions of interest;
- Rejection of expressions of interest submitted outside the published deadline and submissions which fail to comply with any other requirement specified in the public notice;
- The City, having considered conforming expressions of interest, to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods and services (in this instance capable of satisfactorily undertaking and completing the supply and installation of approximately 240 office workstations);
- The Chief Executive Officer to list each of those persons as an acceptable tenderer; and
- Should the City decide to progress with inviting tenders for the Supply and Installation of the Office Workstations, the Chief Executive Officer, instead of publicly inviting tenders, to give notice of the invitation only to those listed as acceptable tenderers.

In terms of its power to delegate certain functions under section 5.42 of the *Local Government Act 1995* Council may delegate to the CEO the power to decide which, if any, of the persons who submit expressions of interest would be capable of successfully delivering the Supply and Delivery of Office Workstations.

In accordance with Part 4 of the LG Regulations, tenders are to be publicly invited 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. Following the conclusion of the EOI process, the CEO would proceed to tender in accordance with his existing delegation to establish tender selection criteria in accordance with Council Policy 031. On the basis that the same delegation to the CEO requires any tender awarded by the CEO to be under the value of \$350,000, it is also proposed in this report to delegate specific authority to the CEO to award this tender, on the expectation that it will exceed the value of

\$350,000. A condition on the specific delegation is proposed such that the authority would be exercised only after consultation with the Councillor members of the City's internal Administration Building Working Group.

### RELEVANT PLANS AND POLICIES

Council Policy 031 Tender Selection Criteria applies.

### FINANCIAL IMPLICATIONS

The purpose of the preliminary selection process is to establish a list of acceptable tenderers for the Supply and Installation of the Office Workstations and not to award a contract. Therefore, except for the advertisement costs associated with the public notice (estimated to be less than \$500.00), a decision to formally seek expressions of interest will not have any financial implications.

The preliminary budget for the Administration Building includes \$573,278 for the supply and installation of approximately 240 office workstations. It is anticipated that due to the current highly competitive nature of the supply industry that tenders for this contract will be very competitive. Consequently it is appropriate to utilize a staged process to initially attract all potential tenderers then establish which of these tenderers are capable of delivering on the contract and finally invite this group into a predominantly quantitative (price) tender process.

#### Long-term Financial Plan Implications

Nil.

### STRATEGIC COMMUNITY OBJECTIVES

The Supply and Installation of the Office Workstations aligns with the following community objectives of the City of Busselton Strategic Community Plan 2013:

Key Goal Area 2 - Infrastructure assets that are well maintained and responsibly managed to provide for future generations; and

Key Goal Area 6 - An organisation that is managed effectively and achieves positive outcomes for the community.

### RISK ASSESSMENT

An assessment of the risks associated with the preliminary selection process has been undertaken using the City's risk assessment framework. The risks listed in the table below have been identified and, as is indicated below, are respectively considered to be moderate and low, with sufficient controls and therefore deemed acceptable.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Potential claim for damages by prospective tenderers excluded from a tender process as a consequence of the proposed preliminary selection process	<ul style="list-style-type: none"> <li>• Strict compliance with statutory requirements applicable to the preliminary selection process.</li> <li>• Effective documentation</li> </ul>	Potential financial loss	Unlikely	Moderate
Reputational risk to Council if some	<ul style="list-style-type: none"> <li>• Strict compliance with statutory requirements</li> </ul>	Reputational	Unlikely	Low



prospective tenderers are excluded from a tender process as a consequence of the proposed preliminary selection process	<p>applicable to the preliminary selection process.</p> <ul style="list-style-type: none"> <li>• Ensure open and transparent implementation of preliminary selection process</li> </ul>			
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From a whole of project perspective, the City is working to a tight timeframe with potential delays presenting a high risk of contract variations. The delegations to the CEO to shortlist the acceptable tenderers and then award the workstations contract after consultation with the Councillor members of the Administration Building Working Group are proposed in order to ensure the timely progression of the project to avoid potential delays caused by the City that may lead to contract variations.

## CONSULTATION

The officer members of the City's internal Administration Building Working Group have been consulted and have agreed the Expressions of Interest process will ensure a high level of competition and represent best value for money to the City.

## OFFICER COMMENT

The Supply and Installation of the Office Workstations forms a significant part of the overall new Administration building office fit-out. Contractors will require experience relating to corporate furniture manufacture and fit out, supply of quality office products and the capacity to deliver a project of this size. In addition, the installation phase of the project will need to be staged to allow for continued construction activities and other subcontractors working in the building during the interior fit out. Therefore it is considered that only contractors with a certain level of expertise, experience, capacity and resources would be capable of satisfactorily delivering the project.

Unless Council implements a preliminary selection process it is anticipated that, due to the nature of this project, tens of prospective tenderers are likely to request tender documents. Not all of these prospective tenderers will have the capability to satisfactorily deliver the whole Supply and Installation of the Office Workstations works. This could result in the City incurring significant costs and delays via;

- Prepare and provide plans, specifications and other information to a large number of prospective tenderers; and
- assess tender submissions from a large number of prospective tenderers that may not have the capacity to satisfactorily deliver the whole project.

For the abovementioned reasons it is considered to be advantageous to the City to implement a preliminary selection process for purposes of inviting offers for the Supply and Installation of the Office Workstations only from persons considered to be capable of satisfactorily delivering the whole project. This will result in:

- the extent to which unnecessary costs are incurred will be reduced; and
- the City will be better able to direct its resources towards tenderers considered capable of successfully delivering the project.

It is therefore recommended that Council resolve to seek expressions of interest for the Supply and Installation of the Office Workstations in accordance with the regulation 21 of the LG Regulations.

### Endorsement of Selection Criteria

It is recommended that Council endorses the selection criteria for the EOI which includes similar selection criteria to the tender selection criteria, with the exception of price. Price does not form part of the criteria for the EOI selection process as the focus will be totally on qualitative factors, given the intention is to obtain a list of acceptable tenderers who will then submit tenders which will be evaluated significantly on price. The intended selection criteria and percentage weightings for each of the applicable selection criteria are set out in full in the OFFICER RECOMMENDATION section of this report. With respect to the tender selection criteria, it is recommended that the selection criteria in accordance with Policy 031 be utilized with the weighting within the Policy ranges.

### Delegation to CEO

It is recommended that Council delegate to the CEO the power under regulation 23(3) of the LG Regulations to decide, in accordance with abovementioned selection criteria, which, if any, of those expressions of interest that are received, are from persons considered to be capable of satisfactorily delivering the Supply and Installation of the Office Workstations.

Due to the nature and extent of the services required for the Supply and Installation of the Office Workstations, it would be advantageous to the City if tenders were invited only from persons who Council considered to be acceptable tenderers.

It is also recommended that Council delegate to the CEO the power under regulation 18 of the LG Regulations to decide which, if any, tenderer is awarded the contract for the Supply and Installation of the Office Workstations.

### **OPTIONS**

Council has the following options as alternatives to the Officer recommendation:

- Publicly invite tenders for the Supply and Installation of the Office Workstations without using the preliminary selection process. However for the reasons discussed under OFFICER COMMENT section of this report a preliminary selection process in accordance with the LG Regulations is recommended prior to tenders being invited.
- Alter the requirements or weighting of any of the proposed selection criteria. For the reasons discussed under OFFICER COMMENT section of this report the recommended weighting is considered to serve the City's best interest.
- Not delegate authority to the CEO to determine the list of acceptable tenderers. Given this is a relatively straight forward step in the tender process, officers believe it would cause an unnecessary delay to require another Council decision at this stage of the process.
- Not delegate authority to the CEO to award the tender. Given the tenderers have all been selected in accordance with Council determined selection criteria and the overall development of the Administration Building is on a very tight time schedule, officers believe it would cause an unnecessary delay to require another Council decision which will be based almost entirely on price.

