

# **Council Agenda**

10 February 2016

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

# **CITY OF BUSSELTON**

# MEETING NOTICE AND AGENDA - 10 FEBRUARY 2016

# TO: THE MAYOR AND COUNCILLORS

**NOTICE** is given that a meeting of the Council will be held in the Meeting Room One, Community Resource Centre, 21 Cammilleri Street, Busselton on Wednesday, 10 February 2016, commencing at 5.30pm.

Your attendance is respectfully requested.

MIKE ARCHER

**CHIEF EXECUTIVE OFFICER** 

29 January 2016

# **CITY OF BUSSELTON**

# AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 10 FEBRUARY 2016

# **TABLE OF CONTENTS**

ITEM	NO.	SUBJECT P.	AGE NO.	
1.	DECLARA	TION OF OPENING AND ANNOUNCEMENT OF VISITORS	5	
2.	ATTENDANCE			
3.	PRAYER.	PRAYER		
4.	PUBLIC Q	UESTION TIME	5	
5.	ANNOUN	ICEMENTS WITHOUT DISCUSSION	5	
6.	APPLICAT	TION FOR LEAVE OF ABSENCE	5	
7.	PETITION	S AND PRESENTATIONS	5	
8.	DISCLOSU	JRE OF INTERESTS	5	
9.	CONFIRM	IATION AND RECEIPT OF MINUTES	5	
	Previous	Council Meetings	5	
	9.1	Minutes of the Council held on 27 January 2016		
10.	PLANNIN	G AND DEVELOPMENT SERVICES REPORT	6	
	10.1	AMENDMENT NO. 1 TO LOCAL PLANNING SCHEME NO. 21 - OMNIBUS AMENDMENT 1 - CONSIDERATION FOR FINAL ADOPTION	6	
	10.2	AMENDMENT 11 TO LOCAL PLANNING SCHEME 21 AND MODIFIED STRUCTURE PLAN LOT 201 BALMORAL DRIVE, QUINDALUP - CONSIDERATION FOR INITIATION FOR PUBLIC CONSULTATION	67	
	10.3	PROPOSED SUPERMARKET (ALDI) AND SHOWROOM, LOT 17, WEST STREET, BUSSELTON	83	
	10.4	PROPOSED DISCOUNT DEPARTMENT STORE (K-MART) AND SHOWROOM, LOT 17, WEST STREET, BUSSELTON	110	
	10.5	PROPOSED LOCATION FOR A NEW SETTLEMENT (HAMLET) - LOTS 1, 2 & 1490 WILDWOOD ROAD AND PORTION OF LOT 115 BUSSELL HIGHWAY, CARBUNUP RIVER - CONSIDERATION FOLLOWING PUBLIC ADVERTISING	134	
	10.6	DA15/0340 - CHANGE TO A NON-CONFORMING USE (OFFENSIVE OR HAZARDOUS INDUSTRY - CRUSHING AND RECYCLING OF BUILDING MATERIALS)	200	
11.	ENGINEE	RING AND WORKS SERVICES REPORT	309	
12.	COMMUI	NITY AND COMMERCIAL SERVICES REPORT	309	
13.	FINANCE	AND CORPORATE SERVICES REPORT	309	
	13.1	GEOGRAPHE BAY FOOTBALL CLUB LEASE AGREEMENT COMPOUND AREA	309	
14.	CHIEF EXI	ECUTIVE OFFICER'S REPORT	314	
	14.1	COUNCILLORS' INFORMATION BULLETIN	314	
15.	MOTIONS	S OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	347	
16.	CONFIDE	NTIAL REPORTS	347	
	16.1	UNAUTHORISED DEVELOPMENT RENTED HOLIDAY HOME 16 STOCKYARD LANE, GEOGRAPHE		

17.	QUESTIONS FROM MEMBERS	. 347
18.	PUBLIC QUESTION TIME	. 347
19.	NEXT MEETING DATE	. 347
20.	CLOSURF	. 347

## 1. <u>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</u>

## 2. <u>ATTENDANCE</u>

**Apologies** 

**Approved Leave of Absence** 

Nil

## 3. PRAYER

The Prayer will be delivered by Luke Fulton from the Dunsborough Community 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. <u>PETITIONS AND PRESENTATIONS</u>

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

# 9. **CONFIRMATION AND RECEIPT OF MINUTES**

**Previous Council Meetings** 

9.1 Minutes of the Council held on 27 January 2016

## **RECOMMENDATION**

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

**Committee Meetings** 

Nil

## 10. PLANNING AND DEVELOPMENT SERVICES REPORT

## 10.1 AMENDMENT NO. 1 TO LOCAL PLANNING SCHEME NO. 21 - OMNIBUS AMENDMENT 1 -

**CONSIDERATION FOR FINAL ADOPTION** 

**SUBJECT INDEX:** Town Planning Schemes and Amendments

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

diverse activity and strengthen our social connections.

BUSINESS UNIT: Strategic Planning and Development
ACTIVITY UNIT: Strategic Planning and Development
REPORTING OFFICER: Senior Strategic Planner - Helen Foulds

Manager, Strategic Planning and Development - Matthew Riordan

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

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Schedule of Submissions

Attachment B Schedule of Modifications

#### **PRÉCIS**

The Council is requested to consider adopting for final approval Omnibus Amendment No. 1 to Local Planning Scheme No. 21 (LPS21).

The proposed Amendment was advertised for 42 days, between 4 November 2015 and 16 December 2015, and a total of 67 submissions received (including 2 late submissions).

The majority of these submissions related to issues of support, commentary, concern or objection in relation to specific or general amendment proposals affecting the Dunsborough settlement. No objections were received from government agencies.

A 'Schedule of Modifications' has been prepared to address relevant issues raised. A limited number of modifications to the Amendment have been recommended by officers.

Officers recommend that the Council adopts proposed Omnibus Amendment No. 1 for final approval, subject to those modifications listed in the 'Schedule of Modifications'.

## **BACKGROUND**

At its meeting of 26 August 2015, the Council considered Omnibus Amendment No. 1 to the City of Busselton Local Planning Scheme No. 21 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 land use and development across the City.

The intent, purpose and scope of the changes recommended in the proposed 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 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; 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.

#### 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 identify the amendment level at this later stage. Notwithstanding this, proposed Omnibus Amendment No. 1 will now be progressed for final adoption as though it were a 'standard' amendment under the Regulations.

Proposed Omnibus Amendment No. 1 is considered to be consistent with requirements of the relevant statutory environment.

## **RELEVANT PLANS AND POLICIES**

The key policy implications with respect to the Amendment proposal are set out and discussed below under appropriate sub-headings:

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

## **Local Commercial Planning Strategy and Conceptual Plans**

The Local Commercial Planning Strategy (LCPS), adopted by Council on 10 November 2010, provides the long term strategic land use planning and strategic direction for the development of commercial land within the District.

The LCPS considered and made recommendations on urban design improvements in and around the Busselton City Centre and Dunsborough Town Centre, including:

- A wide-reaching Scheme amendment to facilitate mixed uses and more intensive development in the 'Business' zone, particularly in regard to a revision of policy to provide greater support for residential development in the 'Business' zone;
- An amendment to the Scheme to relax building height controls in the Busselton City and Dunsborough Town Centres;
- An increase in the R-coding of selected 'Residential'-zoned land immediately adjacent to the existing, recognised Dunsborough Town Centre; and
- The introduction of mixed-use precincts on the fringes of both centres, reflected in proposed areas of 'Additional Use' zone (A74) I areas adjoining both centres.

The Busselton City Centre and Dunsborough Town Centre Conceptual Plans further developed the recommendations of the LCPS and have in turn guided this proposed Omnibus Amendment. These plans were formally adopted by the Council at its meeting of 29 January 2014, following an extensive period of public consultation in 2013.

## **Local Cultural Planning Strategy**

The Local Cultural Planning Strategy ("the Cultural Strategy") was adopted by Council on 24 August 2011 and aims to build on certain recommendations in the City's 'Cultural Plan' (2005) by identifying and recommending strategies to underpin the cultural identity of the City and serve to introduce and embed arts and culture into the City's corporate and planning processes.

Some of the key changes to planning direction for the Busselton City Centre and Dunsborough Town Centre identified in the LCPS were further considered and responded to in the Cultural Strategy, specifically:

- Encouraging the development of mixed-use development and more places for informal social interaction including via development incentives; and
- The creation of home-based creative industry hubs and enterprises accommodated in single residential housing.

These and other actions have formed the basis for some of the recommendations endorsed in the Busselton City and Dunsborough Town Centre Conceptual Plans.

## **Bushfire-Related Policy**

The Planning and Development (Local Planning Schemes) Amendment Regulations 2015 were gazetted on 25 August 2015. State Planning Policy 3.7 - Planning in Bushfire Prone Areas was gazetted on 7 December 2015 and, together with the accompanying Guidelines for Planning in Bushfire Prone Areas (and Appendices to same) and Regulations, these planning instruments create a revised planning framework for managing bushfire risk with the overall objective of preserving life and reducing the impacts of bushfire damage to property and infrastructure, while ensuring that conservation values are duly taken into account.

#### **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. The implementation of the Officer Recommendation will involve referring the Amendment to the WAPC and Minister for Planning for adoption for final approval, followed by Gazettal of the Amendment. In this regard, there are no significant risks identified.

#### **CONSULTATION**

A 'Schedule of Submissions' has been provided at Attachment A. This schedule outlines the submissions received and provides detailed Officer comments and recommendations to the Council in respect to each of them.

A 'Schedule of Modifications' is provided at Attachment B. This schedule addresses pertinent issues raised in the submissions and provides a list of recommended modifications to the Amendment (as advertised) as a result of these. There are a total of eight recommended modifications made to the Council in this Schedule.

The public consultation undertaken fully complied with the *Planning and Development (Local Planning Schemes) Regulations 2015*, which require:

- a) public notice to be provided in a local newspaper;
- b) a copy to be provided in the administration offices of the subject local government;
- c) notice to be provided to relevant Government agencies;
- d) the proposed amendment itself, along with notice of that proposed amendment, to be provided on the subject local government website;
- e) consultation and advertising as directed by the WA Planning Commission, and in any other way the subject local government considers appropriate.

Submissions on the Amendment were invited for 42 days, between 4 November and 16 December 2015. These dates were purposefully chosen and advertised to end before Christmas and the majority commencement of school holidays in order to avoid, as much as possible, that otherwise busy period.

In addition to the above, the advertising undertaken consisted of the following:

- Correspondence was sent directly to close to 1,800 landowners, including:
  - those affected by site-specific rezonings;

- 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;
- those within 150m of the 'Mean High Water Mark';
- all relevant Government agencies;

This correspondence was tailored to the specific part of the proposed Amendment relating to the particular property concerned (e.g. those situated in the Dunsborough Town Centre were sent a letter tailored to the matters of particular relevance to them), although the letter further advised those landowners in respect to the considerable balance of the proposed Omnibus Amendment (each letter included a 'summary' information sheet).

- Notice was provided to relevant business and community groups, such as the Busselton and Dunsborough chambers of commerce;
- 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);
- Notice was placed in the Busselton Dunsborough Mail 'Council for the Community' section, on 4 November 2015;
- 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;
- 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.

The following provides a synopsis of the 67 submissions received:

Specific or general SUPPORT in relation to matters proposed: 19 24 Specific or general OBJECTION in relation to matters proposed: Specific or general COMMENT made in relation to matters proposed: 15 • Specific or general CONCERN expressed in relation to matters proposed: 7 2

Request for inclusion of property in expanded A74 and/or R80 areas:

Six submissions were received from government agencies with no substantive issues being raised, other than in relation to the proposed rezoning of Lot 44 Chapman Hill Road, Kalgup from 'Public Purpose' reserve to 'Agriculture' (point 5.53 of resolution 5. 'Scheme Maps'). The Water Corporation has requested that this land retain the original 'Public Purpose' reserve designation because it contains a rural drain (the Department of Lands has confirmed that the Water Corporation is the responsible agency for that landholding).

In light of the submission from the Water Corporation, Officers recommend that the original 'Public Purpose' reserve designation be retained (instead of the land being rezoned to 'Agriculture').

To further assist Councillors, the substance of the submissions can be broadly classified as follows:

#### 1. Busselton City Centre (5 submissions):

- 1 support of proposed Additional Use A74 over residential land;
- 1 request for property (and two adjoining properties) to be included into the Additional Use A74 area;
- 2 objections to the proposed Additional Use A74; and
- 1 objection to the Busselton R-AC3, CBD height increase, plot ratio and the A74 area.

#### 2. Dunsborough Town Centre (35 submissions):

- 4 in support of proposed Additional Use A74 and R80 coding areas over residential land;
- 1 request to be included into proposed Additional Use A74 and R80 coding areas;
- 15 objections to the proposed Additional Use A74 and R80 coding areas over residential land;
- 1 general comment and expressions of concern in respect to related matters;
- 3 in support of the general Dunsborough Town Centre proposals;
- 7 objections to proposed building height increases;
- 2 in support of the Clark Street industrial area being proposed for rezoning to 'Business'; and
- 2 objections to the Clark Street industrial area being proposed for rezoning (due to concerns regarding mixed uses, privacy implications and building height et al).

## 3. Miscellaneous (7 submissions):

#### Scheme Text Modifications:

- 1 comment on the proposed mean high water mark delineation;
- 2 support the increase to the general height controls;
- 1 objection to proposed prohibition of 'drive-through facilities' in the 'Business' zone.

#### Process:

• 1 objection on the basis of a view that public consultation was unsatisfactory and insufficient

## **Scheme Mapping:**

• 2 requests for review of 'coastal management area' boundaries

## 4. Site specific rezonings (12 submissions):

- 6 support the rezoning of various properties;
- 1 recommended rezoning 3806 Caves Road, Wilyabrup from 'Recreation' Reserve to 'Viticulture and Tourism' as opposed to 'Agriculture';
- 1 objection to Dunsborough Lakes Estate land parcels being included within the Development Contributions Area (DCA1);
- 1 objection to (prospective) building on Lot 600 Naturaliste Terrace/Armstrong Place;
- 2 generally regarding Armstrong Reserve; and
- 1 request for a change in terminology for the Quindalup Youth Hostel site.

## 5. Government Agencies (6 submissions):

General commentary (no objections) including request from Water Corporation for Lot 44 Chapman Hill Road to retain its original 'Public Purpose' reserve rather than be rezoned to 'Agriculture'. This request is supported.

Officer comments in respect to each of the submissions have been provided within the schedule. Further comment and recommendations for modifications to the Amendment are further discussed in the Officer Comment section below.

## **OFFICER COMMENT**

The most relevant and substantive issues raised during the public consultation process can be addressed under the following headings:

- 1. 'Additional Use' A74 area and Dunsborough Town Centre R80 coding;
- 2. Dunsborough Town Centre Height and R-AC3 rezoning in the CBD;
- 3. Site-specific rezonings;
- 4. 'Drive-through facilities'; and
- 5. Other.

#### 1. 'Additional Use' A74 and Dunsborough R80 coding; and

## 2. Dunsborough Town Centre Height and R-AC3 Rezoning in the CBD

The main concerns in relation to the proposed 'Additional Use' A74 area, R80 'upcoding' and relaxation of building height controls in the Dunsborough Town Centre and nearby areas focus on potential for noise and nuisance at night, increased traffic and parking issues, loss of privacy and overshadowing, potential influences on property values and rates and worry about the affects zoning changes might have on the character of the Town Centre and nearby areas.

It is worth considering these, and related concerns and objections, *holistically*. The following background is provided also in the 'Comment' of the 'Schedule of Submissions', in response to Submission 18 (and, by extension, those other submissions raising identical or very similar concerns and objections) in regard to Dunsborough.

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 important and attractive population settlement area that the Dunsborough Town Centre must be capable of continuing to service and support.

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.

The increased density and incremental expansion of core Town Centre/CBD commercial and retail (etc) uses and opportunities into the more historically established residential areas abutting these is considered *essential* to accommodate and support the viable and desirable future growth of Dunsborough per se. In respect to this, the *potential* population for the Dunsborough settlement has been identified in the 'Leeuwin Naturaliste Ridge Statement of Planning Policy 6.1' (LNRSPP) as being up to 20,000 people. The current resident population is around 8,000. Whether or not this potential future population is actually achieved, there is a long-standing recognition that such needs to be comprehensively, strategically and appropriately *planned for*.

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:

- accommodate desirable population growth,
- further establish and continue to support and maintain a thriving local community,
- enable the timely provision of necessary public and community utilities, services, facilities and infrastructure;
- develop and promote/generate residential quality of life, local employment, and tourismrelated, agricultural/horticultural, 'creative industry' and other business (etc) development opportunities.

The draft LPS is anticipated to be advertised for public consultation in Feb/March 2016.

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 *short term* 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).

The constructive consolidation and well-planned, strategically timed *expansion* 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 has, to date, planned (and is implementing) significant improvements to streetscapes, parking, public open space and other facets of urban development and improvement in 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 *possible*, are not considered *likely* 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.