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

If Council resolves to adopt the officer recommendation, Statewide public notice that expressions of interest are sought will be given, with the closing date during the third week of May 2016 (allowing for a minimum of 14 days submission period). Assessment of submissions received and shortlisting of acceptable tenderers will occur as soon as is practicable after the closing date.

The request for tender will commence immediately allowing a further 14 days for the submission period which would mean that the tender award would occur in early July. This provides sufficient time for the manufacture and installation of the workstations to coincide with the building program.

### **OFFICER RECOMMENDATION**

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

That the Council:

1. Resolves to seek expressions of interest for the supply of goods and services for the Supply and Installation of the Office Workstations at the new Civic and Administration Building in accordance with Regulation 21 of the *Local Government (Functions and General) Regulations 1996*;
2. Resolves to endorse the following selection criteria for purposes of deciding which, if any, of those expressions of interest that are received, are from persons considered to be capable of satisfactorily supplying the goods and services required for the Supply and Installation of the Office Workstations.

#### **A) Relevant Experience - Weighting 50 %**

Describe your experience in completing/supplying similar Requirements. Respondents must, as a minimum, demonstrate to the Principal's reasonable satisfaction by providing specific details on the following:

- Sufficient experience with and proven track record of successfully delivering similar project(s) in the past;
- The scope of the Respondent's involvement in such project(s);
- The Respondent's competency and diligence in relation to delivering such project(s)
- How and to what extent the Respondent exercised sound judgement and discretion in relation to such project(s).

Abovementioned information must be detailed in a separate attachment labelled **"Relevant Experience"**.

#### **B) Key Personnel skills and experience - Weighting 20%**

Respondent's should provide, as a minimum, information of proposed personnel to be allocated to this project, such as:

- Their role in the performance of the Contract;
- Current curriculum vitae (maximum 1/2 page each);
- Qualifications, with particular emphasis on experience in projects of a similar requirement, specifically noting supply and delivery of office workstations; and
- Any additional information.

Supply details in an Attachment and label it **"Key Personnel"**.

#### **C) Respondent's Resources - Weighting 20%**

Respondent's should demonstrate their ability to supply and sustain the necessary:

- Works; and
- any contingency measures or back up of resources including personnel (where applicable).

As a minimum, Respondents should provide a current commitment schedule and plant/equipment schedule in an Attachment and label it **"Respondent's Resources"**.

#### **D) Demonstrated Understanding - Weighting 10%**

Respondent should detail the process they intend to use to achieve the Requirements of the Specification. Areas that must be covered include:

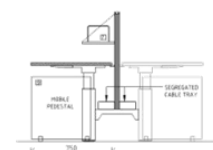
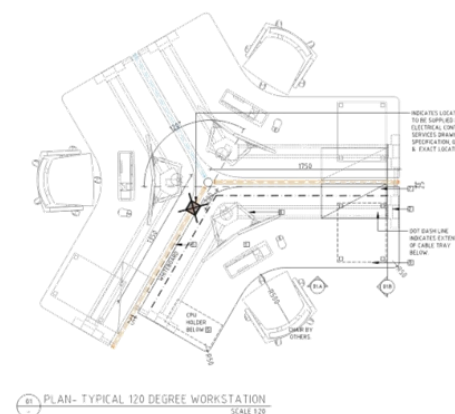
- Providing an indicative project schedule/timeline including commencement date, milestones and proposed completion date;
- The process/methodology for the delivery of the Requirements;
- A demonstrated understanding of the scope of work, specifically noting the key components of the project for review and their method of assessment.
- The recommended reporting format for each respective area/type of assessment.

When assessing the proposed process/methodologies and the indicative project schedule/timeline submissions that indicate productive plant and equipment, work/inspection methods and construction sequences that achieves the earliest completion of the Requirements, may be scored more favorably.

Supply details and provide an outline of your proposed methodology in an Attachment labelled **“Demonstrated Understanding”**.

**NOTE: PRICE IS EXCLUDED FROM THE SELECTION CRITERIA FOR THE EOI PROCESS**

3. Delegates to the Chief Executive Officer the power 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 the Supply and Installation of the Office Workstations.
4. Delegates authority to the Chief Executive Officer, following the tender process in accordance with the selection criteria established in Council Policy 031, to award the contract for the supply and installation of Office Work Stations for the new City of Busselton Civic and Administration Facility, subject to not exceeding the budget of \$573,278 and the authority being exercised after consultation with the Councillor members of the City's internal Administration Building Working Group.



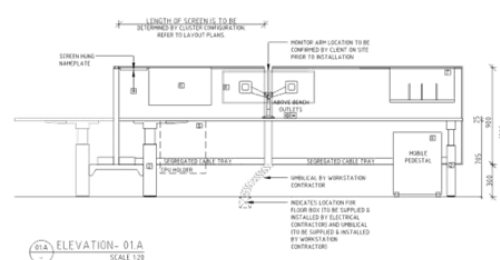
SECTION- 01.8  
SCALE 1/2"



DETAIL FOR UNDERBENCH GPO/DATA/USB MODULE



DT94 DETAIL FOR ABOVE BENCH GPO/USB MODULE  
ELEVATION NT



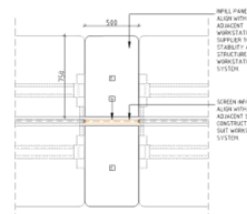
01.2 ELEVATION- 01.A  
SCALE 1:2



PLAN - MOBILE PEDESTAL  
SCALE 1/2"



ELEVATION - MOBILE PEDESTAL  
SCALE 1/2" = 1'-0"



PLAN - WORKSTATION EXTENSION INFILL

NOTE: REFER TO WORKSTATION AND LOOSE FURNITURE PLAN FOR EXACT LOCATIONS OF WORKSTATION EXTENSION IN FILL

- FINISHES LEGEND FOR TYPICAL WORKSTATIONS

- [illegible]

EACH WORKSTATION TO BE SUPPLIED WITH THE FOLLOWING:

- 1x MOBILE PEGS-TAIL
- 1x CPU HOLDER
- 1x CLAMP (ORIGINAL MONITOR ARM IMPROVISE OR EQUIVALENT)
- 1x SCREEN HANG SADDLE
- 1x SCREEN HANG NAME PLATE
- 1x DIVIDER SCREEN
- CABLE TRAYS

NOTE: SCREEN HUNG WHITEBOARDS TO BE INSTALLED IN ENGINEERING AREA ONLY. REFER TO WORKSTATION & LOOSE FURN. PLANS FOR QUANTITIES.

WORKSTATION SUPPLIER TO PROVIDE SCHEDULE OF RATES WITH TENDER SUBMISSION FOR ALL ACCESSORIES PRICED.

ALL TYPICAL WORKSTATIONS ARE TO BE SOFTWARED. SOFTWARE INCLUDING WHITE PENCILS, AS REQUIRED ARE TO BE SUPPLIED & INSTALLED BY WORKSTATION CONTRACTOR. STARTER SOCKETS TO BE SUPPLIED AND INSTALLED BY THE ELEC. CONTRACTOR. DATA CABLES TO BE PROVIDED & INSTALLED BY THE ELECTRICAL CONTRACTOR. ALL CONDUITS TO BE

SOFT WIRE POWER MODULES TO BE CLIPPED IN PLACE TO SEGREGATED CABLE TRAY. EACH POSITION TO BE SUPPLIED WITH GPO UNITS, 3 X DATA AND 1 X USB UNIT AND 1 X GPO AND 8 X USB POSITIONED ABOVE BENCH CLIPPED ON WORKTOP WHERE INDICATED. GPO'S TO BE SWITCHED AND ORIENTATED / GRAICED TO ALLOW FOR LARGER ITEMS TO BE PLUGGED IN WITHOUT OVERLAPPING THE ADJACENT GPO. SEE DETAIL 0205 THIS PAGE.