In specific respect to the proposed areas of R80 and A74, and similar concerns raised in this and other submissions:

- 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);
- In order to guide and assist such development, the City will be initiating the preparation of 'urban design guidelines' for the Dunsborough Town Centre and nearby areas (including those proposed as 'Additional Use' Area 74). Integrated planning initiatives and incentives will be examined, assessed and developed for mixed use and other built form design and development opportunities throughout;
- Further to the above, 'urban design guidelines' and/or associated 'special provisions' to guide and control desirable development in the town centre will also 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.);
- 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'.

It is noted that the R80 R-Code *does* create the ability for a multiple dwelling development to have a 7 metre high wall (with an average height of 6 metres) on the boundary. This is a significant but desirable increase from the 3.5 metres (average height of 3 metres) that currently applies for the R60 code and lower.

The application of further conditions on the proposed 'Additional Use' 74 areas could provide additional guidance on design requirements to ensure that potential town centre development will more thoroughly address, and assist to alleviate, prevailing concerns.

As advertised, the conditions in regard to A74 areas stated as follows:

- "1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.
- 2. 'Shop' land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space.
- 3. A nil setback to the street shall be considered for active frontages.
- The provisions of Clause 5.23 relating to cash in lieu of car parking shall apply."

Officers recommend that the following condition also be included:

- '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:
  - Appropriate building setbacks to prevent or suitably mitigate overshadowing or overlooking of neighbouring properties;
  - 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);
  - Vehicular access, and the location of crossovers/provision of onsite car parking;
  - Roofscapes, skylines and service installation sites to ensure minimal visual intrusion.'

There were no specific objections received in relation to additional uses such as 'Office', 'Medical Centre' and 'Professional Consulting Rooms' being introduced through proposed A74. However, several submissions *did* object to 'Restaurant', 'Tourist Accommodation' and 'Guesthouse' uses being included.

The *potential* to develop 'Restaurant' uses within the A74 area is considered important for the Dunsborough Town Centre (and its recognised role and character as a highly successful tourist destination) with possible key locations along, and close to, Geographe Bay Road being especially appropriate for such uses.

The potential for developing well-planned and -designed 'Guesthouse' and 'Tourist Accommodation' facilities within an expanded Additional Use area in the town centre is obviously crucial to accommodating and fostering the success of the tourist industry in Dunsborough and the surrounding District. Concerns about noise, nuisance and potential adverse impacts on character and amenity of existing and adjoining residential areas can be addressed through appropriate urban design guidelines (as previous) and operational management and control through the Health Act, Environmental Protection Act (Noise Regulations) and the like.

Options available for Council consideration:

- Modify the allowable uses included within proposed 'Additional Use' A74 area;
- Reduce the proposed density coding of R80 to R60: as well as reducing the built form
  density, this would also reduce the maximum plot ratio (from 1.0 to 0.7) and permissible
  height of boundary walls.

## 3. Site Specific Rezonings

## a) Caves Road, Wilyabrup

One submission was received (Submission 54) recommending the rezoning of Lot 21 (3806) Caves Road, Wilyabrup from 'Recreation' Reserve to 'Viticulture and Tourism' as opposed to 'Agriculture'. The subject landowner correctly advised that the balance of the property was already zoned

'Viticulture and Tourism' and it is logical to extend the existing zoning. This suggestion is supported and has, accordingly, been added to the recommendations contained in the 'Schedule of Modifications'.

#### b) Quindalup Youth Hostel

One submission was received (Submission 58) requesting a change in terminology for the proposed rezoning of the Quindalup Youth Hostel site. The submitter correctly pointed out that the terminology of 'youth hostel' is somewhat anachronistic given that such premises are often used and enjoyed by travelers and patrons of all ages. Officers recommend that the proposed rezoning be instead "Special Purpose – Hostel" and this has been reflected accordingly in the 'Schedule of Modifications'

#### c) Request for Extension of A74 Area (Geographe Bay Road, Dunsborough)

A request (see submission 16 in 'Schedule of Submissions') for inclusion of Lot 81 Geographe Bay Road in the proposed A74 and R80 areas for Dunsborough was received.

This particular property directly abuts the proposed A74 ('Additional Use') and R80 areas proposed in the Amendment. Its situation on Geographe Bay Road, with direct views and proximity to coastal amenity along the Dunsborough foreshore, supports its logical inclusion in the area proposed for, in effect, town centre expansion. The property contains an older style building that could be readily redeveloped, for example, for 'Office' uses (as has been suggested informally already by the landowners).

Support is recommended for the inclusion of Lot 81 in the proposed A74 and R80 areas and this has been reflected in the 'Schedule of Modifications'.

# d) Request for Extension of A74 Area (North along West Street, Busselton)

One submission was received (Submission 8) requesting the inclusion of the landowner's property and two adjoining properties on West Street (north of Duchess Street) in the proposed A74 area proposed for 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 building previously operated as a guesthouse. The location of the three properties could therefore be seen as a potentially logical extension of the Busselton city centre as defined by the 'Local Commercial Planning Strategy' and the 'Local Cultural Planning Strategy'.

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.

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.

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).

Support is recommended for the inclusion of subject Lots 1 (28), 2 (30) and 3 (32) West Street in the proposed A74 expansion area in the Busselton city centre. This has been reflected in the 'Schedule of Modifications' accordingly.

NOTE: 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).

## e) Dunsborough Lakes Estate - Objection to Land being proposed to be included in DCA1

One submission was received (Submission 58) objecting to land being proposed to be included in the DCA1 developer contribution area, given alleged discrepancies with the current, and previously endorsed, structure plan(s) and 'previously agreed positions by the City and WAPC'.

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).

The remaining four pockets of the Dunsborough Lakes Development Area (DLDA) recommended for inclusion within DCA1 through Omnibus Amendment 1 are considered appropriate to incorporate because:

- 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);
- Their inclusion in DCA1 would bring the DLDA into formal alignment with the remainder of the City in terms of identified developer contribution areas;
- 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.);
- 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-west) 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.

#### 4. Drive-through facilities

One submission was received (Submission 67) concerning an objection to the proposed prohibition of drive-through facilities in the 'Business' zone, because:

- a. It will extinguish ability for a particular kind of commercial use to be established within, allegedly, 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.
- b. Undesirable impacts can be mitigated through the provision of built form controls, development standards or design guidelines. City should seek to establish scheme provisions providing design-based solutions rather than ban legitimate commercial use.

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 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'.

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.

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.

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'.

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 is being proposed through this Amendment).

#### 5. Other

Following the adoption for initiation (for public consultation) of the proposed Omnibus Amendment, Officers noticed an error in relation to recommendation 1.1 mm of the resolution, which states (as advertised):

"mm. Removing the use classes 'Poultry Farm', 'Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated permissibilities."

It has been identified since that, in order to avoid potential confusion with redundant land uses, this wording should be amended to add and "associated references throughout the Scheme." This is reflected as a recommendation to the Council in the proposed 'Schedule of Modifications'.

#### **CONCLUSION**

The purpose of Omnibus 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 Amendment has been further refined and improved following the extensive public consultation process and a small number of adjustments have been recommended in a Schedule of Modifications. The detailed information and explanatory rationales provided within this report (and in the initial report to the Council, on 26 August 2015) will ensure the continuing orderly and proper planning of the City of Busselton. Council is requested to adopt the Amendment for final approval, subject to the recommended modifications, and provide it to the Western Australian Planning Commission/Hon. Minister for Planning with a request for formal endorsement and gazettal.

In summary, the changes as described in the report and reflected in the Schedule of Modifications are as follows:

	Resolution	Advertised as:	To be modified as:
1.	Recommendation 1.1 mm  Removing the use classes 'Poultry Farm', Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated	1.1 mm Removing the use classes 'Poultry Farm', Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and	That recommendation 1.1 mm of the resolution <b>be amended to state</b> :  "Removing the use classes 'Poultry
	permissibilities.	associated permissibilities.	Farm', Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise', associated permissibilities and associated references throughout the Scheme."
2.	Recommendation 2.6:		
	Amend Schedule 2 'Additional Uses' by –  a. Inserting an Additional Use (No. A74) provision as	<ul> <li>2.6 Amend Schedule 2 'Additional Uses' by –</li> <li>a. Inserting an Additional Use (No. A74) provision as</li> </ul>	That recommendation 2.6a of the resolution be amended to include the following additional condition in the 'Conditions' column:
	follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original Recommendation]	follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original Recommendation]	"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: <ul> <li>Appropriate building setbacks to prevent or suitably mitigate overshadowing or overlooking of neighbouring properties;</li> <li>Built form articulation, architectural design, function, bulk, scale, massing, grain, signage and surveillance (in</li> </ul>

			relation to the streetscape, surrounding buildings, adjoining land uses and the overall character and amenity of the subject development area);  - Vehicular access, and the location of crossovers/provision of onsite car parking;  - Roofscapes, skylines and service installation sites to ensure minimal visual intrusion.'
3.	Recommendation 2.6:  Amend Schedule 2 'Additional Uses' by –  a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original Recommendation]	<ul> <li>2.6 Amend Schedule 2 'Additional Uses' by –</li> <li>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original Recommendation]</li> </ul>	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.
4.	Recommendation 2.6:  Amend Schedule 2 'Additional Uses' by —  a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original	<ul> <li>2.6 Amend Schedule 2 'Additional Uses' by –</li> <li>a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</li> <li>[Please refer to extensive Table in original Recommendation]</li> </ul>	That recommendation 2.6a of the resolution be amended to include Lots 1 (28), 2 (30) and 3 (32) West Street, Busselton into the Additional Use (No. A74) provision.
5.	Recommendation] Recommendation 2.8:  Amend the Scheme Maps by:  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.	2.8 Amend the Scheme Maps by:  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.	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.
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	5.31 Rezone from 'Public Purpose'	That recommendation 5.31 of the

	Road, Quindalup	Reserve to 'Special Purpose – Youth Hostel'.	resolution be <b>amended</b> to state as follows:
			"Rezone from 'Public Purpose' Reserve to 'Special Purpose - Hostel'."
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 <b>be deleted</b> and subsequent recommendations be re-numbered accordingly.

#### **OPTIONS**

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

- 1. Resolve to decline the request to adopt proposed Omnibus Amendment No 1 for final approval, and provide necessary reasons and rationales for such a decision.
- 2. 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'.

A number of options have been identified within the Officer Comment section of the report with the discussion on the relevant issue to provide the Council with alternative solutions that it may find appropriate.

#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will require provision of relevant documentation concerning the proposed Scheme 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:

A. 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';
- In relation to the 'Tourist' zone and in relation to the use class 'Park Home Park', insert the symbol 'D';
- I. 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';
- II. 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 m² 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 50m², 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 0.2m² 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  $0.2m^2$  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 Deemedto-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:

No.	PARTICULARS OF LAND	LAND USE	CONDITIONS
		PERMITTED/SPECIFIED	
A74	-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; -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; -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; -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, -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 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough	Guesthouse, Medical Centre, Office, Professional Consulting Rooms, Restaurant, Shop, Tourist Accommodation	<ol> <li>The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.</li> <li>'Shop' land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space.</li> <li>A nil setback to the street shall be considered for active frontages.</li> <li>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:
  - 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:
  - Lots bound by Cape Naturaliste Road, Reserve 42673, Naturaliste Terrace and Reserve 42545.
- e. Rezoning Lot 106 (House No. 16) Cyrillean 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	Insert the following into the Map Legend in alphabetical order under 'Special Purpose':
		"CECH CHURCH SITE, EDUCATIONAL ESTABLISHMENT, CHILD CARE & HALL"
		"EE EDUCATIONAL ESTABLISHMENT"
		"TE TELEPHONE EXCHANGE"
		"YH YOUTH HOSTEL"

- B. 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.
- C. 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.
- D. 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.
- E. 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
Governn	nent Agencies			1
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	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.  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 >=300mm diameter), and if any upgrades to the local water and wastewater reticulation pipes (generally <300mm diameter) will need to be undertaken by land developers and builders at the development stage.  With regard to the site specific rezonings:  Sheet 2 - Lot 1451 Princefield Rd, Ruabon - contains a rural drain  Sheet 2 - Lot 583 Ludlow-Hithergreen Rd, Abba River - contains a rural drain  Sheet 2 - Lot 582 Princefield Rd, Abba River - contains a rural drain  Sheet 2 - Lot 687 Princefield Rd, Abba River - contains a rural drain  Sheet 2 & 29 - Lot 26 Vasse Hwy, Yoongarillup - contains a rural drain		That the submission be noted and supported.  That recommendation 5.53 of the resolution be deleted and subsequent recommendations be re-numbered accordingly.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
NO. 5	Department of Agriculture and Food	NATURE OF SUBMISSION  Sheet 4 – Lot 282 Lindberg Rd, Kalgup - contains a rural drain  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 Water Services Act 2012 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.  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.  Sheet 25 – Lot 44 Chapman Hill Rd, Kalgup – drain is contained within a drainage reserve vested with the WC.  Sheet 29 – Lot 25 Vasse Hwy, Yoongarillup - contains rural drain, some parts are vested/owned by WC.	Noted.	That the submission be noted.
6 Public Sul		No objection. ATCO Gas advises gas infrastructure is located within a number of properties affected by the proposed Amendment:  Lot 688 (1) Piano Box Boulevard and Lot 689 (34) Pickmore Circus, West Busselton  Lot 501 (190) Bussell Highway, West Busselton  Lot 300 Leeuwin Boulevard, West Busselton ATCO Gas requests early consultation with the proponent of any of these lots prior to any proposed construction or ground disturbance occurring.	While the comments raised have been noted, the four particular properties mentioned have already been developed.	That the submission be noted.
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

It is my belief that Council was correct in not including

those properties because:

Busselton WA 6280

NO. RECOMMENDATION **ADDRESS** NATURE OF SUBMISSION COMMENT CBD Zoning Plan to include our property and two adjacent building previously operated as a guesthouse. The location part of Omnibus Amd 1 be properties within the 'Additional Uses' area. of the 3 properties could therefore be seen as a potentially supported and included in the logical extension of the Busselton CBD as defined by the 'Schedule of Modifications'. 'Local Commercial Planning Strategy' and the 'Local Cultural Planning Strategy'. 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. 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. 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). 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. NOTE: 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). Jillian May Hufton Objects to proposal by neighbour (Pennington) to extend The points made and concerns raised in respect to the That the submission be noted 21 Powell Court 'A74' over additional properties on West Street, Busselton. submission made by the neighbouring landowner (above) but the objection in relation to

are noted.

10 February 2016

the inclusion of Lots 1, 2 and 3

West Street into the proposed

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		The area north of Duchess Street is a significant	The concerns expressed regarding potential negative	'A74' expansion area north of
		residential area (with exception of the Health Facility on	impacts on the amenity and value of the submitter's	Duchess Street not be
		the cnr of Myles Street and West Street).	property, and those of other residential properties nearby,	supported.
		Any additional use would impinge on amenity of  Parall Court agreeight a restource to add the paralling that	however, are debatable.	
		Powell Court, especially a restaurant and the parking that may be provided at the rear of any of the three properties	Any development proposed on Lots 1, 2 and/or 3 West	
		facing West Street.	Street would, like all other development in the proposed	
		Any additional land use may unfavourably impart	'A74' expansion area, be managed and controlled in	
		on the special housing at the corner of Myles Street and	accordance with the provisions of the Scheme and in the	
		Powell Court.	interest of preserving and enhancing (wherever possible)	
		Significantly reduce the value of my property	neighbouring character and amenity.	
		Objects to amendment as it relates to the proposed	Lot 20 Powell Court is <i>not</i> included in proposed 'Additional	
		'Additional Use A74' for properties to the north of Duchess	Use' area 74 <i>because</i> prospective vehicular access and car	
		Street, West Busselton.	parking would need to be provided to any development on it from Powell Court, which is not supported.	
		• Two of the lots in Duchess Street directly adjacent.	non rowen court, which is not supported.	
		Lot 20 Duchess Street is likely to use Powell		
		Court for accessing parking to the rear of the subject		
		property.		
		• Land uses such as a restaurant would be		
		inappropriate given the residential amenity of the		
		precinct.		
		<ul> <li>The value of my property would be reduced.</li> <li>The lots are small in area and present limited</li> </ul>		
		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.		
		Town down and myres street.		
		Residential use of the properties on the northern side of		
		Duchess Street should remain. Suggest an increase in the		
10	Andrew Cours 0 5 11 11	current R30 zoning would be a much better alternative.	Militar the profess days get along a force (D. 11. 11. 11. 11.	That the substitutes of
10	Andrew Grono & Felicity Adams	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' does create the potential for certain	That the submission not be supported.
	18 Kent Street	Commercial. If so, object to proposed A74 (Bussetton).	commercial activities on the property. As it currently stands,	supporteu.
	BUSSELTON WA 6280		in the 2015-16 financial year, properties that are zoned	
			'Residential' with an 'Additional Use' capability are rated	

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
11 11	EB Edwards 2 Thomas Street Busselton WA 6280	Object to R-AC3 in Busselton CBD.  Height should be maintained at 12m. Tall buildings create wind tunnels and excessive overshadowing, impacts also on solar power. Parking for residents essential.  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.  Maximum plot ratio of 1.5 in CBD will give little room for parking, rubbish, private parking and courtyard.  Object to heights proposed to align with the R-Codes. Increase in heights results in change to climate and poor	based on that additional use being commercial, 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 potential, regardless of whether the property is actually being used as an office or not.  This current situation is, however, proposed to alter from 1 July 2016, whereby properties will be rated based on their actual use. In other words, and using the above example, if a property remains used solely for residential 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 commercial rating would only apply once the property owner developed and actively used the site for that approved commercial purpose.  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.  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.  It is considered unlikely, given these design provisions and	That the submission not be supported.
			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').  Together with the Residential Design Codes, the urban design provisions and associated planning and engineering	

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			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).	Proposed re-orienting of development on those lots fronting Prowse Way that are subject to this proposed Omnibus Amd would:  • Encourage the extension of activity along Naturaliste Terrace, supporting the rezoning intended to include and connect Clark Street to the existing town centre,  • Improve passive surveillance of the dual use path running through Reserve 35758,  • 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,  • Not be likely to be serviceable by vehicular access through the Reserve from Naturaliste Terrace.  The potential inclusion of parallel parking and pedestrian improvements - along with intersection treatments - at Naturaliste Terrace, Clark Street and Cyrillean 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:

Council 10 February 2016 44

	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			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).	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.
			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 by means of the Schedule of Modifications, or if specific re-advertising would be required (e.g. as a part of future Omnibus Amd 2).	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.
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.	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.  The Water Corporation has confirmed that these 4 lots do not have access to sewer for the reason that 'the Water Corporation budget did not extend to these lots'. 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'.  It is nevertheless recommended that 33 (Lot 162) Chester Way and 22 (Lot 141) Lorna Street remain in the proposed areas of R80 and A74, in order to allow the subject landowners a greater potential for development of those properties, should they wish to pay for connection to existing sewer. 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).	That the submission be noted.
18	Glenda Allan 21 Chieftain Crescent Dunsborough WA 6281	Objects to Dunsborough proposed R80 and A74.  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.	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	That the submission not be supported.

ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		important population settlement area, which the	
	Dunsborough is different to Busselton, both its	Dunsborough Town Centre must be capable of continuing to	
	residential and tourist attraction and that it's a little	service and support.	
	coastal town. Cap the residential population of		
	Dunsborough to slow down urban sprawl. Give amenities	By way of background, and in response to similar	
	and infrastructure a chance to catch up with the growth	submissions to follow, please note:	
	and changes which have taken place over the last decade.		
		The planning changes and adjustments proposed for the	
	Impact of the proposed changes:	town centre in Omnibus Amendment No 1 have essentially	
	<ul> <li>More traffic</li> </ul>	been drawn from and underpinned by the recommendations	
	<ul> <li>More pollution</li> </ul>	of the 'Local Commercial Planning Strategy' (2010) and the	
	- More noise	'Local Cultural Planning Strategy' (2011) – along with those	
	<ul> <li>More crime</li> </ul>	of the 'Dunsborough Town Centre Conceptual Plan', which	
	<ul> <li>More parking problems</li> </ul>	was endorsed by the Council in January 2014.	
	More risk of injury when walking		
	<ul> <li>Less birds and wildlife</li> </ul>	The increased density and incremental expansion of core	
	<ul> <li>Less chance of selling my home as a residence</li> </ul>	town centre/CBD commercial and retail (etc) uses and	
	<ul> <li>More chance of selling my home as a business</li> </ul>	opportunities into the more historically established abutting	
	<ul> <li>More chance of a viable income from home.</li> </ul>	residential area is considered essential to accommodate and	
	2. Rates – I am assuming they are charged at the	support the viable and desirable future growth of	
	normal residential costs, unless one has a business.	Dunsborough per se. In respect to this, the potential	
	,	population for the Dunsborough settlement has been	
		identified in the 'Leeuwin Naturaliste Ridge Statement of	
		Planning Policy 6.1' (LNRSPP) 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 planned	
		for.	
		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:	
		accommodate desirable population growth,	
		further establish and continue to support and	
		maintain a thriving local community,	
		enable the timely provision of necessary public	
		and community utilities, services, facilities and	
		infrastructure,	
		<ul> <li>develop and promote/generate residential quality</li> </ul>	
		of life, local employment, and tourism-related,	

10 February 2016

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			agricultural/horticultural, 'creative industry' and other	
			business (etc) development opportunities.	
			The draft LPS is anticipated to be advertised for public	
			consultation, subject to formal review and consent by the	
			WAPC, in Feb/March 2016.	
			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).	
			It should be noted that the WAPC has not 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	
			specifically identified in the LNRSPP. It is trusted that the	
			'Leeuwin Naturalist Sub-Regional Strategy', proposed by the WAPC to review and update where necessary the LNRSPP,	
			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 LNRSPP. The City (along	
			with the Shire of AMR) will be assisting with this. Since its adoption in 1998, the LNRSPP 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 LNRSPP states	
			that it 'undergo a formal review every five (5) years').	
			'Urban sprawl' in regard to the Dunsborough settlement	

NO. ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
		(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)).	
		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.	
		In specific respect to the proposed areas of R80 and A74, and similar concerns raised in this and other submissions:  • 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);  • In order to guide and assist such development, the	

MENDATION	COMMENT	NATURE OF SUBMISSION	ADDRESS	NO.
	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;			
	<ul> <li>'Urban design guidelines' and/or associated</li> </ul>			
	'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);			
	<ul> <li>Improved traffic management, car parking, road</li> </ul>			
	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'.			
	Whilst the zoning does not change from			
	'Residential', the 'Additional Use' does 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.			
	This surrent situation is however proposed to alter from 1			
	This current situation is, however, proposed to alter from 1			
	July 2016, whereby properties will be rated based on their			
	actual use. In other words, if a property remains used solely			
	approved commercial purpose.			
	for residential 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 commercial rating would only apply once the property owner developed and actively used the site for that approved commercial purpose.			

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
19	Ken Anderson	Objects to Dunsborough proposed R80 and A74.	Please refer to extensive previous comments on	That the submission not be
	17 Chieftain Crescent	Object to uses 'Restaurant', 'Guesthouse' and multi-storey	same/similar matters.	supported.
	Dunsborough WA 6281	holiday apartments.		
		Higher rates and water costs.	The objection to 'Restaurant' and 'Guesthouse' (and multi-	
		Privacy	storey tourist accommodation) additional uses (A74) on the	
		Overshadowing  Noise from cars and patrons of restaurants and	basis of 'noise from cars and patronslate at night' is noted. Such concerns are, of course, entirely reasonable, although	
		guesthouses late at night. Loud music.	the potential for obvious noise/nuisance generation would	
		Concern with Chieftain Crescent becoming cul-de-sac, fire	be 'designed out at source' during the development	
		safety concern with only one exit.	application assessment stage (e.g. the positioning of bins,	
		No objection to offices, doctors, consulting rooms.	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.	generation.	
			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 potential	
			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).	
			regeneration of facades and bank form etc).	
			Noise and nuisance (odours etc) generation are stringently	
			controlled through legislation including the <i>Environmental</i>	
			Protection Act 1986, Environmental Protection (Noise)	
			Regulations 1997, and the Health Act 1911. Any future	
			complaints about operational procedures generating	
			unreasonable noise or nuisance would also be strictly	
			policed by the City.	
			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.'	
			Other matters noted.	

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	Concern with rate increase (related to proposed Dunsborough R80).      Armstrong Reserve is poor choice for aged housing. Clarke Street as alternative location.      Further comments were not specifically relevant to the proposed Omnibus Amendment currently being considered.	1. The submission is noted. Please refer to previous comments on same/similar matters.  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:  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.  The use of Clark Street for aged care housing would not be appropriate or practical, given that the properties there:  • Are in diverse private ownership, • Are currently zoned 'Industrial' and proposed (in Omnibus Amd 1) to be rezoned to 'Business' • 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).	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
44		Ohiotakka awanda aka	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.	Residential Design Codes of WA (the R-Codes). The design of any commercial 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.  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.  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 whole community of Dunsborough of a consolidated, well-planned, well-connected and vibrant CBD, the concerns expressed here are considered to be relatively minor.	
47	Mark & Theresia McManus 8 Kunzea Place Dunsborough WA 6280	Concerns regarding rezoning of Clark Street from 'Industrial' to 'Business' with 'R-AC3'.  1. Noise, current businesses operate 7.15am to 5pm and area is quiet outside those times. Mixed use will jeopardise this.  Privacy, future developments up to 5 storey result in loss of privacy to Kunzea Place properties.  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.  2. Contamination of Dugalup Brook from fertiliser use and stormwater to be addressed in future development. Development encroaching on (Dugalup Brook) reserve boundaries.	The submission is noted. Please refer to previous comments on same/similar matters.  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.  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.  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.	That the submission be noted.
48	Alasdair Jackson PO Box 1473 BUSSELTON WA 6280	The mean high water mark (MHWM) line adjacent to Wonnerup Town site does not correlate with the pre-Port Geographe development coastline MHWM. Concern that the new definition of the MHWM may alter or remove the responsibility of other parties for replacing sand in	The technical determination of the 'MHWM' 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 MHWM 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 MHWM 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 MHWM 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 MHWM 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	
<u> </u>			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 amended 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 Wardanup 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.

NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
Avenue, West Busselton.		
Bussell Highway, Metricup.	d Lot 109 Support noted.	That the submission be noted.
Object to Dunsborough Lakes Estate properti included within Development Contribution Area D Will establish a discrepancy with the provision approved DGP, is contrary to previously agreed by City and WAPC through the DGP process, com spirit of previous negotiations on how deve	developer contributions towards community facilities in frastructure, all relevant land within the overall S Area is subject to either 'Development Contribution A (DCA1) or by a specifically endorsed Developer Contribution Staging Plan (DCSP); as for Port Geographe, the	supported.
	Avenue, West Busselton.  Supports Amendment as it relates to Lot 1 and Bussell Highway, Metricup.  Object to Dunsborough Lakes Estate propert included within Development Contribution Area E Will establish a discrepancy with the provision approved DGP, is contrary to previously agreed by City and WAPC through the DGP process, com spirit of previous negotiations on how dev contributions relating to Dunsborough Lakes as	Avenue, West Busselton.  Supports Amendment as it relates to Lot 1 and Lot 109 Bussell Highway, Metricup.  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.  Occasional DCA1 for the purposes of allocating and ensuring approvided developer contributions towards community facilities infrastructure, all relevant land within the overall S area is subject to either 'Development Contribution of DCA1 (DCA1) or by a specifically endorsed Developer Contributions relating to Dunsborough Lakes are to be secured as the project progresses to completion.  The remaining four (4) pockets of the Dunsborough Development Area (DLDA) recommended for in within DCA1 through Omits Amendment 1 are consappropriate to incorporate because:  Their continued exclusion from the DCA1 are would not be consistent with the remainder of the City would represent an ongoing situation that would be be anomalous and anachronistic. These pockets of land he previously been through different ownerships, have be proposed for development (and therefore not retrosped liable to pay developer contributions);  Their inclusion in DCA1 would bring the DLD formal alignment with the remainder of the City in the identified developer contribution areas;  The requirements of Planning Policy Statement on endorsed DCPs as at 14 Ju 2010. It is evident that there has been, across the DLD such an et increase in yield and potential since 2010 (e through relocation of the Primary School site from the brown the province of the Primary School site from the province of the

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			• 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	
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.	desirable community facilities that will benefit the DLDA.  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	Objection noted, but not supported in terms of this proposed amendment.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			specifically concern the issue of zoning 'rationalisation' being	
			conducted through this proposed Amendment, but is noted.	
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 410 Caves Road Siesta Park WA 6280	Suggests review of Coastal Management Area boundaries.	Please refer to previous.	That the submission be noted.
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.	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:  The public consultation undertaken fully complied with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , which requires:  a) public notice to be provided in a local newspaper; b) a copy to be provided in the administration offices of the subject local government; c) notice to be provided to relevant Government agencies; d) the proposed amendment itself, along with notice of that proposed amendment, to be provided on the subject local government website; e) consultation and advertising as directed by the WA Planning Commission, and in any other way the subject local government considers appropriate.  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	That the submission not be supported.

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
NO.	ADDRESS	NATURE OF SUBMISSION	otherwise busy period.  In addition to the above, the advertising undertaken consisted of the following:  Correspondence was sent directly to close to 1,800 landowners, including:  those affected by site-specific rezonings;  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;  those within 150m of the 'Mean High Water Mark' (including 138 landowners in the Geographe and 47 landowners within the Wonnerup localities);  all relevant Government agencies;  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	RECOMMENDATION
			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);  • Notice was provided to relevant business and community groups, such as the Busselton and Dunsborough chambers of commerce;  • 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);  • Notice was placed in the 'Busselton Dunsborough Mail' on 4 November 2015;  • 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;  • 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.	

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION	
	bmissions		1		
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	Object to proposed prohibition of drive-through facilities:  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.  2. Undesirable impacts can be mitigated through the provision of built form controls, development standards or design guidelines. City should seek to establish scheme provisions providing design-based solutions rather than ban legitimate commercial use.	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 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'.	That the submission not be supported.	
			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.  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 'decongestion', façade improvement incentives, streetscape/laneway activation and beautification et al.		

NO.	ADDRESS	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
			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'.	
			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 is being proposed through this Amendment).	

## **Schedule of Modifications**

	Resolution	Advertised as:	To be modified as:
1.	Recommendation 1.1 mm  Removing the use classes 'Poultry Farm', Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated permissibilities.	1.1 mm Removing the use classes 'Poultry Farm', Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated permissibilities.	That recommendation 1.1 mm of the resolution be amended to state:  "Removing the use classes 'Poultry Farm', Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise', associated permissibilities and associated references throughout the Scheme."
2.	Recommendation 2.6:  Amend Schedule 2 'Additional Uses' by —  a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original Recommendation]	2.6 Amend Schedule 2 'Additional Uses' by —  a. Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:  [Please refer to extensive Table in original Recommendation]	That recommendation 2.6a of the resolution be amended to include the following additional condition in the 'Conditions' column:  "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:  - Appropriate building setbacks to prevent or suitably mitigate overshadowing or overlooking of neighbouring properties;  - 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);  - Vehicular access, and the

		1			
				location of crossovers/provision of onsite car parking; Roofscapes, skylines and service installation sites to ensure minimal visual intrusion.'	
3.	Recommendation 2.6:				
	Amend Schedule 2 'Additional Uses' by –	2.6	Amend Schedule 2 'Additional Uses' by –	That recommendation 2.6a of the resolution be amended to include Lot 81 (18) Geographe Bay Road,	
	<ul> <li>Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</li> </ul>	a.	Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:	<b>Dunsborough</b> into the Additional Use ( <b>No. A74</b> ) provision.	
	[Please refer to extensive Table in original Recommendation]		[Please refer to extensive Table in original Recommendation]		
4.	Recommendation 2.6:				
	Amend Schedule 2 'Additional Uses' by –	2.6	Amend Schedule 2 'Additional Uses' by –	That recommendation 2.6a of the resolution be amended to include Lots 1 (28), 2 (30) and 3 (32)	
	<ul> <li>Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:</li> </ul>	a.	Inserting an Additional Use (No. A74) provision as follows, and amend the Scheme maps accordingly:	West Street, Busselton into the Additional Use (No. A74) provision.	
	[Please refer to extensive Table in original Recommendation]		[Please refer to extensive Table in original Recommendation]		
5.	Recommendation 2.8:				
	Amend the Scheme Maps by:		Amend the Scheme Maps by:	That recommendation 2.8f of the resolution be amended to <b>include</b>	
	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.	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.	Lot 81 (18) Geographe Bay Road, Dunsborough for modifying the residential density coding to R80.	
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 amended to correctly state 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 'Special Purpose - Hostel'."
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 <b>be deleted</b> and subsequent recommendations be re-numbered accordingly.

10.2 AMENDMENT 11 TO LOCAL PLANNING SCHEME 21 AND MODIFIED STRUCTURE PLAN LOT 201 BALMORAL DRIVE, QUINDALUP - CONSIDERATION FOR INITIATION FOR PUBLIC CONSULTATION

**SUBJECT INDEX:** Town Planning Schemes and Amendments

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

diverse activity and strengthen our social connections.