SEGREGATED METAL CABLE TRAY OR BASKETS UNDERBENCH AND ALONG LENGTH OF SCREEN TO EXTENT AS SHOWN ON P. F. POWERGRATED TO MATCH SCREEN FRAME, INDICATED AS DASH/DOTTED LINE ON PLAN. WHERE END OF CABLE TRAY IS (E)MPTIED, PROVIDE A PURPOSE DESIGNED LAP IN MATCHING MATERIAL, & FINISH CABLE TRAY TO INCLUDE CLIPS AT 300mm CENTRES TO SECURE CABLES.

THE ELECTRICAL CONTRACTOR WILL TEST ALL THE OUTLETS WITHIN EACH WORKSTATION ONCE SOFTWARE INSTALLATION

WORKSTATION CONTRACTOR TO SUPPLY UMBILICAL COVER.

REFER TO WORKSTATION LAYOUT PLAN DRAWINGS FOR WORKSTATION CLUSTER CONFIGURATIONS, LOCATIONS & QUANTITIES

ALL DRAWERS TO BE LOCKABLE. PEDESTALS KEYED TO DIFFER WITH MASTER KEY PROVIDED.

MOBILE PEDESTAL TO INCLUDE ANTI-TILT MECHANISM AND 5 CASTORS.

REFER TO LAYOUT PLANS & WORKSTATION DETAIL DRAWINGS FOR PLACEMENT LOCATIONS.

WORKSTATION CONTRACTOR TO ATTEMPT TO CLOSELY MATCH DRAWINGS SHOWN WITH STANDARD PROPRIETARY LINE SYSTEM. NON-STANDARD LINES ARE NOT DESIRED. CONTRACTOR TO PROVIDE IMAGES OF PROPOSED LINE SYSTEM WITH TENDER SUBMISSION.

LOCATION OF UNDERBENCH GPO/DATA/USB MODULE TO BE CONFIRMED BY  
CLIENT PRIOR TO DATE OF INSTALLATION.





- WORKSTATION CONTRACTOR TO ATTEMPT TO CLOSELY MATCH DRAWINGS SHOWN WITH STANDARD PROPRIETRY LINE SYSTEM. NON-STANDARD ITEMS ARE NOT DESIRED. CONTRACTOR TO PROVIDE IMAGES OF PROPOSED SYSTEM WITH TENDER SUBMISSION.



### 14.3 COUNCILLORS' INFORMATION BULLETIN

<b>SUBJECT INDEX:</b>	Councillors' Information
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Executive Services
<b>ACTIVITY UNIT:</b>	Executive Services
<b>REPORTING OFFICER:</b>	Reporting Officers - Various
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Planning Applications Received 1 April - 15 April 2016
	Attachment B Planning Applications Determined 1 April - 15 April 2016
	Attachment C State Administrative Tribunal Appeals as at 21 April 2016
	Attachment D SWAN - Letter of Appreciation
	Attachment E Shire of Murray - Letter of Appreciation
	Attachment F Department of Planning – Carburnup Hamlet Response Letter
	Attachment G Government of Western Australia - 2015 Womens Report Card

#### **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**

##### **14.3.1 Planning and Development Statistics**

Attachment PDS1 is a report detailing all Planning Applications received by the City between 1 April, 2016 and 15 April, 2016. 49 formal applications were received during this period.

Attachment PDS2 is a report detailing all Planning Applications determined by the City between 1 April, 2016 and 15 April, 2016. A total of 48 applications (including subdivision referrals) were determined by the City during this period with 46 approved / supported and 2 refused.

##### **14.3.2 State Administrative Tribunal (SAT) Appeals**

Attachment C is a list showing the current status of the State Administrative Tribunal appeals involving the City of Busselton as at 21 April 2016.

##### **14.3.3 South West Autism Network (SWAN) – Letter and Certificate of Appreciation**

Correspondence has been received from the South West Autism Network and is available to view in Attachment D.



**14.3.4 Shire of Murray – Letter of Appreciation**

Correspondence has been received from the Shire of Murray and is available to view in Attachment E.

**14.3.5 Department of Planning – Carbunup Hamlet Response Letter**

Correspondence has been received from the Department of Planning and is available to view in Attachment F.

**14.3.6 Government of Western Australia – 2015 Women’s Report Card**

Correspondence has been received from the Government of Western Australia the covering letter is available to view in Attachment G and the full report is located in the Council in tray.

**OFFICER RECOMMENDATION**

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

- 14.3.1 Planning and Development Statistics
- 14.3.2 State Administrative Tribunal (SAT) Appeals
- 14.3.3 South West Autism Network (SWAN) – Letter and Certificate of Appreciation
- 14.3.4 Shire of Murray – Letter of Appreciation
- 14.3.5 Department of Planning – Carbunup Hamlet Response Letter
- 14.3.6 Government of Western Australia – 2015 Women’s Report Card