**BUSINESS UNIT:** Strategic Planning and Development ACTIVITY UNIT: Strategic Planning and Development

**REPORTING OFFICER:** Principal Strategic Planner - Louise Koroveshi

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

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Aerial Photograph

Attachment C Existing and Proposed Zoning

Attachment D Endorsed McLachlan Ridge Development Guide Plan Attachment E Enlargement Proposed Development Guide Plan

Attachment F Proposed Development Guide Plan

Attachment G Existing and Proposed Locations for a Commonage

Community and Fire Facility

#### **PRÉCIS**

The Council is requested to consider initiating for public consultation proposed Scheme Amendment 11 to Local Planning Scheme 21 (LPS21) which seeks to: rezone a portion of Lot 201 Balmoral Drive from 'Rural Residential' to 'Reserve for Public Purposes'; amend the boundary of Additional Use Area No. 37 and amend Schedule 2 Additional Uses in relation to the permissible uses listed under Additional Use Area No. 37. Modifications to the endorsed McLachlan Ridge Structure Plan are also proposed that reflect changes to land use sought through the amendment.

Officers are recommending that the proposed scheme amendment and the proposed modified McLachlan Ridge Structure Plan are adopted for referral to the Environmental Protection Authority for environmental assessment and subsequent advertising for public consultation.

#### **BACKGROUND**

The proposal comprises a scheme amendment and modifications to the McLachlan Ridge Structure Plan that relate to Lot 201 Balmoral Drive, Quindalup. The subject land is located approximately 4km south west of the Dunsborough Town Centre, within the Commonage rural residential area. Lot 201 is 13.7ha in area and has frontage to Biddle Road, Balmoral Drive and McLachlan Road.

The subject land is part of a 144ha site initially subdivided into 56 strata title lots varying in size from around 1,000m<sup>2</sup> to 1ha in area, but with the bulk (in excess of 200ha) of the land retained in a number of common property lots. The subdivision was known as 'Rosneath Farm' and was an attempt to develop a relatively self-contained community following 'permaculture' principles. The Rosneath Farm subdivision was not generally a success and consequently Amendment 149 to the City's previous Town Planning Scheme No. 20 (Gazetted September 2010) and the current endorsed McLachlan Ridge Structure Plan facilitated the dissolution of the strata title subdivision, the resubdivision of the land into 72 freehold title rural residential lots and the introduction of a range of additional uses on certain lots created via the structure plan.

Lot 201 retains elements of the original concept in the form of Additional Uses permitted pursuant to Schedule 2 of LPS21 including Guesthouse, Arts & Crafts Studio, Permaculture Education, Bakery, Gallery, Private Recreation and Chalet Development.

Other than a bakery (Yallingup Woodfired Bread), associated outbuildings and a dam, Lot 201 is undeveloped and consists of cleared areas and remnant vegetation. A Location Plan and Aerial Photograph are provided at Attachments A and B respectively. The surrounding land has been subdivided and developed for rural residential purposes, with some low intensity tourist uses.

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

#### **Scheme Amendment**

The scheme amendment proposes to –

- Rezone a portion of Lot 201 from 'Rural Residential' to 'Reserve for Public Purposes'. Some of the practicalities associated with this are discussed further under the 'Officer Comment' section of the report.
- 2. Amend the boundary of Additional Use 37.
- 3. Amend Schedule 2 'Additional Uses' to include 'Restaurant' as a permitted land use for Additional Use No. 37.

Existing and proposed zoning maps are provided at Attachment C.

## **Proposed Modified McLachlan Ridge Structure Plan**

The endorsed McLachlan Ridge Structure Plan designates the land for rural residential purposes. Lot 201 is located in the northwest corner of the structure plan area and is identified as Lot 1 (Attachment D).

The proposal would change the planning framework for Lot 201 to facilitate further subdivision and development. For ease of interpretation of proposed changes to the structure plan in relation to Lot 201 an enlargement of the subject land is provided at Attachment E. The proposed modified structure plan in its entirety is provided at Attachment F.

The proposal would allow for the creation of three rural residential lots and a public purpose reserve, described as follows:

- Proposed Lot 1A (7.2ha) includes a 1,000m² indicative building envelope and is subject to a Restrictive Covenant to protect 4.5ha of native vegetation. The building envelope is located outside of the covenant area. Lot 1A has legal road frontage to the section of McLachlan Road that remains a road reserve, but which is only constructed to Public/Emergency Accessway standard. Direct vehicle access (other than for emergency purposes) therefore is prevented by a Restrictive Covenant in favour of the City. Alternative access to Balmoral Drive is proposed via a right of carriageway easement. Officers have confirmed that this arrangement is acceptable to the Department of Planning/WA Planning Commission.
- Proposed Lot 1B (7,339m²) is designated as a 'Reserve for Public Purposes' as potentially the
  most suitable location for the establishment of a community firefighting and training facility
  (as discussed under section heading 'Commonage Community and Fire Facility' later in this
  report). Arrangements will need to be in place for the transfer of the land to the City prior to
  final approval of the amendment. This is discussed further under the 'Officer Comment'
  section of this report.
- Proposed Lot 1C (4.7ha) will retain the land use permissibilities established by Additional Use
   37 and the Bakery. The lot also accommodates an NBN lease area and telecommunications tower.

 Proposed Lot 1D (9,562m²) - a rural residential lot that incorporates a 20m landscape buffer and 50m development setback from Biddle Road.

A range of environmental and other matters (land capability for onsite effluent disposal, environmental opportunities and constraints, rare flora and fauna, local water management strategy and a Bushfire Management Plan adopted in 2009) were addressed as part of the assessment of Amendment 149 and the McLachlan Ridge DGP (noting that the land was already zoned 'Rural Residential' and previously subdivided for that purpose). As a result, the McLachlan Ridge DGP facilitated subdivision and development that has: protected areas of important remnant vegetation via building exclusion/covenant; revegetation and landscape buffer areas; established building setbacks and a landscape buffer to Biddle Road; and created pedestrian accessways/strategic fire breaks.

It is considered that the proposal does not raise any significant environmental issues beyond that contemplated within Amendment 149 and the preparation of the McLachlan Ridge DGP.

## **Fire Management Plan**

A bushfire management plan (BMP) and a bushfire hazard assessment (BHA) have been prepared in accordance with the WA Planning Commission's *State Planning Policy 3.7 Planning in Bushfire Prone Areas/Guidelines for Planning in Bushfire Prone Areas 2015* and the City's Bushfire Protection Local Planning Policy provisions. The BHA finds that proposed Lots 1A and 1D are suitable for rural residential subdivision and development.

For proposed Lot 1A, the BHA has determined an indicative bushfire attach level (BAL) of 29 based on an achievable 25m Building Protection Zone (BPZ). A 25m BPZ can be implemented outside of the conservation covenant area.

For proposed Lot 1D, the BHA has determined an indicative BAL of 19 based on an achievable 25m BPZ. A 25m BPZ can be implemented outside of the 20m landscape buffer along Biddle Road.

The BMP provides further guidance in terms of vehicle access for all lots via Balmoral Drive. Proposed Lot A has legal road frontage to McLachlan Road, however given the existence of the Restrictive Covenant that prevents vehicle access other than for emergency situations, alternative access to Balmoral Drive is proposed via a right of carriageway easement. This arrangement has been discussed with the Department of Planning/WA Planning Commission and is found to be acceptable.

## **Commonage Community and Fire Facility**

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

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

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

The City has been approached by the proponent to accommodate a community and firefighting/training facility on Lot 201 (refer to Attachment G). Officers have undertaken a comparative assessment of the suitability of both sites for that purpose and found Lot 201 Balmoral Drive to be the more practical option. The Sheoak Drive site is relatively isolated from significant roads by windy local roads and would result in slower response times during emergency situations. Site topography is undulating, cleared of vegetation and highly visible, and therefore likely to generate a perceived negative impact on the amenity of the immediate area. The land is currently undeveloped, apart from a dam.

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

#### STATUTORY ENVIRONMENT

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

## Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising and approval of structure plans. The 'status' of structure plans has also changed and local governments are to have 'due regard' to endorsed structure plans when making decisions relating to subdivision and development. An endorsed structure plan is to guide subdivision and development, and inconsistency with the Regulations would occur if a structure plan contained any provisions relating to it having the 'force and effect' of a local planning scheme i.e. zones within a scheme.

## Local Planning Scheme No. 21

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

The proposal is considered to be consistent with the relevant provisions relating to the subject land in the scheme.

## McLachlan Ridge Structure Plan

The McLachlan Ridge Structure Plan was endorsed by the WA Planning Commission on 9 April 2010 and has guided the re-subdivision and development of land for rural residential purposes. Lot 201 is

shown as Lot 1 on the structure plan. Key elements of the structure plan that relate to Lot 201 may be summarised as follows –

- 50m building setback and 20m revegetation buffer to Biddle Road;
- Building/clearing exclusion area focused on remnant vegetation and subject to a Restrictive Covenant;
- Provision for the development of 6 chalets; and
- Additional low key land use permissibilities in accordance with the Scheme (Additional Use 37).

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

The key policies relevant to the proposal are:

- 1. State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy;
- 2. Local Planning Policy 9B Bush Fire Protection Provisions, State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas 2015
- 3. City of Busselton Local Rural Planning Strategy;
- 4. Commonage Consolidated Structure Plan.

Each is addressed below under appropriate subheadings.

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

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (LNRSPP) outlines the area as 'Rural Residential' and it is referred to as the 'Commonage'. The document acknowledges that the area has environmental features worth preserving as well as acknowledging that the area is zoned and identified for Rural Residential development. Furthermore the LNRSPP states that "subdivision and development design that facilitates land already committed for Rural Residential development will be encouraged".

The subject land is within an area identified as having 'Rural Landscape Significance'. Biddle Road is identified as a 'Travel Route Corridor within Rural Landscape Significance'.

Policy PS 3.6 states that in areas of Rural Landscape Significance development or change of use should protect the rural character of the land. The proposal is considered to be consistent with the LNRSPP.

# Local Planning Policy 9B Bush Fire Protection Provisions, State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas 2015

The property is identified as 'Bush Fire Prone – General' by the City's Local Planning Scheme No. 21 and associated mapping. In accordance with LPP 9B, unless otherwise agreed to by the City, all structure plans in a Bush Fire prone area, and within 100m of a bush fire hazard are to be accompanied by a bush fire hazard assessment to determine if the location for development is suitable in terms of bush fire risk. If the risk cannot be managed or reduced to an acceptable bush fire risk level by the BAL Assessment and structure plan to a stage where it will not require ongoing management, a Fire Management Plan will be required. If the risk can be managed by the measures of the BAL Assessment then a Fire Management Plan will only be required at the subdivision stage.

The City's LPP 9B provides additional guidance to provisions of the WAPC's current Guidelines. The Guidelines are the standard for assessment of planning proposals in bushfire prone areas. The Guidelines outline a need to identify the bush fire risk of an area at structure plan stage to identify if the location is adequate for development. The purpose of the Fire Management plan is to assess the

bush fire risk for the property and suggest management measures to reduce bush fire risk and comply with the Guidelines.

The key elements of the Guidelines relevant to the proposal are:

- Element 1: Location of Development; and
- Element 2: Siting of Development.

The intent of Element 1 is to ensure that the subdivision, development or land use is located in areas with the least possible risk from bushfire, to help minimise risk to people, property and infrastructure. Element 2 intends to ensure that the siting of development minimises the level of bushfire impact. The fire management plan provided in support of the proposal suggests that bush fire risk to rural residential development can be managed to an acceptable level.

## **Local Rural Planning Strategy**

The subject land is located within Precinct 6 'Commonage' of the Local Rural Planning Strategy. The strategy describes the precinct as "comprising the existing Commonage Rural Residential Policy Area south of Dunsborough and north of Wildwood Road".

The vision of the precinct is to:

- "consolidate rural residential land use and provide for diversification in small-scale and low-key tourist, rural and home based activities in a manner that sustains the existing natural environment, landscape values and residential amenity of the area with well-developed pedestrian and habitat/biodiversity links;" and
- "promote the retention of the rural amenity and appropriate scaled rural land uses where compatible with rural residential amenity".

Specifically relating to subdivision the strategy states that "rural residential subdivision is limited to existing Rural Residential Zones and is in accordance with the adopted Structure and Development Guide Plans". Subdivision is also to be in accordance with the LNRSPP.

It is considered that the proposed structure plan complies with the vision for the Precinct and would provide a small scale subdivision that would not result in a detrimental impact on the natural environment nor the residential amenity of the area.

#### **Commonage Consolidated Structure Plan**

The Commonage Consolidated Structure Plan provides the basis for subdivision in the Commonage area and specifies the minimum and average lot sizes for each of the precincts of the structure plan area. Lot 201 is located within the 'Cluster Precinct'. The additional details on the structure plan reflect the intent of the land for 'permaculture' strata subdivision at that time. The structure plan contains a number of notations particularly relevant to consideration of the current proposal – which may be summarised as follows –

- 1. 20m wide landscape buffer and 50m setback to Biddle Road; and
- 2. Average lot size of 3 hectares within the Cluster Precinct (which was consistent with the then current Rural Strategy). It also provides that the Council may consider an increase in density (to an average 2ha lot size) provided that the proposed plan of subdivision is consistent with the Statement of Intent, adopts principles of cluster design and development and the applicant to demonstrate a benefit to the community in departing from the provisions of the Rural Strategy.

Additionally there are planning policy statements (PPSs) particularly relevant to consideration of the proposal – which may be summarised as follows –

- 1. PPS2, which sets out that, *inter alia*; "...subdivision of land...shall include a broad range of lot sizes...and shall recognise areas of open landscape and remnant vegetation appropriately. Lots ranging upwards from 5,000m² may be considered in the 'Cluster Precinct' only in subdivision proposal that adopt a cluster approach to design.
- 2. PPS6, which sets out that, *inter alia*; "Except as otherwise provided for on an endorsed Development Guide Plan...a 50m minimum setback shall apply to Biddle Road...".

The proposal is considered to be generally consistent with the Commonage Consolidated Structure Plan.

#### **FINANCIAL IMPLICATIONS**

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

# **Long-term Financial Plan Implications**

Nil.

#### STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with community objective 2.2 of the City's *Strategic Community Plan 2013*, which is – 'a City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

#### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve initiating the proposed amendment for referral to the Environmental Protection Authority and adopting the modified DGP for advertising. In this regard, there are no significant risks identified.

# **CONSULTATION**

There is no requirement under the *Planning and Development Act 2005* to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date.

If the Council resolves to initiate the proposed amendment, the relevant amendment documentation would be referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. Should the EPA resolve that the amendment does not require formal assessment it will be advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **OFFICER COMMENT**

The proposed scheme amendment and related changes to the McLachlan Ridge Structure Plan would facilitate the creation of a 'Public Purposes' reserve for the future development of a community and firefighting/training facility for the Commonage area on Lot 201 Balmoral Drive, Yallingup. The landowner has approached the City in this regard and an assessment of the current location, as identified on the Commonage Consolidated Structure Plan, in comparison with Lot 201 Balmoral

Drive found that the subject land is a better location for a number of important reasons. There are also no potentially suitable sites identified elsewhere on land already in public ownership, or any prospect of a more suitable site on land currently privately owned.

It should be noted, though, that identification of the land as part of the planning process does not mean that either kind of facility would need to be actually developed on the land in the near term, but would allow for the necessary engagement and consultation that would have to precede any decision to actually develop a facility to proceed. Adoption of the proposal for consultation purposes would also allow further, meaningful consultation to occur around whether in fact this site is the most appropriate location. If, through and following the consultation process it is considered it is not the most appropriate location, then the proposal could be modified to remove that element prior to final adoption, but allowing the other aspects (i.e. those that facilitate private development), if they are considered appropriate to proceed. Given that the City is required to assess applications to amend structure plans according to timeframes established by regulations, it would not be appropriate to defer this matter pending further informal consultation with stakeholders.

Notwithstanding the fact that the landowner has initiated the discussions with the City on potentially locating a community and firefighting/training facility on the subject land (and is supportive of the intent of the scheme amendment and proposed changes to the endorse structure plan in terms of reserving a portion of Lot 201 for that purpose), the proposed change in zoning from 'Rural Residential' to 'Reserve for Public Purposes' could, if a transfer was not negotiated prior to finalization of the Amendment process, trigger a claim for injurious affection. It is not the intention that the landowner cedes the reserved land to the City free of cost (as the need for the land is not generated by the proposed development itself, rather it is generated by growth and development within the broader locality), rather the City would need to negotiate purchase of the land (and at a value that reflects its future reservation for 'Public Purposes,' rather than a higher cost that a lot zoned 'Rural Residential' would command and note that creation of an additional 'Rural-Residential' lot would not be supportable). The City would seek an independent valuation of the land as part of negotiations to purchase/transfer the City and the City will require, at the very least, arrangements in place to indemnify the City from any claim, prior to the Council considering the scheme amendment for adoption for final approval.

The proposal also offers the opportunity to rationalise the boundary of Additional Use 37 and consolidate permissible additional uses within a smaller lot that has low conservation values and already accommodates commercial activities (Bakery). The applicant is also seeking the inclusion of 'Restaurant' as a new permissible land use. Although 'Restaurant' is an 'A' use pursuant to LPS21 in the 'Rural Residential' zone, the use is not permitted unless a Development Application is advertised and planning consent granted. This would provide certainty for the landowner and allow a land use that would be complementary to the existing permissible uses and consistent with similar Additional Use areas within the wider Commonage area. Advertising of such a change would happen as part of this amendment process.

The proposed scheme amendment and modified McLachlan Ridge Structure Plan have been assessed against the prevailing planning framework and found to be generally consistent.

# **CONCLUSION**

Officers are recommending that proposed Amendment No. 11 to Local Planning Scheme No. 21 be initiated for referral to the EPA and subsequent advertising for public comment.

#### **OPTIONS**

Should the Council not support the Officer Recommendation, the Council could consider the following options –

- 1. Resolve to decline the request to initiate the proposed amendment and/or modified structure plan in its entirety and provide a reason for such a decision.
- 2. Resolve to initiate the proposed amendment and/or modified structure plan subject to modification(s).

It should be noted that there is no right of appeal against a Council decision not to initiate an amendment.

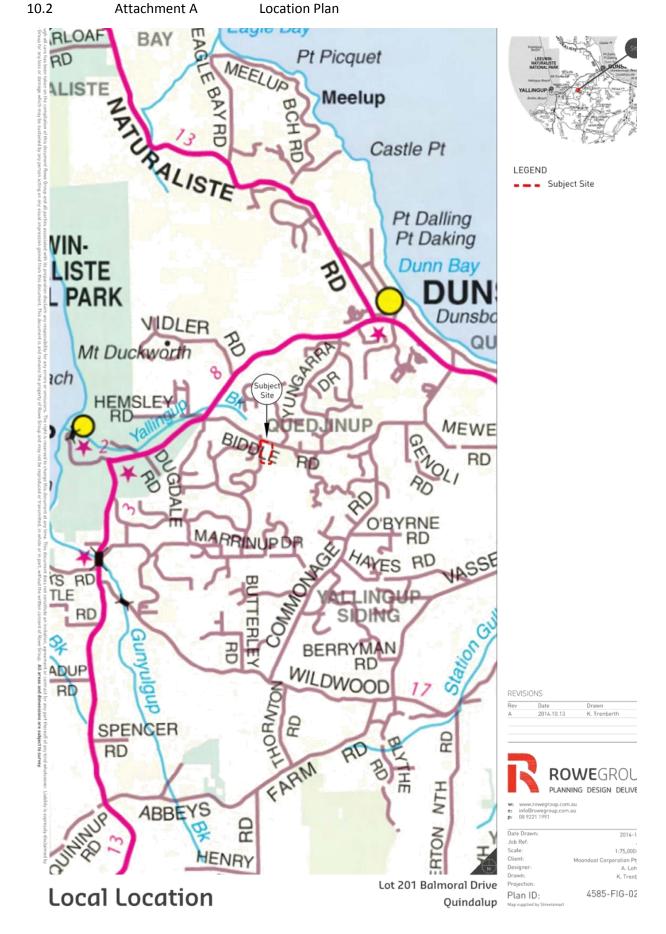
#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve the provision of advice of the Council resolution to the applicant and this will occur within one month of the resolution.

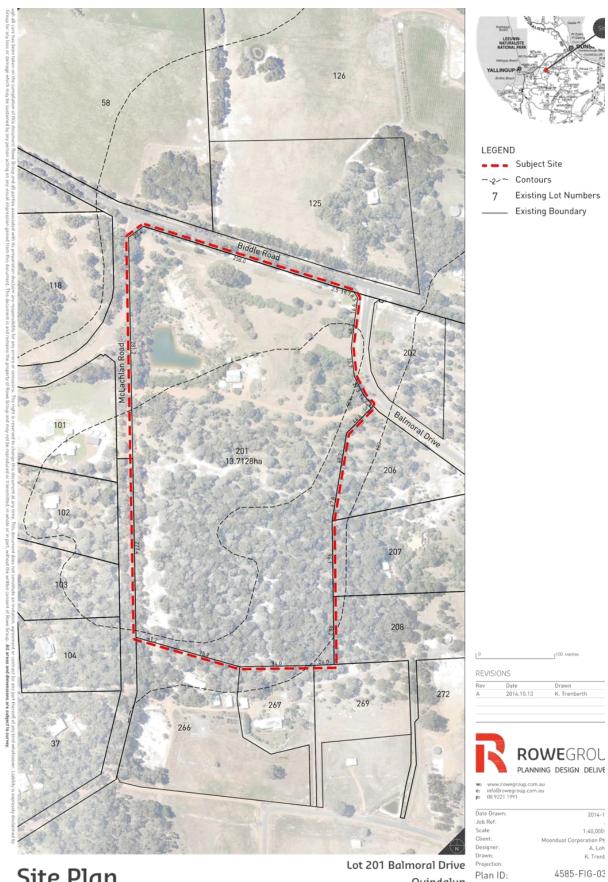
# **OFFICER RECOMMENDATION**

That the Council:

- 1. In pursuance of Part V of the *Planning and Development Act 2005*, initiates draft Amendment No. 11 to the City of Busselton Local Planning Scheme No.21 for the purposes of:
  - a) Rezoning a portion of Lot 201 Balmoral Drive from 'Rural Residential' to 'Reserve for Public Purposes'.
  - b) Amending the boundary of Additional Use Area No. 37.
  - c) Amending Schedule 2 Additional Uses to include 'Restaurant' as a permissible land use for Additional Use Area No. 37.
  - d) Amending the Scheme Map accordingly.
- 2. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
- 3. That draft Amendment 11 to Local Planning Scheme 21 is a *standard* amendment pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 4. Adopts the draft McLachlan Ridge Development Structure Plan for public consultation pursuant to clause 7.4 of the City of Busselton Local Planning Scheme No.21.



Attachment B

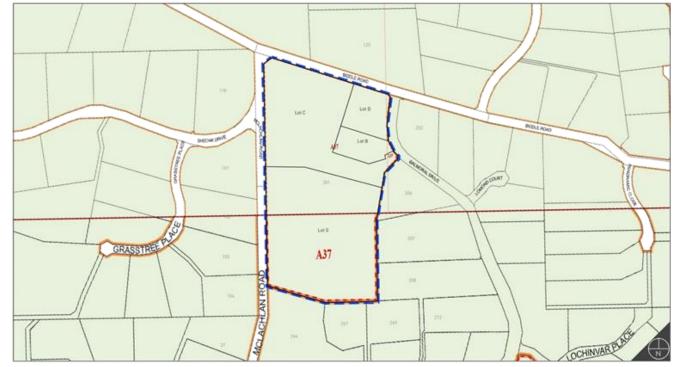


Site Plan

Quindalup

# Attachment C

# City of Busselton Town Planning Scheme No. 21 Amendment No. xx



# LEGEND ADOPTION/REFUSAL Subject Site ADOPTION [Regulation 13[1]] ADOPTED by resolution of the Council of the City of Busselton at the Ordinary Meeting of the Council held on the \_\_\_th day of \_\_\_\_, 201\_\_. Existing Lot Numbers

**Existing Boundary** 

LOCAL SCHEME RESERVES Rural Residential

OTHER CATEGORIES A1 Additional Uses

CHIEF EXECUTIVE OFFICER

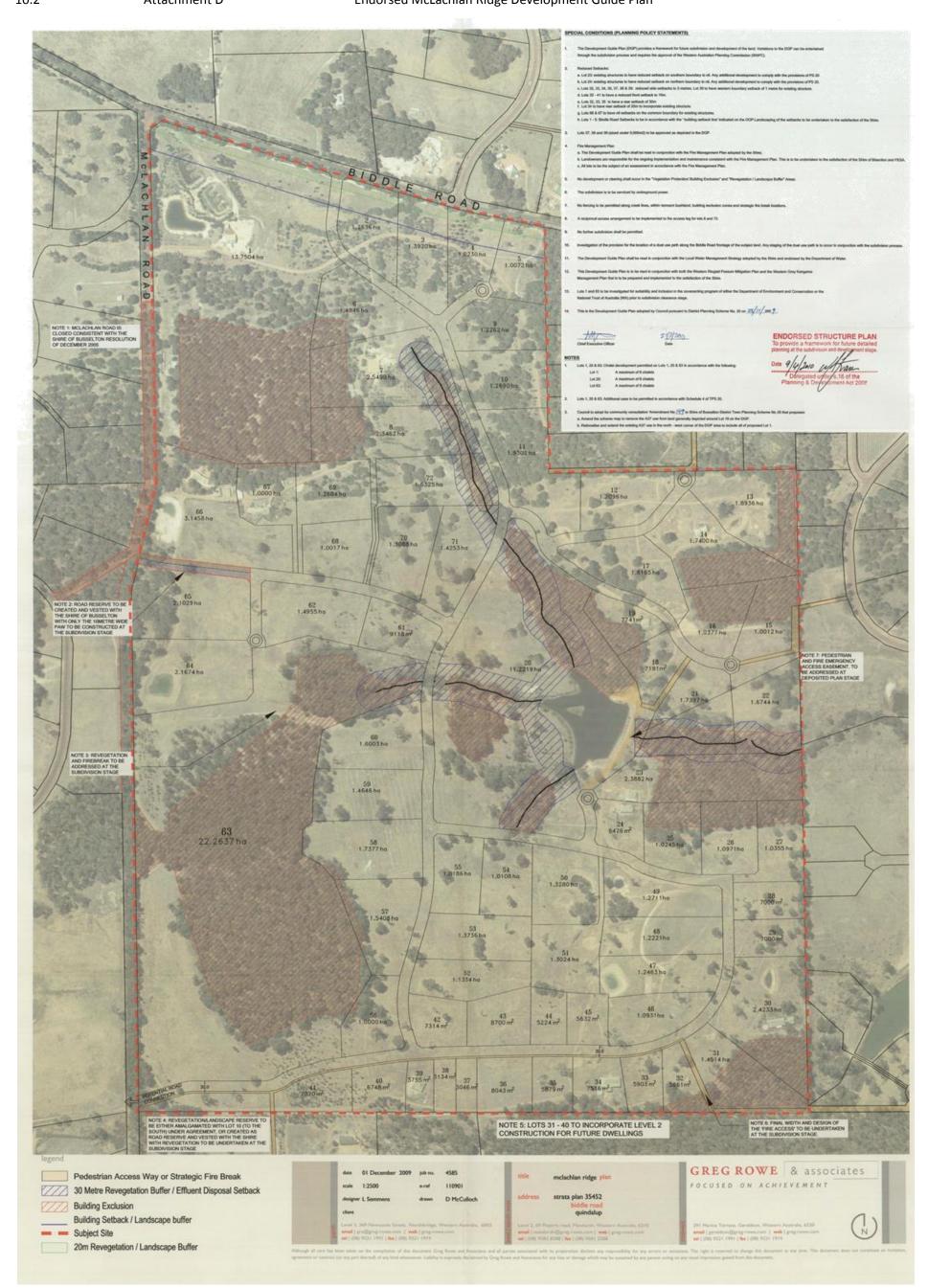
MAYOR

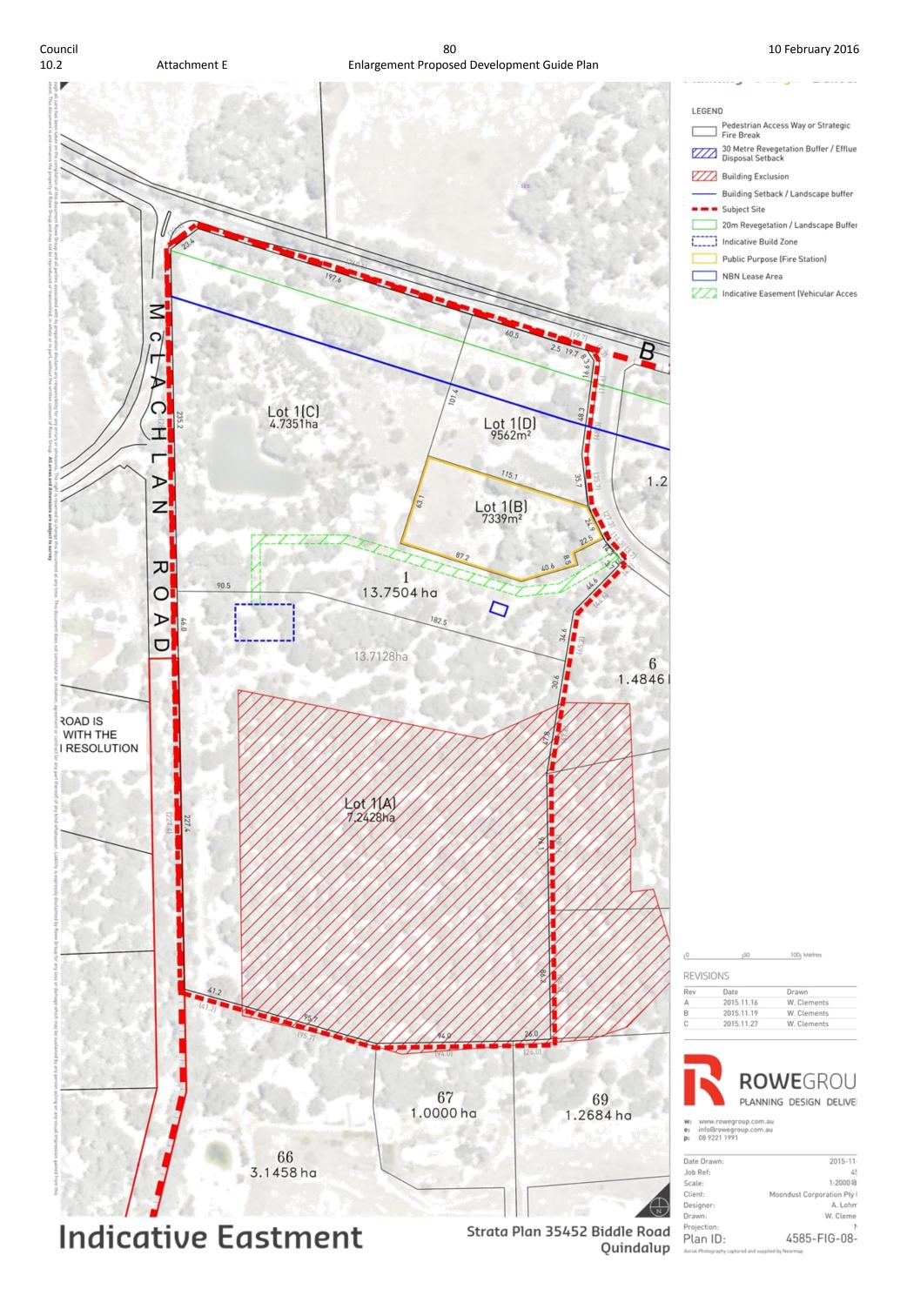
# **Existing Zoning**



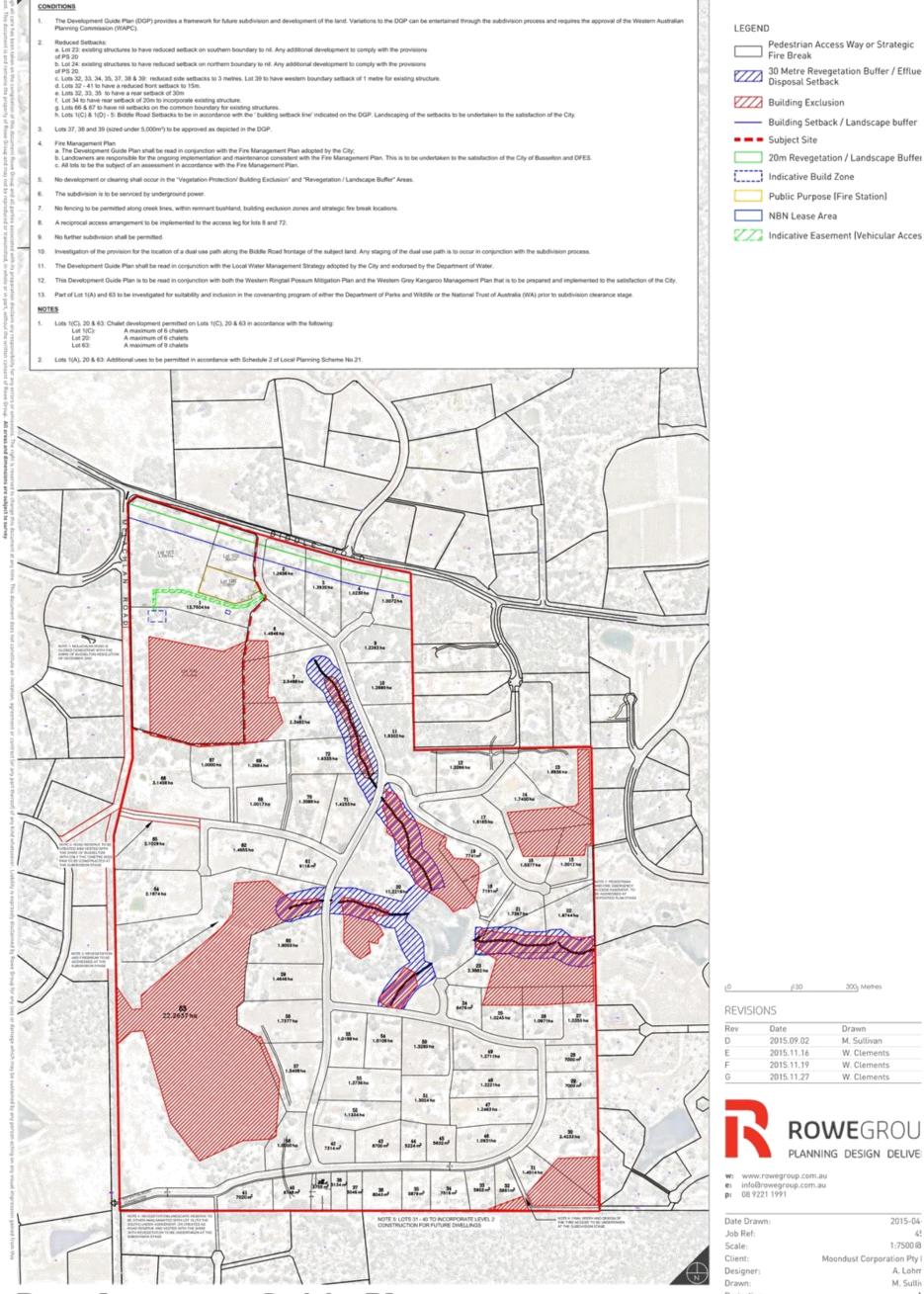
# LEGEND Subject Site **Existing Lot Numbers** Existing Boundary LOCAL SCHEME RESERVES Public Purposes Denotes As Follows: Fire Brigade OTHER CATEGORIES A1 Additional Uses