## Applications Received (Deemed Complete) Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Date Application Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	Clock Days
<b>Development Applications</b>								
DA16/0092	Oversize and Overheight Outbuilding (Reconsideration of a decision to refuse planning consent DA15/0454)	128 Hawker Approach-YALVALUP WA 6280	Lot 723 PLAN 75743	14/04/2016	0	Mark Jarrod Anderson	Sheds Down South	17
DA16/0103	Single House and Retaining Walls (Port Geographe Development Area)	6 Twine Court-GEOGRAPHE WA 6280	Lot 480 PLAN 22273	4/04/2016	711398	Arna-Lee Jensen & Djordje Zlatkovic	Tangent Nominees Pty Ltd	44
DA16/0134	Floating Jetty (Port Geographe Development Area)	7 Waterline View-GEOGRAPHE WA 6280	Lot 54 PLAN 57392	7/04/2016	6000	Derrick Goss & Jodie Katrina Goss	Jodie Katrina Goss, Derrick Goss	26
DA16/0142	Additions to Existing Single House (Special Character Area)	3 Geographe Close-QUINDALUP WA 6281	Lot 12 PLAN 12649	12/04/2016	5000	Stephanie Helen Jacks	Stephanie Helen Jacks, Wayne Jacks	50
DA16/0145	Outbuilding (storage)	51 Caves Road-ABBEE WA 6280	Lot 4 DIAGRAM 46285	7/04/2016	20000	Andrew David Halsted Stewart	Andrew David Halsted Stewart	68
DA16/0146	Modified Building Envelope (shed and carport)	28 Otter Close-QUINDALUP WA 6281	Lot 16 PLAN 34438	11/04/2016	0	Pauline Joan Banks	West Coast Designs Pty Ltd	40
DA16/0173	R-Codes - Carport (Reduced Side Setback)	42 Country Road-BOVELL WA 6280	Lot 213 PLAN 24572	4/04/2016	6555	Graeme Peter Smit & Lorelie Anne Smit	CPR Outdoor Centre	46
DA16/0181	Over-height and Oversized Outbuilding (within a Landscape Value Area)	Burwood Lane-YALLINGUP SIDING WA 6282	Lot 46 PLAN 18684	4/04/2016	60000	Darren Frank Waters & Kristy Lee Waters	Busseton Sheds Plus	44
DA16/0183	Outbuilding and Water Tank in Landscape Value Area	Cornerstone Way-QUEDINUP WA 6281	Lot 8 PLAN 74289	13/04/2016	31400	Kailla Leah Erickson & Ethan Michael Erickson	Sheds Down South	42
DA16/0184	Outbuilding (storage)	24 Country Road-BOVELL WA 6280	Lot 166 PLAN 22717	13/04/2016	50000	Gemma Louise Passmore & Rhys Joshua Passmore	Busseton Sheds Plus	16
DA16/0187	Residential Enterprise (commercial cooking)	33 Southern Drive-BUSSETON WA 6280	Lot 16 DIAGRAM 39070	12/04/2016	1	Keerthana Sathish Kumar & Sathish Kumar Angla Thulasiraman	Keerthana Sathish Kumar, Sathish Kumar Angla Thulasiraman	5
DA16/0194	Single Dwelling (setback variation)	26 Dalemoor Way-WEST BUSSETON WA 6280	Lot 345 PLAN 400537	11/04/2016	210000	Jack Gregory Marwick	Geographe Bay Building	0
DA16/0198	Floating Pontoon and Gangway (Port Geographe Development Area)	14 Gunwale Elbow-GEOGRAPHE WA 6280	Lot 123 PLAN 59251	12/04/2016	33055.37	Christopher Robert Burns & Kaye Frances Burns	Universal Marina Systems	15
DA16/0202	Single Dwelling (Special Character and Coastal Management Area)	290 Geographe Bay Road-QUINDALUP WA 6281	Lot 25 DIAGRAM 21084	4/04/2016	1200000	Graham Keith Teede & Vicki Lee Teede	West Coast Designs Pty Ltd	14
DA16/0203	Outbuilding Addition to Managers Residence	19/40 Hemley Road-NATURALISTE WA 6281	Lot 19 STPLN 32549	12/04/2016	17000	James Martin Peck & Catherine Anne Sampson	James Martin Peck, Catherine Anne Sampson	31
DA16/0204	Holiday Home (Grouped Dwelling) 6 people	10A Smith Street-DUNSBOROUGH WA 6281	Lot 2 SSPLN 57294	13/04/2016	0	Paul Arthur Johnson	Paul Arthur Johnson	39
DA16/0207	Outbuilding (Reduced Setback)	7 Hill Road-YOGANUP WA 6275	Lot 4087 PLAN 164882	14/04/2016	50000	Jane Marie Bennett & Owen Sean Bennett	Busseton Sheds Plus	31
DA16/0209	Relocated Building Envelope	Sheoak Drive-YALLINGUP WA 6282	Lot 110 PLAN 39416	6/04/2016	0	Braden Dean Fairhead & Tanya Louise Fairhead	Braden Dean Fairhead, Tanya Louise Fairhead	0
DA16/0217	Over-height Outbuilding (with a reduced setback of 1m)	32 Caprock Crescent-VASSE WA 6280	Lot 539 PLAN 49085	5/04/2016	10000	Chad St Clair Wills & Chelsea Lee Wills	Chad St Clair Wills, Chelsea Lee Wills	35
DA16/0220	Multipurpose Transportable (classrooms/offices)	245 Cape Naturaliste Road-DUNSBOROUGH WA 6281	Lot 999 PLAN 19518	12/04/2016	200000	Roman Catholic Bishop of Bunbury - Dunsborough	Roman Catholic Bishop of Bunbury - Dunsborough	38
DA16/0222	Residential Enterprise (Swim School)	3 Court Street-WEST BUSSETON WA 6280	Lot 19 DIAGRAM 6327	5/04/2016	150000	DMRC Pty Ltd	DMRC Pty Ltd	23
DA16/0223	Holiday Home (Single House) - 8 People	5 Dress Circle-YALLINGUP WA 6282	Lot 20 PLAN 41565	5/04/2016	0	Kylie Nadine Cribb	Kylie Nadine Cribb, Private Properties	596
DA16/0226	Relocated Building Envelope (Oversized and Overheight Outbuilding)	24 Wildbrook Place-YALLINGUP WA 6282	Lot 39 PLAN 41565	5/04/2016	53500	Tanya Michelle Wilding	Sheds Down South	6
DA16/0227	Single House (Landscape Value Area)	Summer Brace-YALLINGUP WA 6282	Lot 66 PLAN 62390	14/04/2016	180000	Western Hardwoods Pty Ltd	William Gardner	9
DA16/0228	Patio addition to a Single House (side setback variation)	2 Snipe Close-GEOGRAPHE WA 6280	Lot 242 PLAN 17628	12/04/2016	10000	Ciaran Pathan McCabe & Rikki McCabe	Ciaran Pathan McCabe, Rikki McCabe	21
DA16/0231	Single House (Landscape Value Area)	4 Calamari Street-KEALY WA 6280	Lot 1225 PLAN 407112	4/04/2016	243861	Graeme John Bailey & Loren Rose Bailey	Loren Rose Bailey, Graeme John Bailey	1
DA16/0233	Outbuilding (Landscape Value Area)	152 Hayes Road-QUINDALUP WA 6281	Lot 32 PLAN 26356	5/04/2016	13000	David Malcolm Gabrieli & Carolyn Jane Petroboni	Busseton Sheds Plus	2
DA16/0235	Additions / Alterations to Single House (reduced setback)	211 Harmans Mill Road-METRICUP WA 6280	Lot 1 DIAGRAM 84199	6/04/2016	30000	Michael Edwin McKenna	Michael Edwin McKenna	7
DA16/0236	Holiday Home (Single House) 9 People	246 Lagoon Drive-YALLINGUP WA 6282	Lot 15 PLAN 23574	6/04/2016	0	Peter Reid Bremner & Clayton Lyn Gollidge	Peter Reid Bremner	24
DA16/0239	Single House (Landscape Value Area)	10 Silvereye Street-KEALY WA 6280	Lot 1172 PLAN 403613	5/04/2016	227869	Brendan Gerard Mills & Carlene Marijke Mills	Carlene Marijke Mills, Brendan Gerard Mills	1
DA16/0240	Single House (Landscape Value Area)	6 Morwong Street-KEALY WA 6280	Lot 1322 PLAN 407112	5/04/2016	202219	Jared Charles Harris	Jared Charles Harris	1
DA16/0241	Single House (R-Codes)	11 Serpentine Bend-YALVALUP WA 6280	Lot 36 PLAN 404829	6/04/2016	246808	Wade Keith Sheedy & Amber Jane Beard	WA Country Builders Pty Ltd - Busseton	7
DA16/0242	Single House (R-Codes)	20 Serpentine Bend-YALVALUP WA 6280	Lot 792 PLAN 404829	11/04/2016	229719	Glen Elvis McLean & Briony Sharrille McLean	Tangent Nominees Pty Ltd	23
DA16/0243	Bed & Breakfast	4 Riedle Close-GEOGRAPHE WA 6280	Lot 429 PLAN 21786	7/04/2016	0	Paul Leslie Wilson & Doungdee Wilson	Paul Leslie Wilson, Doungdee Wilson	10
DA16/0245	Single Residence (R Codes variation - boundary wall)	37 Butterworth Springs Avenue-DUNSBOROUGH WA 6281	Lot 201 PLAN 404248	12/04/2016	420000	Clinton Williams & Jennifer Lee Knight	Ustyle Homes	17
DA16/0248	Change in Use - Holiday Home - 6 People	7 Roberts Road-ABBEE WA 6280	Lot 73 PLAN 7121	14/04/2016	0	Divvy Developments Pty Ltd	Divvy Developments Pty Ltd	21
DA16/0252	Patio Addition to Single House (Port Geographe Development Area)	27 Headstay Cove-GEOGRAPHE WA 6280	Lot 31 PLAN 57392	13/04/2016	9080	Cherri Margaret Brown & Geoffrey Mervyn Hard	CPR Outdoor Centre	9

DA16/0253	Outbuilding (reduced setbacks)	25 Goshawk Way~VASSE WA 6280	Lot 40 PLAN 76953	14/04/2016	10200	Matthew Joseph Shaw & Nicole Anne Shaw	Nicole Anne Shaw, Matthew Joseph Shaw	25
DA16/0256	Residential Enterprise (Glass Cutting)	7 Carob Way~VASSE WA 6280	Lot 675 PLAN 49088	14/04/2016	0	Leigh Daniel Foster & Penny Lee May	Leigh Daniel Foster, Penny Lee May	0
DA16/0259	Single House (R-Codes Variation)	8 Coates Street~BROADWATER WA 6280	Lot 59 DIAGRAM 37565	14/04/2016	189855	Sarah Elizabeth Page & Stephen Page	Wilde Design and Construction Pty Ltd	10
DA16/0263	Single House (Landscape Value Area)	18 Calamari Street~KEALY WA 6280	Lot 1218 PLAN 407112	14/04/2016	262339	Perron Developments Pty Ltd & Stawell Pty Ltd	Stawell Pty Ltd, Perron Developments Pty Ltd	1
DA16/0265	Single House (Landscape Value Area)	20 Calamari Street~KEALY WA 6280	Lot 1217 PLAN 407112	14/04/2016	198555	Perron Developments Pty Ltd & Stawell Pty Ltd	Perron Developments Pty Ltd, Stawell Pty Ltd	15
DA16/0268	Single House (Landscape Value Area)	4 Monwong Street~KEALY WA 6280	Lot 1323 PLAN 407112	14/04/2016	357657	Paul Dixon & Sarah Elizabeth Dixon	Perron Developments Pty Ltd, Stawell Pty Ltd, Sarah Elizabeth Dixon, Paul Dixon	1
DA16/0269	Single House (R-Codes)	33 Alice Street~YALVALLUP WA 6280	Lot 780 PLAN 400177	14/04/2016	151365	Darryl Edward Yates & Vicki Zuhra Yates	Tangent Nominees Pty Ltd	15
WAPC16/0012	Three (3) Lot Subdivision (485sqm - 3360sqm)	51 Ford Road~GEOGRAPHE WA 6280	Lot 100 PLAN 24762	1/04/2016	0	Vernon Ashley Brockman	ON-Q Projects	29
WAPC16/0013	2 x Residential Lot Subdivision	22 Sandpiper Cove~BROADWATER WA 6280	Lot 200 DIAGRAM 91183	1/04/2016	0	Andrew Timothy Marshall Taylor & Lesley Dawn Taylor	Harley Dykstra	39
WAPC16/0014	2 x Lot Subdivision (40.56Ha - 40.52Ha)	216 Fish Road~SABINA RIVER WA 6280	Lot 1884 PLAN 201690	7/04/2016	0	Antony Spencer Cook & Claire Elizabeth McIntosh	Busseilton Survey Office (NO LONGER CURRENT)	22
WAPC16/0015	Eight (8) Lot Subdivision (plus balance lot)	Caves Road~DUNSBOROUGH WA 6281	Lot 9017 PLAN 72413	7/04/2016	0	Waitaki Pty Ltd, Maureen Edwards, Tapaum Pty Ltd	Harley Dykstra	24
WAPC16/0016	Four (4) Subdivision Lots (WAPC 338-16)	18 Ostler Drive~VASSE WA 6280	Lot 52 PLAN 52479	12/04/2016	0	Dreamhunter Investments Pty Ltd, Crumena Pty Ltd, Cornerstone Construction WA Pty Ltd	Western Australian Planning Commission (WAPC)	17