FINAL APPROVAL		
1. FINAL ADOPTION BY COUNCIL		
Adopted for Final Approval by Resolution of the City of Busselton at the Meeting of Council held on the day of The Common Seal of the City of Busselton was hereunto affixed by authority of a resolution of the Council in the presence of:		
MAYOR		
CHIEF EXECUTIVE OFFICER		
2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:		
DELEGATED UNDER S.16 OF PD ACT 2005		
Date:		
3. FINAL APPROVAL GRANTED		
MINISTER FOR PLANNING		
Date:		





10.2 Proposed Development Guide Plan Attachment F



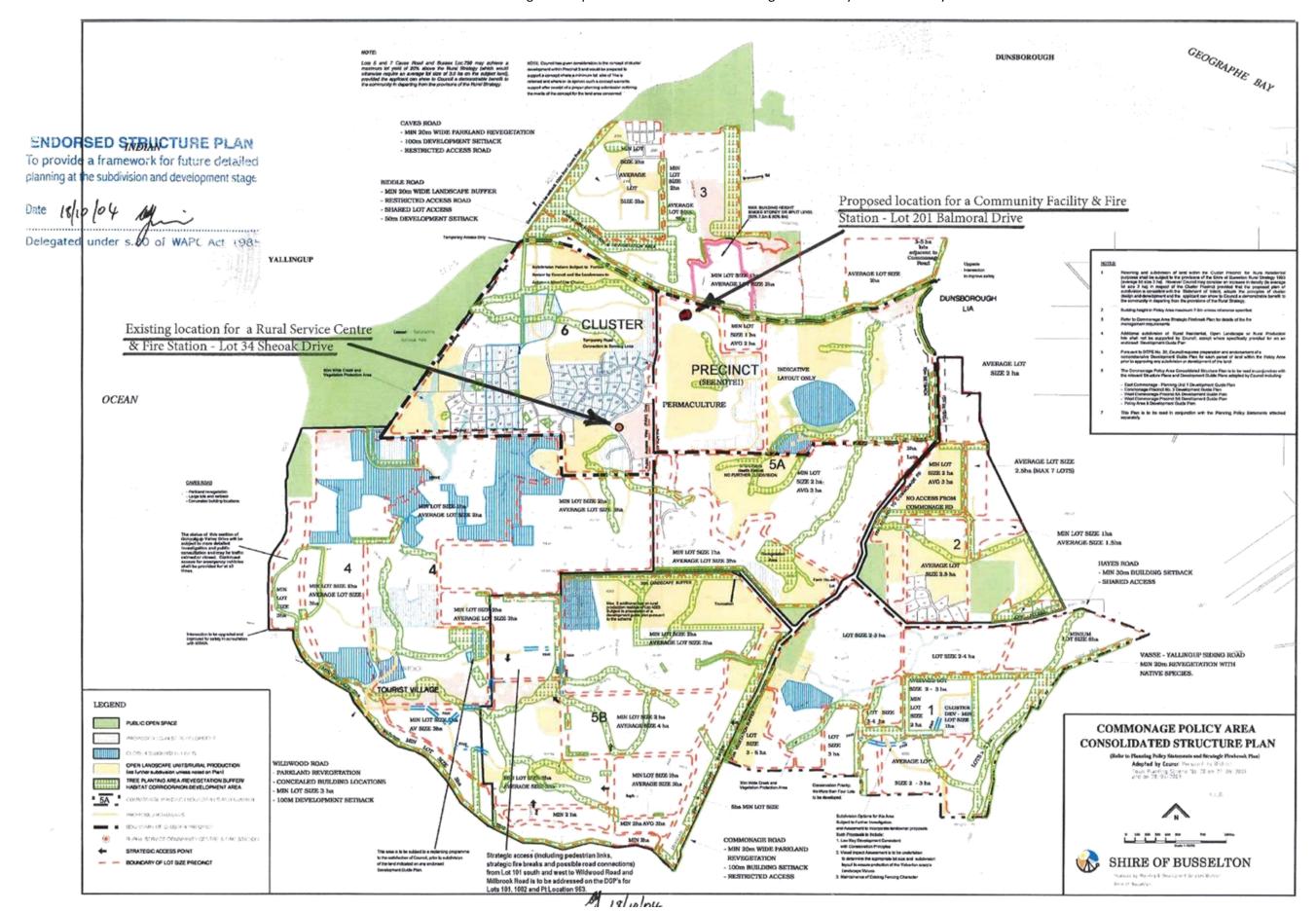
Development Guide Plan

Strata Plan 35452 Biddle Road Quindalup

٧	Date	Drawn
	2015.09.02	M. Sullivan
	2015.11.16	W. Clements
	2015.11.19	W. Clements
	0000 00 00	
	2015.11.27	W. Clements

Date Drawn:	2015-04-
Job Ref:	45
Scale:	1:7500 @
Client:	Moondust Corporation Pty I
Designer:	A. Lohrr
Drawn:	M. Sultiv
Projection:	4
Plan ID:	4585-FIG-05-

Attachment G



# 10.3 PROPOSED SUPERMARKET (ALDI) AND SHOWROOM, LOT 17, WEST STREET, BUSSELTON

**SUBJECT INDEX:** Statutory Planning Development Assesment

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

decision-making.

**BUSINESS UNIT:** Development Services and Policy

**ACTIVITY UNIT:** Statutory Planning

**REPORTING OFFICER:** Manager, Development Services - Anthony Rowe

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

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Land Use Concept Plan

Attachment C Site Plan

Attachment D Site Works Approval

Attachment E Elevations

Attachment F Published Under Separate Cover Confidential Legal

Advice

#### **PRÉCIS**

The City has received a planning application for a Discount Department Store (intended to accommodate a K-Mart store) and showroom premises at Lot 17 West Street, Busselton.

This application has followed a methodical approach of a Land Use Concept Plan, subdivision and a site works plan. This assessment is dependent upon fulfilment of the site works approval (DA15/077), but it enables the assessment of this proposal as if on a site ready to development, with access, car parking and drainage matters already resolved. The application has been submitted in parallel with a similar application for a Discount Department Store on another part of the site, and which is also subject of a report to the Council on this meeting agenda.

Key issues to consider with respect to the application are whether there is discretion to approve the primary land-use (i.e. supermarket) and whether and how that discretion should be exercised. The City has obtained legal advice in respect to the first of those issues, and that advice is provided to Councillors as (confidential) **Attachment G**.

Given the nature of some of the issues requiring consideration, it was seen as appropriate to undertake public consultation prior to the Council being asked to formally consider the application.

The proposal is recommended for approval subject to conditions.

# **BACKGROUND**

The subject land is zoned Restricted Business, which is generally for showrooms, warehousing and bulky goods shopping. Ordinarily, a supermarket business would fall into the 'Shop' land-use designation, and would be a prohibited land-use in the Restricted Business zone. The City has, however, received advice which indicates that, in this instance, the supermarket development proposed can be considered a 'use-not-listed' in the City's town planning scheme, and that legal discretion therefore exists to approve the proposed development. The City has obtained legal advice in respect to that key issue, and that advice is provided to Councillors as (confidential) **Attachment G**.

Special Provisions that relate to the land (SP26) also require that development shall be undertaken in accordance with a Land Use Concept Plan.

In June 2015 the City approved a Land Use Concept Plan. The Land Use Concept Plan illustrated indicative buildings and explicitly it identified a building at the location of this proposal as a Discount Department Store. A copy of the endorsed Land Use Concept Plan is included as **Attachment B**.

Following the approval of the Land Use Concept Plan, a subdivision application consistent with it was approved by the WAPC on 11 December 2015.

A Site Works application, for construction involving the filling of the land, installing services, making roads, carparks and individual building sites, consistent with the Land Use Concept Plan, was lodged concurrently with the subdivision application. It was approved under delegation on 29 January 2016. A copy of the site works approval is included as **Attachment D**.

The proposed development now before the Council consists of:

- A supermarket with 1,606m<sup>2</sup> NLA
- Three showroom tenancies with NLAs of 510m², 145m² and 140m²
- Loading docks at the rear of the supermarket and showroom tenancies

There are two key, existing subdivision/development approvals already in place, namely the subdivision and site works approvals referred to above. Each of these is described in a little more detail under appropriate sub-headings below.

#### Subdivision WAPC 152597

The Subdivision proposed the creation of 11 allotments out of Lot 17 West Street and some adjoining lots in common ownership, and followed the allocation of land use and the indicative internal road layout consistent with the Land Use Concept Plan. A significant feature included ceding land for the foreshore reserve and the space to accommodate the road widening of West Street, including a proposed roundabout to provide the primary means of access to the overall development. The subdivision also provides the arrangement of easements for the shared use of car parking areas, access ways (private internal roads) and services/utilities. No public roads are proposed through the area of Lot 17. All access ways, dual use footpaths, pedestrian footpaths and car parking are to be covered by public easements available to the benefit of the City of Busselton and the public at large.

# Site Works Development Application DA15/0577

The site works implement the layout cascading from the Land Use Concept Plan through to the subdivision. The site works application addressed all works/constructions except for the buildings themselves. It is the works associated with the filling of the land, the making the roads, drainage works, car parking areas, service roads, street lighting, landscaping, public paths and the development of the foreshore reserve. It includes the construction of the roundabout at West Street and the construction of the road medians on Bussell Highway.

A particular focus of the officer assessment of the site works application, prior to the granting of an approval under delegated authority, was ensuring that, whilst recognizing the fact that the development is an essentially service commercial precinct, rather than a main street type precinct, the overall site layout and detailed design will provide a high level of amenity, with adequate footpaths to encourage and facilitate pedestrian access, as well as landscaping to soften the overall precinct.

Works are not to commence on site until (technical) engineering drawings, specifications and arrangements (Agreements) for ceded assets and works on public land have first been agreed.

A kangaroo management plan is to be prepared for approval by the Department of Parks and Wildlife prior to commencement. A construction management plan controlling dust, noise, and stormwater through the period of construction has also been conditioned for the purpose of minimizing disturbance to neighbours and to protect the water quality of the New River wetland

#### STATUTORY ENVIRONMENT

On the 23 August 2015 the Minister Gazetted the Development (Local Planning Schemes) Regulations 2015. The new regulations introduced at Schedule 2, of the Regulations, a set of Deemed Provisions that must be read concurrently with the City's Local Planning Scheme; until such time as the City prepares an amalgamated Local Planning Scheme. In the event of conflict between Schedule 2 and the City Scheme, the provisions of Schedule 2 prevail.

# **Development (Local Planning Schemes) Regulations 2015 (Schedule 2)**

In considering an application for development approval the City is to have **due regard** to the matters to be considered as listed at cl.67. (see Officer Comments).

To the extent they are the most directly applicable to the proposal, regard has been given to the *Matters of Considerations* listed in Schedule 2 and in turn the most applicable policy and guidance found across State Policy, Local Planning Scheme policy, and Local Planning policy.

Matters to be Considered	Applicable Policy
Orderly and proper planning (Cl 67(a)(b)(c)(d)(e)(f)(g) and (h))	Scheme 21
	LPP2,4,6 and 8
Any report of review of the Scheme (Cl. 67(i))	Nil
Land Reserved under the Scheme (Cl.67(j))	Nil
Built Heritage (cl. 67(k))	Nil
Cultural heritage (cl. 67(l))	Nil, addressed in
	investigations LUCP
Compatibility in its setting (cl. 67(I))	Part 5 Scheme 21
Amenity (cl. 67(n))	Part 5 Scheme 21
Effect on the natural environment (cl. 67(o))	DEC Wetland Mapping,
	addressed at Land Use
	Concept Plan
Landscaping (cl. 67(p))	Part 5 Scheme 21

# **Local Planning Scheme 21**

# **Zoning Table**

The zoning table lists a variety of land uses under each zone title in the City's Scheme. It denotes whether a land use is *Permitted*, *Discretionary*, Discretionary requiring advertising and *Prohibited*.

Development that does not fall comfortably within a use listed in the Table (having referred to the Definitions provided at Schedule 1 of the Scheme) may be assessed as a *use not listed*.

In addition to the Zoning table, *additional uses* identified in Schedule 2 of the Scheme may apply, and particular conditions that may apply to the development of particular sites can be listed as Special Provisions in Schedule 3 of the Scheme.

#### **Restrictive Business Zone:**

The subject land is located in the Restricted Business Zone.

The Restrictive Business Zone does not list a Supermarket in the Zoning Table. An additional use however is provided at the subject land (in Schedule 2) for a Discount Department Store to be determined as a Discretionary use, not requiring advertising, and also Special Provisions listed in Schedule 3 apply.

Schedule 2 at Additional Use 64 (A64) includes:

- Pt Lot 17 West Street, West Busselton Discount Department Store 'D' discretionary use and does not require advertising.
- Developed in accordance with a Land Use Concept Plan adopted by the Council.
- Development shall comprise of a single Department store with a gross leasable area not less than 5,000m and not more than 8,000m<sup>2</sup>.

Schedule 3 at Special Provision 26 (SP26)

- Development in accordance with the Land Use Concept Plan (LUCP)
- Development of the land shall make provision for dual use path connections between Prince Regent Drive and Bussell Highway
- Development shall make provision for a foreshore and drainage reserve
- A Stormwater and Drainage Management Plan shall be provided
- Development shall address the interface with adjacent Residential zoned land
- Dust and Noise Management Plans are to be prepared

The Objective of the Restricted Business Zone is:

"To make adequate provision for other commercial needs and opportunities not ideally located in the town centres of Busselton and Dunsborough whilst having regard to the strategic importance and need to maintain the commercial primacy of the town centres."

# Land Use Concept Plan

The Additional Use provisions and the Special Provisions both rely on the Land Use Concept Plan.

The Land Use Concept Plan was recently amended by the City following advertising and consultation with state agencies. It was advertised 17 April 2015 to 15 may 2015 and adopted by Council on 24 June 2015.

The Land Use Concept Plan provides for the allocation of space within Lot 17.

It identifies indicative building locations, road arrangement, car parking and the delineation of the foreshore reserve. It also illustrated and notated the widening of West Street and provision of the roundabout, and access onto Bussell Highway with restrictions to only left-in/left-out movement.

The Land Use Concept Plan includes policy guiding development, requiring development adjacent the residential zoned land, west boundary, to be restricted to single storey, and measures to protect residential amenity and privacy.

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

# **State Planning Policy**

Nil

# **Local Planning Policy**

# **LPP 2 Traffic and Transport Policy**

A Traffic Impact Assessment was undertaken as part of the Land Use Concept Plan. The assessment was prepared by Jacobs SKM and critically reviewed by City engineers with assistance from ARUP consulting. The impacts upon the network and future demand was analysed, resulting in the approval of the Land Use Concept Plan with the roundabout and precise positioning on West Street, and medians restricting left-in/left-out turns at Bussell Highway. Insufficient road width is available at Bussell Highway to provide a slip lane for right hand turns, which is necessary to avoid congestion on Bussell Highway.