## Applications Determined Report

Application Number	Description	Primary Property Address	Primary Property Legal Desc	Applic Determined Date	Application Determined Result	Decision	Clock Days	Estimated Cost	Primary Property Owners	Applicant Name
<b>Development Applications</b>										
DA15/0519	Extractive Industry (Sand)	Gale Road*KALOORUP WA 6280	Lot 4205 PLAN 208196	13/04/2016	Approved	Approved	180	1	Sheila Macfarlane Edwards & Vincent Alfred Edwards	BSO Development Consultants Pty Ltd
DA15/0687	Change of Use (from Used Vehicles to Motor Vehicle Repair)	13 Wright Street*BUSSELTON WA 6280	Lot 87 DIAGRAM 70300	8/04/2016	Approved	Approved	70	0	Kevin John Davis	Christopher Charles Maxwell
DA15/0724	Modification to Chalet Design	7/11 Quinup Road*YALLINGUP WA 6282	Lot 7 SSPLN 58314	12/04/2016	Approved	Approved	46	225000	Gerrit Andre Kemp	Gerrit Andre Kemp
DA16/0007	Holiday Home (Grouped Dwelling) 6 people	8A Gibney Street*DUNSBOROUGH WA 6281	Lot 1 STPLN 18112	7/04/2016	Approved	Approved	55	0	Mark Connell Parker	Mark Connell Parker
DA16/0014	Irrigation Dam (Landscape Value Area)	38 Sloan Drive*DUNSBOROUGH WA 6281	Lot 76 PLAN 20473	8/04/2016	Approved	Approved	26	5000	Robert Jonathon Drake Blechynden	Robert Jonathon Drake Blechynden
DA16/0021	Single House (Special Character Area)	16 Vincent Street*DUNSBOROUGH WA 6281	Lot 27 PLAN 9656	1/04/2016	Approved	Approved	60	550297	Shannon Louise McKenzie Prentice	AK Homes Construction Pty Ltd
DA16/0024	Cafe/Takeaway - Three (3) Shops - Three (3) Proposed future Lots 102 & Lot 103 (L9542)	Napoleon Promenade*VASSE WA 6280	Lot 9542 PLAN 403620	11/04/2016	Approved	Approved	89	830000	Perron Developments Pty Ltd & Stawell Pty Ltd	Perron Developments Pty Ltd, Stawell Pty Ltd
DA16/0042	Gable Patio (extension)	111 Beachfields Drive*ABBEY WA 6280	Lot 133 PLAN 45229	13/04/2016	Approved	Approved	36	9600	Coral Anne Woosnam	CPR Outdoor Centre
DA16/0044	Two (2) Grouped Dwellings	2 Moore Street*WEST BUSSELTON WA 6280	Lot 64 DIAGRAM 35323	8/04/2016	Approved	Approved	73	389975	Russell George Platts	WA Country Builders Pty Ltd - Busselton
DA16/0078	Demolition of Existing Dwellings to Construct Two (2) Grouped Dwellings	610B Caves Road*MAIRYBROOK WA 6280	Lot 1 SSPLN 41857	1/04/2016	Approved	Approved	66	2200000	Estate Of Ronald Matthew Harken & Toni Aburn Harken	Dane Design Australia Pty Ltd
DA16/0090	Oversized Outbuilding (cumulative and retrospective)	8 Hay Shed Road*BOVELL WA 6280	Lot 119 PLAN 21639	6/04/2016	Approved	Approved	48	5000	Alan John Birch & Dianne Birch	Alan John Birch, Dianne Birch
DA16/0092	Oversize and Overheight Outbuilding (Reconsideration of a decision to refuse planning consent DA15/0454)	128 Hawker Approach*YALVALUP WA 6280	Lot 723 PLAN 75743	14/04/2016	Refused	Refused	17	0	Mark Jarrod Anderson	Sheds Down South
DA16/0093	R-Codes: Patio (Reduced Side Setback)	22 Pianobox Boulevard*WEST BUSSELTON WA 6280	Lot 675 PLAN 50930	1/04/2016	Approved	Approved	20	5720	Joan Evelyn Fidock & Robert Ian Fidock	G Hair and Co
DA16/0094	R-Codes: Patio (Reduced Side Setback)	1 Smokebox Avenue*WEST BUSSELTON WA 6280	Lot 795 PLAN 400546	1/04/2016	Approved	Approved	22	4800	Hayley Siobhan Packard-Hair & Zebdee Gordon Edward Packard-Hair	Zebdee Gordon Edward Packard-Hair
DA16/0099	Relocated Building Envelope (for an over-height and oversize outbuilding)	Nuttman Road*CHAPMAN HILL WA 6280	Lot 76 PLAN 401187	12/04/2016	Approved	Approved	0	0	Fabrizio Goria & Maria Mariah Dottori De Cerqueira	Sheds Down South
DA16/0100	Walls constructed up to two (2) lot boundaries	4 Lyrebird Road*BROADWATER WA 6280	Lot 351 PLAN 44210	1/04/2016	Approved	Approved	1	6100	Adrian Paul Handreck & Emma Louise Handreck	Adrian Paul Handreck
DA16/0101	Relocated Building Envelope	52 Marron Rise*YALLINGUP WA 6282	Lot 5 PLAN 21938	12/04/2016	Approved	Approved	56	0	Andrew Charles Bartley & Marnie Clare Timms	Andrew Charles Bartley, Marnie Clare Timms
DA16/0104	over height and oversize outbuilding	35 Gibney Street*DUNSBOROUGH WA 6281	Lot 1 SSPLN 55934	8/04/2016	Approved	Approved	52	19000	David Michael Wilkins	Busselton Sheds Plus
DA16/0106	Modify Building Envelope to Accommodate Outbuilding (Landscape Value Area)	190 Wisteria Drive*QUINDALUP WA 6281	Lot 1 PLAN 22674	11/04/2016	Approved	Approved	54	35000	Michelle Joan Wall	Michelle Joan Wall
DA16/0121	Accumulative oversize Outbuilding (within Conservation Zone and L/V Areas)	282 Matheson Road*WILYABRUP WA 6280	Lot 346 PLAN 118171	12/04/2016	Approved	Approved	31	25000	Werner Rudiger Mueller & Estate Of Irma Marina Mueller	Werner Rudiger Mueller
DA16/0122	R-Codes : Outbuilding (reduced rear & side setbacks)	5 Wentworth Loop*DUNSBOROUGH WA 6281	Lot 1059 PLAN 58898	1/04/2016	Approved	Approved	45	5000	Leslie Keith Hollins & Jennifer Margaret Hollins	Leslie Keith Hollins, Jennifer Margaret Hollins
DA16/0126	Oversize Outbuilding (Landscape Value Area / Wetland Area)	67 Floodgate Road*WONNERUP WA 6280	Lot 68 PLAN 223219	14/04/2016	Approved	Approved	51	50000	Dominic Anthony Serafino & Pamela Joy Serafino	Busselton Sheds Plus
DA16/0128	Change of Use (Medical Centre)	115 Bussell Highway*WEST BUSSELTON WA 6280	Lot 73 DIAGRAM 25159	5/04/2016	Approved	Approved	42	55000	Telemed Pty Ltd	Telemed Pty Ltd
DA16/0130	Change of Use (Bed and Breakfast)	18 Tip Dray Terrace*WEST BUSSELTON WA 6280	Lot 635 PLAN 45235	6/04/2016	Approved	Approved	43	0	Cheryl Beth Mazure	Cheryl Beth Mazure
DA16/0134	Floating Jetty (Port Geographe Development Area)	7 Waterline View*GEOGRAPHE WA 6280	Lot 54 PLAN 57392	11/04/2016	Approved	Approved	26	6000	Derrick Goss & Jodie Katrina Goss	Jodie Katrina Goss, Derrick Goss
DA16/0143	Single House (reduced rear lot boundary setback)	114 Geographe Bay Road*DUNSBOROUGH WA 6281	Lot 3 PLAN 49469	7/04/2016	Approved	Approved	29	900000	Alan William Douglas Wilkins & Judith Olga Wilkins	Alan William Douglas Wilkins, Judith Olga Wilkins
DA16/0146	Modified Building Envelope (shed and carport)	28 Otter Close*QUINDALUP WA 6281	Lot 16 PLAN 34438	12/04/2016	Approved	Approved	40	0	Pauline Joan Banks	West Coast Designs Pty Ltd
DA16/0148	Outbuilding (reduced setback)	20 Donald Way*GEOGRAPHE WA 6280	Lot 142 PLAN 14295	14/04/2016	Approved	Approved	36	8000	Mason Dene Trunfio & Lisa Jane Hammond	Mason Dene Trunfio
DA16/0155	Masonry Wall (Port Geographe Development Area)	8 Gunwale Elbow*GEOGRAPHE WA 6280	Lot 120 PLAN 59251	1/04/2016	Approved	Approved	22	6500	Dale Frances Turner & Michelle Maree Turner	Dale Frances Turner, Michelle Maree Turner
DA16/0158	Grouped Dwelling	5/1 St Michaels Parkway*DUNSBOROUGH WA 6281	Lot 6 SSPLN 56939	12/04/2016	Approved	Approved	33	250000	Jonathon Daniel Langsford	Lurie Concepts

DA16/0161	Additions / Alterations to Existing Industrial Building	8 Kershaw Street-BUSSELTON WA 6280	Lot 55 PLAN 13808	13/04/2016	Approved	Approved	0	70000	Robert Ivan Guthrie	Able Planning & Project Management
DA16/0165	R-Codes: Outbuilding (Reduced Side and Rear Setbacks)	12 Captain Gill Brace-BROADWATER WA 6280	Lot 624 PLAN 42121	1/04/2016	Approved	Approved	19	11000	Jessica Margaret House & Dylan Jesse Street	Dylan Jesse Street
DA16/0178	Tree Removal (Landscape Value Area)	8 Forest Court-REINSCOURT WA 6280	Lot 108 DIAGRAM 98512	4/04/2016	Approved	Approved	18	3000	Wayne Geoffrey Mann & Nikki Pallot	Wayne Geoffrey Mann
DA16/0185	R-Codes: Single House	5 Savory Crescent-YALVALUP WA 6280	Lot 559 PLAN 57989	1/04/2016	Refused	Refused	16	224590	Craig Jordan Parry	WA Country Builders Pty Ltd - Busseilton
DA16/0196	Overheight Outbuilding	22 Hay Shed Road-BOVELL WA 6280	Lot 126 PLAN 21639	4/04/2016	Approved	Approved	6	25000	Samantha Kathryn Emma Reither & Matthew Paul Reither	Matthew Paul Reither, Samantha Kathryn Emma Reither
DA16/0198	Floating Pontoon and Gangway (Port Geographe Development Area)	14 Gunwale Elbow-GEOGRAPHE WA 6280	Lot 123 PLAN 59251	13/04/2016	Approved	Approved	15	33055.37	Christopher Robert Burns & Kaye Frances Burns	Universal Marina Systems
DA16/0210	Holiday Home (Single House) - 6 occupants	5 Green Street-DUNSBOROUGH WA 6281	Lot 74 PLAN 8951	12/04/2016	Approved	Approved	15	0	Joel Walter Cornelius	Joel Walter Cornelius
DA16/0223	Holiday Home (Single House) - 8 People	5 Dress Circle-YALLINGUP WA 6282	Lot 20 PLAN 41565	11/04/2016	Approved	Approved	596	0	Kylie Nadine Cribb	Kylie Nadine Cribb, Private Properties
DA16/0231	Single House (Landscape Value Area)	4 Calamari Street-KEALY WA 6280	Lot 1225 PLAN 407112	4/04/2016	Approved	Approved	1	243861	Graeme John Bailey & Loren Rose Bailey	Loren Rose Bailey, Graeme John Bailey
DA16/0233	Outbuilding (Landscape Value Area)	152 Hayes Road-QUINDALUP WA 6281	Lot 32 PLAN 26356	6/04/2016	Approved	Approved	2	13000	David Malcolm Gabrielli & Carolyn Jane Petroni	Busseilton Sheds Plus
DA16/0235	Additions / Alterations to Single House (reduced setback)	211 Harmans Mill Road-METRICUP WA 6280	Lot 1 DIAGRAM 84199	14/04/2016	Approved	Approved	7	30000	Michael Edwin McKenna	Michael Edwin McKenna
DA16/0239	Single House (Landscape Value Area)	10 Silvereye Street-KEALY WA 6280	Lot 1172 PLAN 403613	5/04/2016	Approved	Approved	1	227869	Brendan Gerard Mills & Carlene Marjike Mills	Carlene Marjike Mills, Brendan Gerard Mills
DA16/0240	Single House (Landscape Value Area)	6 Morwong Street-KEALY WA 6280	Lot 1322 PLAN 407112	5/04/2016	Approved	Approved	1	202219	Jared Charles Harris	Jared Charles Harris
DA16/0241	Single House (R-Codes)	11 Serpentine Bend-YALVALUP WA 6280	Lot 36 PLAN 404829	11/04/2016	Approved	Approved	7	246808	Wade Keith Sheedy & Amber Jane Beard	WA Country Builders Pty Ltd - Busseilton
DA16/0263	Single House (Landscape Value Area)	18 Calamari Street-KEALY WA 6280	Lot 1218 PLAN 407112	14/04/2016	Approved	Approved	1	262339	Perron Developments Pty Ltd & Stawell Pty Ltd	Stawell Pty Ltd, Perron Developments Pty Ltd
DA16/0268	Single House (Landscape Value Area)	4 Morwong Street-KEALY WA 6280	Lot 1323 PLAN 407112	14/04/2016	Approved	Approved	1	357657	Paul Dixon & Sarah Elizabeth Dixon	Perron Developments Pty Ltd, Stawell Pty Ltd, Sarah Elizabeth Dixon, Paul Dixon
DA16/0045	Unauthorised Development (Offensive or Hazardous Industry) - Lot 42 (No. 19) Isaacs Street, Busseilton (Busseilton Salvage / Local Bins)	19 Isaacs Street-BUSSELTON WA 6280	Lot 42 P16782 & Lot 50 D69248	5/04/2016		InfoNotRec	109	0	Janet Wilson	
WAPC16/0007	Re-Subdivision of 5 Existing Lots to Create 7 Residential Lots and 1 Balance Lot	32 Lanyard Boulevard-GEOGRAPHE WA 6280	Lot 75 PLAN 59251	7/04/2016	Support	WaitWAPC	45	0	Aigle Geographe No 7 Pty Ltd	Aigle Geographe Pty Ltd