Light sequencing and restrictions on right-hand turns travelling west from Bussell Highway may be of temporary assistance, but the intersection at Bussell Highway and West Street will require a significant upgrade to cater for the natural growth of the City.

# **LPP 4 Urban Centres Policy**

This policy addresses design guidelines for specific commercial centres. Whist the subject land is outside of the boundary of the Urban Centres Policy it is considered relevant and has been given regard to.

## LPP 6 Development Contribution Policy

This policy identifies the requirement for contributions.

A percent for art contribution is at 1% of the development value is applicable to this application.

Drainage and infill contributions are not required as development through the UWMP for the Site Works application is to achieve standards for on - site disposal and therefore not require any augmentation of the City systems.

All roadwork associated with the development including the roundabout and medians will be at the applicant's cost and is addressed by condition of the site works approval.

# LPP 8 General Development and Process Standards policy

The CBD parking requirements can be applied to the considerations at this site and key considerations in this regard, from the General Development and Process Standards policy, include:

- Taxi spaces are required in close proximity to entrance at 1 per 1,000m<sup>2</sup> gross floor area.
- Where reciprocal parking is proposed, the City must be satisfied that parking arrangements are permanent

- All car parking areas are to be sealed, line-marked and drained to the satisfaction of the City
- Car park design and construction shall include adequate provision for landscaping
- The City may require the lodgement of performance guarantees against the satisfactory construction, completion and establishment of car parking areas and associated landscaping
- The rate of carparking spaces for particular land uses is:
  - Shop, Office 1 space for every 30sqm of net lettable area.
  - Showroom 1 space for every 50sqm of net lettable area.

#### **FINANCIAL IMPLICATIONS**

Nil

# **Long-term Financial Plan Implications**

There are no long term financial implications directly attributable to the determination of this application.

## 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.

One of the submissions received during advertising has questioned the determination of the nature (category) of land use. The submitter has the prerogative to challenge the City's categorisation at the Supreme Court. The City has obtained independent legal advice which has supported its categorisation.

#### **CONSULTATION**

The application for a supermarket was advertised between 30 October 2015 and 18 November 2015. Nine public submissions were received. Relevant agencies were also consulted.

A summary of the submissions received is attached (Attachment F).

The public issues raised in the submissions include:

- Concern about disturbance to the adjacent residential area
- Access to the homemaker centre should not be disadvantaged
- Relationship to Lot 16
- Concern the development will detract from the town centre of Busselton
- A supermarket was not identified on the concept plan
- The proposal is a shop and should be assessed as prohibited

The proposal is contrary to the Ministers reasons for declining Scheme 20 Amendment 181

The issues raised by agencies include:

- Development is supported if consistent with the Local Water Management Strategy and Urban Water Management Plan.(DoW, DPAW)
- Supported if satisfactory manoeuvring space is provided for emergency vehicles.(DFES)
- Concern about impact/congestion on the West Street Bussell Highway intersection. (Main Roads)

# Reply to submissions received

The matters raised in the public submissions relate more to the considerations that were given in determining the Land Use Concept Plan. They relate to the overall development of the site and not specifically the supermarket and showrooms in their location on site.

The proposed building is located away from the residential area to the west. It will not directly impact upon the residents located at the western boundary. The Land Use Concept Plan guides the future development. In the area adjacent to the western residents it nominates buildings to be single storey and set back from the boundary (the setback utilised as a service access). It also provides in this area that any future assessment to ensure an appropriate level of amenity and privacy is provided to the adjacent residents. This includes matters of light spill, noise, odour, overlooking.

Overall the development does provide a benefit for the residents located to the west, which the City has pursued in response to their concerns; to provide them with an additional route of access to West Street or Bussell Highway.

The comments of Main Roads WA are not specific to the Supermarket but the development of lot 17 overall. These matters were considered at the land Use Concept Plan investigations and resulted in road treatments at West Street (provision for road widening and provision of a roundabout) and at Bussell Highway (medians restrictions facilitating only left-in and left-out turns.

It is acknowledged that the West Street Bussell Highway intersection is under pressure **at peak** times and is worsening. Work by the City has not been able to proportionate the impact of other recent commercial developments from that of the general and natural population growth. The City has therefore not been seeking upgrade contributions from recent developments in the town centre for the West Street Bussell Highway intersection. The capacity in the immediate term may be extended by signalling treatments including restricting right hand turns north at peak times, and by improving real time information for drivers (active signage at peak times) about alternate routes to destinations.

Storm water disposal, and the interface with the foreshore and wetlands, has now been approved by the Department of Water and the Department Parks and Wildlife, through the subdivision approved by the WAPC.

# **OFFICER COMMENT**

This proposal follows a methodical approach to the development of Lot 17. Many of the matters that would be considered have been addressed through the development of the Land Use Concept Plan, namely the impact up on the traffic network including intersection designs, the integration of utilities, the relationship to adjoining properties and protection of the wetlands.

The subdivision application that followed the Land Use Concept Plan and the Site Works approval resolved the requirements for, floor levels, stormwater management, internal traffic movement, shared parking, pedestrian movement and landscaping.

## The key *Matters to be Considered* are the:

- Classification and orderly development
- Design and appearance of the building;
- Amenity;
- Carparking; and
- Effect on the natural environment

#### Classification and Orderly development

## Classification

A number of submissions questioned the appropriateness of the location for a supermarket and also whether it was in fact a *Shop* and therefore a prohibited land use in the Restrict Business Zone. The Land Use Concept Plan identified the building but not the use as a Supermarket.

The applicant had sought to have the application categorised as a *Convenience Store*, which is a land use explicitly contemplated in the Restricted Business Zone.

The City's initial determination was that the proposal constituted a *Supermarket* (as well as showrooms), and that a *Supermarket* was not a use listed within the Zoning table in the Restricted Business zone. Significantly it is identified that Schedule 1, lists a *Supermarket* as a use that is different to a *Shop*.

The City then proceeded to consider Scheme clause 4.2.2 and determined that the Supermarket, and the application, was applicable to sub clause (b); that the use **may be** consistent with the objectives and policies of the Restricted Business zone and that advertising is required. The City proceeded to determine the application on that basis.

The City has sought external legal opinion as to the appropriate classification of the land use/application.

The legal advice obtained by the City supports the adopted the correct approach.

The legal advice also supports that Aldi is a particular form of Supermarket. An Aldi store can be distinguished from other supermarkets by its inclusion of special buys, which include furniture, electrical appliances, hardware, clothing toys and sheets. The advice however found that these distinctions neither make an Aldi store a shop or a showroom, but by proportion, it still satisfies the definition of a *Supermarket*. The legal advice did not support the opinion that the proposal could be considered a *Convenience Store*.

# Orderly development

The Statutory requirement is for the determining authority, the Council, to give due regard to the *Matters to be Considered*, as prescribed in the Regulations. Importantly *due regard* requires the determining authority to apply the development controls practically and mindful of their purpose.

The Restricted Business includes an additional use for a Discount Department Store, up to 8000sqm and this was approved by the Minister in June 2007.

The City's Local Commercial Strategy's reflection on the purpose of facilitating the development of a Discount Department Store at Lot 17, which is unique only to this Restricted Business zone, recognised that it was important due to the difficulties in coordinating and consolidating land parcels in the town centre and rather than undermining the town centre it would be beneficial in reducing the escape expenditure to other centres in the region.

The Local Commercial Strategy did however recognise the importance of detailed design to ensure the development did not create fragmentation of the town centre.

Since then the detailed design referred to has been achieved through the Land Use Concept Plan. The recently approved Busselton Central, the main carpark off West Street has also worked to create a strong north-south connection linking Lot 17 to the town centre. The New River foreshore also provides a natural barrier defining the extent of development and perception of the town centre for the public.

The purpose that may be derived of the Zone, in considering the zoning table, the zone objectives and additional use, is that of commercial activity, a clean environment of a high amenity. A land use for *Industry*, as an example, is prohibited. A Discount Department Store up to  $8000m^2$  is a discretionary use not requiring advertising, therefore contemplated as appropriate and positively encourage by explicit identification in the Scheme.

The City has received a separate application for a Discount Department Store with a gross lettable area of 6133  $\text{m}^2$ . The proposed supermarket has a net lettable area of 1606  $\text{m}^2$ . Combined the total is 7739  $\text{m}^2$ ; within the 8000  $\text{m}^2$  Discount Department Store envisaged as desirable by the Scheme.

The Scheme purposefully provides for the impact a 8000 m<sup>2</sup> discount department store would have materially on the town centre and found advantages to do so despite a conflict with the Zone's objective. It cannot therefore be read at this particular Restricted Business Zone that anything that might be found in the City centre automatically cannot occur in this.

A Discount Department Store up to  $8000 \text{ m}^2$  is contemplated, and its intensity and impact including traffic was anticipated. Anything materially similar and within that quantum of  $8000 \text{ m}^2$  is arguably within the expected impact upon the City centre and road network, and therefore not inconsistent with the provisions of the Zone in this regard.

A Supermarket is materially comparable to a Discount Department Store. They are both car dependent, high turnover, large format, and the movement of people through and around them is very much the same. They are both not associated with any noxious emissions. They have the same car parking requirements and expected turnover of spaces. The only distinguishing feature is the product on sale; and this is not a distinguishing effect on the physical relationship the development may have with its surroundings. When comparing a Supermarket with a Discount Department Store they are externally comparable.

The proposed supermarket is an Aldi and it is a new market entrant. It is not an existing supermarket relocating from the town Centre. Aldi has a particular following and loyalty that may draw people from outside a normally expected catchment. There is no ready location within the town centre to practically accommodate an Aldi (that is not already held by a competitor) or be a site likely to be contemplated by Aldi as suitable, other than to displace an existing supermarket. As a supermarket however, an Aldi could be accommodated at a number of other locations within the District (e.g. the Commercial site at Old Broadwater Farm).

The arrival of Aldi will have an effect upon other supermarkets, but competition is not a direct planning consideration and the competitive effect will be felt whether or not Aldi was to locate at the proposed location or elsewhere in the City's area.

The proposed use, because it is materially comparable with a Discount Department Store and is within the envisaged intensity of development and the impact that would have on the town centre and traffic, is considered consistent with the orderly development of the city.

As an aside, it should be noted that the Council has in the past supported zoning changes for the land, which had they not been rejected by the Minister for Planning, allowed further shop and supermarket floorspace on the land.

# Design and Appearance of the Building

The City has worked constructively with the applicant to improve the design and appearance of the initial proposal. These considerations included widening the footpaths, increasing the glazing at the ground floor, ensuring a continuous awning for pedestrians, the locations for advertising identified within the building profile and the relocation of the trolley store area from the West Street frontage to a central position at the northern face (front) of the supermarket.

The resulting building is a simple design (see **Attachment E**) but the use of vertical feature parapets, the continuous awning as a linking horizontal element, the interchange of colours and a high use of proportion of window creates a frontage of interest and interaction at the carpark. The other sides of the building feature only an interchange of colour. It however, does present a neat and orderly appearance with more interest than typically expected of a uniform cement tilt up construction.

#### West Street Setback

Through the various design iterations and negotiations regarding the Site Works approval, the supermarket/building has been pushed south. The orientation of the building and the angle of West Street has resulted in an inadvertent narrowing of the setback to where the new the West Street boundary will be; once West Street has been widened. The south east corner of the building will have a 2m set back instead of the 6m set back identified in the Land Use Concept Plan. The building should be setback 6m from the widened road alignment in accordance with the Land Use Concept Plan to provide space for landscaping and sense of an appropriate scale to a public area.

The public's perspective is primarily from West Street. The architectural elements facing West Street are simple/bland. Landscaping, if the building is set back 6m, will intervene to assist in creating some variation and interest. The City has also indicated a preference for artwork, from the overall percent for art contribution at the site, to be directed to this area. Ideally the landscaping and the artwork should complement each other to provide a high standard of appearance at this area. The City can pursue this through the fulfillment of the conditions Site Works conditions.

A dual use path is to be located between the proposed building's service area and Lot 16. The Site Works investigations resolved the positioning of buildings, ground levels, and landscaping to ensure a pleasant amenity for the public travelling through the area. This has in turn benefited the relationship between the proposal and the house at lot 16.

The service areas located on the southern side of the proposed building are screened and the screening will present a neat and uncluttered edge to the building. This is consistent with the Scheme requirements for the location and screening of service areas. Precise details of materials, colours and textures should be conditioned, again to work with the considerations of the landscape plan details, conditioned in the Site Works approval, to ensure this area is an attractive public space.

## Building height

The predominant building height is 9.53m, with feature parapets on the north face extending up to 10.7m. Advertising signage is to be retained below the heights of the parapet walls. The City's general building height limit is 10m (cl.5.8) but is discretionary. Limited features extending above that height are routinely accepted by the City.

The proposed building is a compatible scale in terms of the Home Hardware building on the opposite side of West Street (east), the proposed Discount Department Store (west) and the buildings (north – Toyota). The building will however be significantly taller that the existing residence at lot 16, which is located immediately south of the proposed building.

# Percent for Art

The Percent for Art Policy requires a contribution, or works, of one percent of the estimated value of the development is to be provided towards the inclusion of artworks in built form and public spaces (1% of \$2,000,000 + \$20,000). This is applied as a condition.

The applicant has indicated a preference to provide the art of an equivalent value on site, rather than making the cash contribution. The City has indicated that the combined contributions from the Site Works and other development applications should be directed to the area adjoining West Street.

# **Amenity**

The proposed building and its use as a supermarket and showrooms are not normally associated with high external impacts as fundamental to the land use. Possible impacts may be disturbance by service vehicle noise, light spill, odour from service area bins and potentially cooking doors. These may be described as management scale impacts and can be addressed by conditions. They are also enforceable under environmental health legislation.

#### Carparking

Car parking is to be provided from a shared carpark. Both the proposal and the adjacent Discount Department Store will share a large block carpark. A formal arrangement for the continued access to the parking area is a condition that must be satisfied for both the lots to be divided and for the site works to commence. The proposal requires 70 car parking spaces; the supermarket calculated at 1:30m² NLA and the showrooms at 1:50m². Across the developments that share the carpark, a total of 700 spaces is required and 815 have been provided. This includes overall, 26 disabled bays, four taxi ranks, and 20 motorcycle spaces (this accords with LPP8 numbers and Cl 5.22 car parking in the Restricted Business Zone).

The City has ensured that the carpark will be provided to practical dimensions ensuring that overhangs maintain the functionality of footpaths and landscape strips and drainage swales. Car parking areas will be sealed and line marked. Taxi bays 2 and disabled bays 4 are indicated convenient to the supermarket entrances

The vehicle movement and parking arrangements pursued by the Site Works approval are designed to facilitate safe, efficient and secure access for users of the development. Through negotiation some initial spaces were removed to provide more space adjacent the internal roundabouts and at the aisle ends. Although some minor modifications will be required at the detailed design stage, associated with the Site Works approval, the key elements of the City's Car Parking Policy have been complied with.

## Effect on the natural environment

Through the investigation of the Land Use Concept Plan and the Local Water Management Strategy as part of the subdivision and expected of the Urban Water Management Plan a focus was to provide certainty for the adjacent (south) New River wetlands and its protection from entry of adverse quality storm water. These aspects have been addressed through establishing a foreshore reserve to be ceded to the Crown, by the requirements of the sub division approval and in the Site Works approval management plans and works the satisfaction of the Department of Parks and Wildlife.

The proposal before council will connect to the systems established by the site works and in that sense it will have a neutral affect upon the natural environment.

Another indirect impact, but addressed by site works approval is the provision of a Kangaroo Management Plan to be approved by the Department of Parks and Wildlife.

#### **CONCLUSION**

The proposal follows an orderly and proper approach to the development of the Restricted Business Zone. It follows approval of the Additional Use and the development of the Land Use Concept Plan, a sub division and a Site Works plan that provides the land in a ready state of development.

Whilst a supermarket is not a low intensity traffic generator it is materially similar to a Discount Department Store of 8000m<sup>2</sup>. The proposed supermarket and the proposed Discount Department Store are less than 8000m<sup>2</sup>.

The supermarket will have a competitive impact and contribute an increase in local traffic but it is within the impact that has been previously considered acceptable.

Further, the supermarket as an ALDI provides an additional competitor rather than simply providing an opportunity for an existing supermarket to relocate from the town centre. There is no readily available site in the town centre suitable for an Aldi. Declining this application would not strengthen the town centre, but it may deny the community the retail competition or it may see a site further from the town centre developed, which would be more damaging to the primacy, vitality and public perception of the town centre.

# **OPTIONS**

That the Council resolve

- 1. Refuse the proposal setting out reasons for doing so.
- 2. Approve the application with additional or different conditions.

#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

# **OFFICER RECOMMENDATION**

That the Council resolve:

1. That application DA15/0579 submitted for development a Supermarket and Showrooms at Lot 17 West Street Busselton is generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.