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

As at 21 April 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
<b>Eichenberg vs City of Busselton</b>	December 2014	Appeal against Section 214(2) and 214(3) Notices issued on 17 December 2014 for the removal of all illegal structures and cease the use of the land for raves and functions.	Jo Wilson/Cobus Botha	Mediation on 20 November 2015 which resulted in following orders being made: <ul style="list-style-type: none"> <li>Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan.</li> <li>All notices have been stayed pending consideration of the BFMP.</li> <li>Applicant did not engage a specialist to undertake a BFMP as a result the matter has been listed for a Directions Hearing to set dates for a Formal Hearing.</li> </ul>	<ul style="list-style-type: none"> <li>Directions Hearing scheduled for 6 May 2016</li> </ul>	
<b>Harmanis Holdings Pty Ltd vs City of Busselton</b>	Sept 2014	Appeal against a 214(3) notice to revegetate the fire track.	Jo Wilson/Moshe Philips	<ul style="list-style-type: none"> <li>Directions Hearing on 20 November 2015; agreed that the notice be stayed pending further discussion between the applicant and the City upon agreed extent of vegetation rehabilitation.</li> <li>Development application refused for creek crossing</li> </ul>	<ul style="list-style-type: none"> <li>Directions Hearing scheduled for 6 May 2016</li> </ul>	

				<ul style="list-style-type: none"> <li>and amended Fire Management Plan;</li> <li>Agreed that the applicant will submit a Development Application to retain the track for maintenance purposes of the property;</li> <li>Development Application has been submitted and approved.</li> </ul>		
<b>Lee vs City of Busselton</b>	June 2015	Appeal against Demolition Order	James Washbourne/ Cobus Botha	<ul style="list-style-type: none"> <li>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</li> <li>A Building Permit was approved on 22 December 2015.</li> <li>Building work commenced on 23 January 2016;</li> </ul>	<ul style="list-style-type: none"> <li>Directions Hearing scheduled for 10 May 2016</li> </ul>	
<b>DCSC vs Southern JDAP</b>	January 2016	Appeal against refusal of Development application	State Solicitors Office/Anthony Rowe/Paul Needham	<ul style="list-style-type: none"> <li>Parties to circulate documents categorising the land use within 14 days.</li> <li>Land use to be determined by SAT.</li> </ul>	<ul style="list-style-type: none"> <li>City seeking further advice from Southern JDAP representatives as to progress/direction with resolving land use classification issue.</li> </ul>	

<b>Realview Holdings Pty Ltd vs City of Busselton</b>	March 2016	Appeal against refusal of Development Application	Cobus Botha/Anthony Rowe	<ul style="list-style-type: none"> <li>• Directions hearing on 18 March 2016, agreed that the City would reconsider its decision at the Council meeting on 13 April 2016; by 18 April 2016 the City must provide a statement of its decision to the applicant and Tribunal; by 20 April 2016 if the applicant is content then they must withdraw from proceedings or provide to the City a statement of the aspects of the decision that it contests.</li> <li>• Council reconsidered application on 13 April 2016 and resolved to approve the development.</li> </ul>	<ul style="list-style-type: none"> <li>• Matter resolved.</li> </ul>	19 April 2016.
<b>Caves Caravan Park vs City of Busselton</b>	March 2016	Appeal against Section 34(4) of the Caravan Parks and Camping Grounds Act 1995 and Section 214(2) notice for illegal structures and camping	Moshe Philips/Tanya Gillett/Anthony Rowe	<ul style="list-style-type: none"> <li>• Directions hearing to commence proceedings and discuss way forward.</li> <li>• Mediation hearing scheduled for 29 April 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• Mediation 29 April 2016</li> </ul>	





23<sup>rd</sup> March 2016

Mayor Grant Henley  
City of Busselton  
38 Peel Terrace  
Busselton WA 6280

City of Busselton	Application No		Receipt No	
	CIO ID			
	12 APR 2016			
	Property ID		Doc ID	
	Reference			

Dear Grant,

On behalf of the South West Autism Network Members, Board and Staff, I would like to express our deepest thanks and appreciation for your support in achieving the successful construction of a safety fence around the playground at Rotary Park on Causeway Road, Busselton.

The construction of the fence around the perimeter of the onsite playground, with double self-closing gate, has dramatically improved access to the community for children with autism and other developmental disabilities and their families. Many families who have a member diagnosed with autism or other developmental disability are extremely isolated. The ability to connect with other families at a safe public space will greatly improve the lives of children with autism, their siblings and parents, as well as the wider community.

Thank you for your invaluable support in making our community a safer and more inclusive place for children with autism, developmental or intellectual disability, and families as a whole.

Best wishes,

Nick Avery  
SWAN Coordinator

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**South West Autism Network Inc**

Office: 39 Kent St, Busselton WA 6280

Postal: PO Box 1739, Busselton WA 6280

Phone: (08) 9754 7322

Email: [info@swanautism.org.au](mailto:info@swanautism.org.au)

ABN: 60 399 882 817



## Certificate of Appreciation

Presented to:

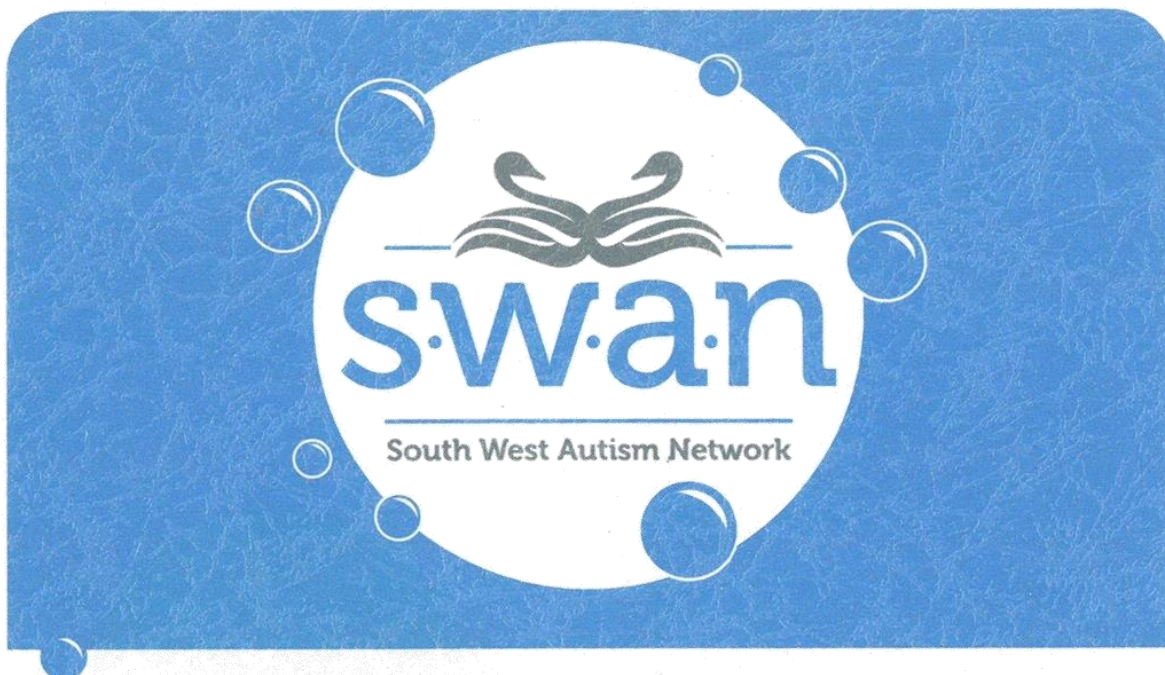
*Mayor Grant Henley*

*For their very generous support of SWAN and of the individuals and families of the south west region living with autism. Thank you.*

A handwritten signature in black ink, which appears to read "Stephen", is written over a horizontal line.

Dr Stephen Cohen  
President  
23 March 2016





## Certificate of Appreciation

Presented to:

*City of Basselton*

*For their very generous support of SWAN and of the individuals and families of the south west region living with autism. Thank you.*

A handwritten signature in black ink, reading 'Stephen Cohen'.

Dr Stephen Cohen  
President  
23 March 2016



Our Reference: 1826-05  
Enquiries: D Walker

31 March 2016

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

City of Busselton	Application No	Receipt No	City of Busselton
	CIC ID		
	12 APR 2016		
	Property ID	Doc ID	
	Retention		

Ph: (08) 9531 7777  
Fax: (08) 9531 1981  
mailbag@murray.wa.gov.au  
Postal Address: PO Box 21  
Pinjarra WA 6208  
ABN. 16 036 156 261

Dear Mike

**City of Busselton Assistance during the Teesdale Bushfire**

I write in reference to the bushfire event in Teesdale that occurred between the 14<sup>th</sup> and 17<sup>th</sup> March 2016.

On behalf of the Shire of Murray Elected Members, Staff, Local Emergency Management Committee and Volunteer Bush Fire Brigades collectively I wish to express sincere thanks for the valuable assistance provided by City of Busselton and their emergency volunteer organisations.

Would you please pass on our sincere gratitude to all that assisted at this incident.

Any further enquiries in regard to this matter should be directed to the Community Emergency Services Coordinator, Ms Donna Walker, on 9531 7635.

Yours sincerely

  
Dean Unsworth  
Chief Executive Officer



Government of Western Australia  
Department of Planning

Chief Executive Officer  
City of Busselton  
Locked Bag 1  
BUSSELTON WA

Attn: Louise Korovesi

Your ref: DP12/0010	
Our ref: DP/14/00307/1	
Application No	Enquiries Receipt No
CIO ID	
20 APR 2016	
Property ID	Doc ID
Retention	

Dear Sir/Madam

**PROPOSED LOCATION FOR A NEW SETTLEMENT (HAMLET): LOTS 1, 2 & 1490 WILDWOOD ROAD AND PORTION LOT 115 BUSSELL HIGHWAY, CARBUNUP RIVER**

Thank you for your letter dated 11 February 2016, advising the Commission of the City's resolution in relation to this matter.

I understand that the 'Carbunup Hamlet Phase 1 - Hamlet Location' report (dated May 2015) was prepared by the proponent to determine if the City was prepared to progress further planning (i.e. initiate scheme amendments or structure plans) to facilitate the proposed hamlet.

Given that the report does not constitute a scheme amendment or structure plan, there is no statutory role for the Commission to formally consider the matter at this time. However, the City's recommendations and the associated reasons provided for not progressing the Carbunup River settlement expansion, at this time, are noted.

In the event that any future scheme amendments and structure plans are formally initiated, the Commission will consider these in accordance with the normal planning processes.

The City's request to review the settlement expansion areas for Carbunup River and Metricup as part of the Leeuwin Naturaliste Sub-Regional Strategy, is also noted. In this regard, the Department of Planning will continue to liaise with the City as part of the Strategy's consultation and preparation, where these and other matters can be considered.

If you have any queries regarding the above, please contact Mr Neil Fraser on 9791 0577.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Schramm', with a long horizontal stroke extending to the right.

Michael Schramm  
Planning Director  
South West Regions

15 April 2016



Government of **Western Australia**  
Department of **Local Government and Communities**

C1B

Our ref: E1612499

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

City of Busselton	Application No		Receipt No		City of Busselton
	C/O ID				
	20 APR 2016				
	Property ID		Doc ID		
	Retention				

Dear Mr Archer

I am pleased to provide you with a copy of the 2015 Women's Report Card.

Produced by the Department of Local Government and Communities, the report contains extensive data and research about Western Australian women in the areas of leadership; economic independence; safety and justice; and health and wellbeing. It aims to raise awareness of the status and progress of Western Australian women and to contribute to the evidence base for actions which support gender diversity.

Data and evidence play a key role in setting gender diversity priorities and measuring progress. The 2015 report builds on the previous four editions and presents nearly 90 indicators, including new indicators about welfare payments, superannuation, home ownership, homelessness, family and domestic violence, and discrimination. Across its four areas, the report showcases over 500 statistics and also some key milestones and achievements.

I encourage you to consider the report and promote it within your organisation and networks. The report is also available online at [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

Yours sincerely

Jennifer Mathews  
DIRECTOR GENERAL

14 April 2016

Encl

Gordon Stephenson House  
140 William Street Perth WA 6000  
GPO Box R1250 Perth WA 6844  
Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)  
Email: [info@dlgc.wa.gov.au](mailto:info@dlgc.wa.gov.au) Website: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**16. CONFIDENTIAL REPORTS**

Nil

**17. QUESTIONS FROM MEMBERS**

**18. PUBLIC QUESTION TIME**

**19. NEXT MEETING DATE**

Wednesday, 25 May 2016

**20. CLOSURE**