2. That application DA16/0579 submitted for development a Supermarket and Showrooms at Lot 17 West Street Busselton is approved subject to the following conditions:

#### **General conditions**

- 1. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed) except as may be modified by the following conditions.
- 2. No building is to be located within 6m of the new West Street boundary, established to accommodate a road widening of 5m.
- 3. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.

# **Prior to Commencement of any work**

- 4. That development hereby approved or any work associated with this approval must not commence until the site works as approved in DA15/0577 have been completed. *These* works create the land suitable for development.
  - The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and have been approved in writing
  - II. A revised floor plan and elevations reflecting a 6m building setback from the new West Street road boundary, consistent with the site works approval DA15/0577.
  - III. A detailed plan which shows natural ground levels, finished ground levels and finished floor levels.
  - IV. Details of type and colour of all external materials to be used.
  - V. Details of the proposed bin storage and loading dock areas including, but not limited to, the design and the materials to be used in their construction and management plan to minimise odour and pests.
  - VI. A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution.
  - VII. Details of signage, including but not limited to the design, materials and levels of illumination.
  - VIII. A detailed external lighting plan that avoids light spill to the residential property located immediately south, and is to be maintained for as long as that property remains as a place of residence. Aside from avoiding light spill to the south light should provide security to the carpark and can be used to create visual interest on the building's form.
  - IX. A Noise Management Plan detailing the control of all noise emanating from the property which is to include loading docks, service bays, waste management/ bin areas, exhaust air outlets and air conditioning plants.
  - X. Details of bicycle parking facilities including location and design.
  - XI. A Construction Management Plan, which shall include details of site offices, material compounds, construction parking.
- 5. Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's *Development Contribution Policy* via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site. Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street.

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

6. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 4-5 have been implemented.

# **Ongoing conditions**

- 7. All signage is to be maintained in good condition with an unbroken or faded surface.
- 8. Windows facing east and the carpark (north face) should remain open to views and shall not be covered by more than 20% such as for advertising.

#### **Advice Notes**

- 1. If the applicant and/or owner are aggrieved by this decision, there may also be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Southern Joint Development Assessment Panel.
- 2. This Decision Notice grants planning consent to the development the subject of this application (DA15/0579). It cannot be construed as granting planning consent for any other structure shown on the approved plans which was not specifically included in this application.
- 3. Please note it is the responsibility of the applicant / owner to ensure that, in relation to substantial commencement, this Planning Consent remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
- 4. In accordance with the provisions of the Building Act 2011 and Building Regulations 2012, an application for a building permit must be submitted to and approval granted by the City, prior to the commencement of the development hereby permitted.
- 5. Details will be required at building permit for the provision of a static water supply for fire-fighting purposes. Hydrant pressure alone cannot be relied upon. This supply may be in conjunction with the requirements of other development at Lot 17.



# LAND USE CONCEPT PLAN

Attachment B

# Lot 17 West Street, West Busselton

The purpose of this Land Use Concept Plan (LUCP) is to provide an appropriate layout for the future subdivision and development of Lot 17 West Street, West Busselton, and implement the conditions of the Special Provision Area 26 and Additional Use 64 (A64) conditions of the City of Busselton's Local Planning Scheme No.21 (LPS21).

The following provisions apply to the subdivision and development of land within this LUCP:

- 1. At least 50% of the DDS building footprint shall be within the A64 area.
- 2. A dual use path is to be fully constructed to link Prince Regent Drive with West Street in the first stage of the subdivision, generally in the location as shown on the LUCP.
- 3. Public access, in the form of a public access easement (or equivalent) for vehicles and pedestrians, shall be provided:
  - · linking West Street, Bussell Highway and Prince Regent Drive, via adjoining Lots 3 and 11, and
  - along the southern boundary of Lots 4, 401, 300, 143, 144, 100 and 22 (but not connecting directly to West Street)

in the locations generally shown on this LUCP. The public access easement (including intersections with West Street and Bussell Highway) shall be constructed as part of the first stage of the development.

- 4. A gate shall be erected between the southern boundary of Lot 22 and the northern boundary of Lot 500, restricting access between Lot 17 and West Street by all persons with the exception of the registered proprietor of Lot 143 on Deposited Plan 27202.
- 5. An urban water management plan for the whole of the site to be submitted and approved prior to the first stage of subdivision or development, whichever occurs first.
- 6. Land reserved for Recreation purposes under LPS21 is to be ceded to the Crown as a condition of subdivision for foreshore and drainage purposes. The reserve will serve a number of functions, including incorporation of an appropriate buffer to the adjacent CCW, provision of drainage swales, landscaping and vegetation and public access.
- 7. Development adjacent to Residential-zoned land shall be:
  - restricted to a single-storey.
  - · incorporate measures to avoid light spill into the adjacent residential area, and
  - · provide service areas that are enclosed and located to minimise noise and disturbance to the

to ensure an appropriate level of amenity and privacy to residential properties.

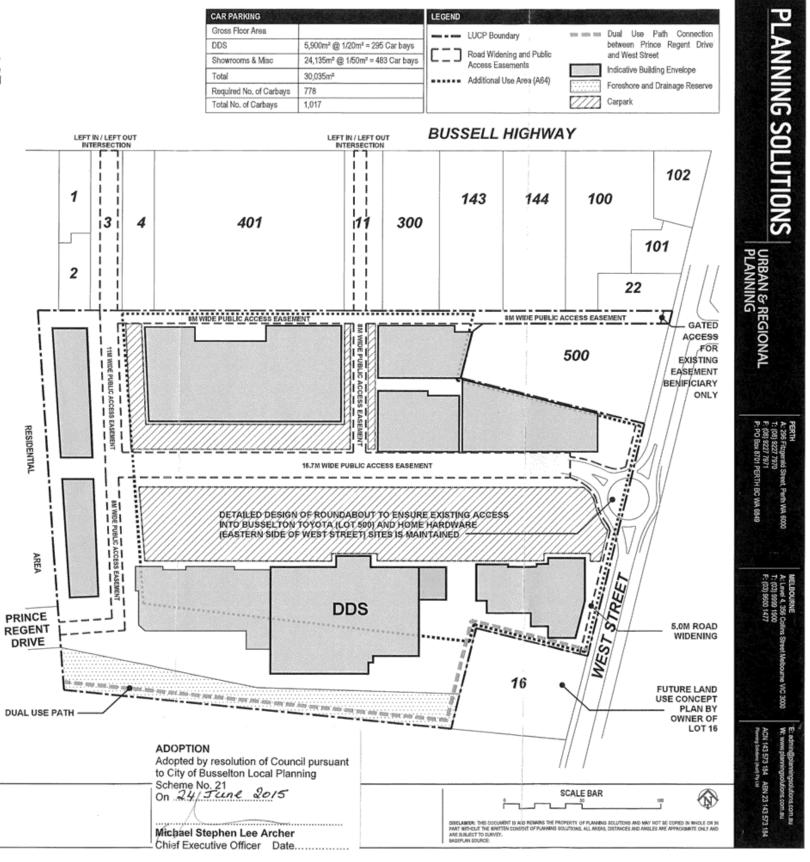
- 8. Building envelopes and car parks shall be constructed in the location as generally shown on this LUCP to maintain sightlines to buildings.
- 9. Public Access Easements and Car Parking:
  - a. All public access easements and the car park area south of the 15.7m wide public access easement to be constructed in full as part of the first stage of subdivision or development, whichever occurs first
  - b. Car parking shall be provided by the developers of each site as generally shown on the LUCP and subject to a public access easement (or equivalent).
- Road widening of West Street shown on the LUCP shall be ceded at the first stage of development.
- 11. Design Guidelines:
  - a. for the built form and provision of landscaping being provided on the LUCP that promote a simple architectural form, the use of glass at ground floor level which faces the carparks. clear identification of building entries, contiguous verandahs, enclosure of storage areas, and the landscaping methodology proposed for car parking and roadways areas and at the landscaping approach proposed for interface to the Wetland, and
  - b. for the built form being provided on the LUCP addressing the southern face of any building which faces towards the Wetlands, to incorporate design elements that break the expanse of walls by bringing forward and setting back elements and creating features of interest though the use of DUAL USE PATH light and shadow, colors and textures

prior to the first stage of development.

12. Development of Lot 16 shall not occur unless and until the LUCP has been amended to incorporate

LAND USE CONCEPT PLAN

LOT 17 WEST STREET WEST BUSSELTON WESTERN AUSTRALIA





Our Ref: DA15/0577

Attachment D

Your Ref:

Enquiries: Anthony Rowe

28 January 2016

Planning Solutions PO Box 8701 PERTH WA 6849

Dear Sir/Madam,

# APPLICATION FOR DEVELOPMENT APPROVAL SITE WORKS - LOT 17 (HSE NO 80) WEST STREET WEST BUSSELTON

I refer to your application for Development Approval received by the City on 16th October 2015 for Site Works on the above mentioned site.

The City has considered the application and I can advise that the application has been approved, subject to conditions. A decision notice and approved plans are enclosed. Please note that this approval follows the conditions of subdivision WAPC 152597

Please take the time to carefully read the decision notice, including all conditions and advice notes, as well as any notations made on the approved plans, prior to commencing the development.

Please note that the decision notice is a Development Approval only and is not a building permit or any other form of approval.

If you have any queries regarding this matter please do not hesitate to contact Anthony Rowe direct on 9781 0473 or via email at Anthony.Rowe@busselton.wa.gov.au.

Yours sincerely

Paul Needham
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

Enc: Decision Notice

Approved plans



Application No: DA15/0577

Decision Date: 29 January 2016

# **DECISION ON APPLICATION FOR DEVELOPMENT APPROVAL**

# CITY OF BUSSELTON LOCAL PLANNING SCHEME No. 21

The City having considered the application:

Dated: 16th October 2015
Submitted by: Planning Solutions

On behalf of: Realview Holdings Pty Ltd, E M Bardi, P E Bardi, Greatwave

Holdings Pty Ltd

Legal Description: Lot 17 PLAN 1717

Property Details: 80 West Street WEST BUSSELTON WA 6280

Proposal: Site Works

hereby advise that it has decided to:

#### **GRANT DEVELOPMENT APPROVAL**

subject to the following conditions:

- The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
- The works undertaken in accordance with the approved plan (stamped) except as may be modified by the following conditions.
- 3. Easements shall be provided in accordance with attached Easement Plan.
- No building/pad site is to be located within 6m of the new West Street boundary, established to accommodate a road widening of 5m.

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

- All buildings present on lots 3, 11 (plan of subdivision WAPC 152597) are to be demolished and removed.
- 6. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - $5.1 \qquad \text{Details for the provision of a suitable water supply service will be available to all lots.}$
  - 5.2 Details for the provision of a sewerage service will be available to the lots shown on the approved plan of subdivision.
  - 5.3 Details for the provision of an underground electricity supply to all lot(s).
  - 5.4 Details and specifications for all retaining walls and fencing.
  - 5.5 Details of the location and capacity of fire emergency infrastructure.
  - 5.6 Details for the transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure.

Attachment D

- 5.7 Details and specifications for street lighting, at the intersections with West Street and Bussell Highway to the standards of the relevant licensed service provider.
- 5.8 Detail of internal access roads, parking areas, and pedestrian path way lighting and arrangement for their ongoing management.
- 5.9 An Urban Water Management Plan prepared consistent with the local water management strategy LWMS, prepared in accordance with the WAPC Better Urban Water Management Guidelines 2008 and in consultation with the Department of Water.
- 5.10 A hard and soft Landscape Plan, the plan should include plantings locations and species in areas as indicatively shown on the Site Plan plus additional planning in the 6m set back from the new West Street road boundary. Particular attention is to be applied to trees within the parking areas,gate way landscaping at the West Street intersection, landscaping adjoining the dual use path to enhance the amenity at the southern boundary (Lot 09 and 10) and at Lot 12 to include land profiling to enhance the natural amenity despite accommodating the transition from wetland to site finished levels.

Note: This plan in relation to the West Street setback is encouraged to work in unison with any intended artworks (condition 7).

- 5.11 Engineering drawings and construction specifications:
  - For the filling and/or draining of the land, ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
     These Engineering drawings and specifications are to be in accordance with an approved Urban Water Management;
  - Ensuring roads and access ways connecting with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;
  - c. For the provision of road and paved surfaces, including colour and texture of footpaths either paved or in cement aggregate. Service roads are to be correctly signed and marked to distinguish their function from that of general public carriage. : and
  - d. For carparking areas demonstrating compliance with Australian Standards, bitumously sealed, and incorporating water sensitive urban design principles (condition 5.8) and landscaping in accordance with the landscape plan (condition 5.9)
- 5.12 Engineering drawings, specifications and geotechnical report for grading and/or stabilisation of the site to ensure that lots can accommodate their intended use and their finished ground levels at the boundaries of the lot(s) match the ground levels of the land abutting. This includes a land contamination and an acid sulphate soils assessment and any remedial works required.
- 5.13 Engineering drawings and specifications and a Wetlands Management Plan for Lot 12 (plan of subdivision WAPC 152597) including the design of the drainage basins, and their ongoing management to ensure the function of the foreshore and environmental protection of the wetland. To be developed in unison with the landscape plan (condition 5.9). The Management Plan is to include arrangements for development and maintenance for two summers after completion.
- 5.14 Engineering drawings, specifications for the design and construction of the roundabout and associated road works at West Street, and at Bussell Highway the left-in/left-out associated roadworks and the medians.
- 5.15 A construction management plan:
  - a. detailing how risk of erosion and sedimentation impacts into nearby water bodies will be minimised during the undertaking of site works;

- detailing the location of site offices, material compounds, construction parking;
   and
- c. detailing measures to maintain the residential amenity for the residence at Lot 16 and the residents adjoining the western boundary of the site, to be free of noise, vibration, odour, dust and light spill during the undertaking of site works.
- 5.16 A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution until all allotments have been built upon. All bare earth shall be subject to ongoing dust mitigation and suppression.
- 5.15 Satisfactory arrangements for the full cost of upgrading and/or construction of West Street and Bussell Highway intersections, including:
  - a) the construction of a single lane roundabout at the entrance to West Street;
  - b) median treatments to be constructed to restrict access onto Bussell Highway to 'left-in/left-out';
  - c) The dual access path at the southern end of the site; and
  - All drainage basins, landscaping and fencing in the foreshore reserve Lot 12 (plan of subdivision WAPC 152597).
- 5.16 Pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009*, a covenant preventing vehicular access onto West Street being lodged on the certificate(s) of title of the proposed Balance of Title lot (shown as proposed Lot 11 on the plan of subdivision) at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of the City of Busselton. The covenant is to specify:
  - "No vehicular access is permitted from West Street."
- 5.17 Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the City of Busselton and the public at large are to be placed on the certificate(s) of title of the proposed lot(s) specifying access rights generally in accordance with the approved Easement Plan. Notice of these easement(s) is to be included on the diagram or plan of survey (deposited plan).
- 5.19. Proposed Lot 11 shown on the approved plan of subdivision shown as a Balance of Title lot on the diagram of survey pending amalgamation with an adjacent lot.
- 5.20. The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over the proposed lots and for the ongoing coordinated management of shared infrastructure including drainage, lighting, roadways, pedestrian paths, carparking areas, landscaping and a consolidated approach to advertising signage, ie Pylon sign.
  - Note: Pylon signage will be restricted to one sign at the entrances with Bussell Highway and West Street, the sign to be no higher than 5m.
- 5.21 A kangaroo management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

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

7. Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's *Development Contribution Policy* via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site.

Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street

- 8. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition 5 have been implemented; and, the following conditions have been complied with:
  - 7.1 Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005.)
  - 7.2 Lot 12 shown on the approved plan being shown on the diagram or plan of survey (deposited plan) as reserve(s) for foreshore protection and drainage and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
  - 7.3 A fence restricting vehicle, pedestrian and feral animal access to the foreshore protection and drainage reserve is to be constructed south of the Dual Use Path.
  - 7.4 The applicant is to enter into a Performance Bond, for development on City land, which shall be held against satisfactory compliance with Conditions 5.13 and 5.14 of this Planning Consent, accompanied by an executed legal agreement with the City at the full cost of the owner

The legal agreement shall include:

- a) written authorisation from the owner of the land that the City may enter the site
  at any time and permit the City to complete or rectify any outstanding work to
  the satisfaction of the City; and
- b) the ability for the City to be able to recover the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this planning consent.

# **On-going Conditions:**

The works undertaken to satisfy Condition 3, 4, 5 and 6 shall be subsequently maintained for the life of the development.

#### **ADVICE TO APPLICANT**

- If the applicant and/or owner are aggrieved by this decision, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website.
- If the applicant and/or owner are aggrieved by this decision there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the City of Busselton.
- This Decision Notice grants Development Approval to the development the subject of this
  application (DA15/0577). It cannot be construed as granting Development Approval for any
  other structure shown on the approved plans which was not specifically included in this
  application.
- Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
- In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.

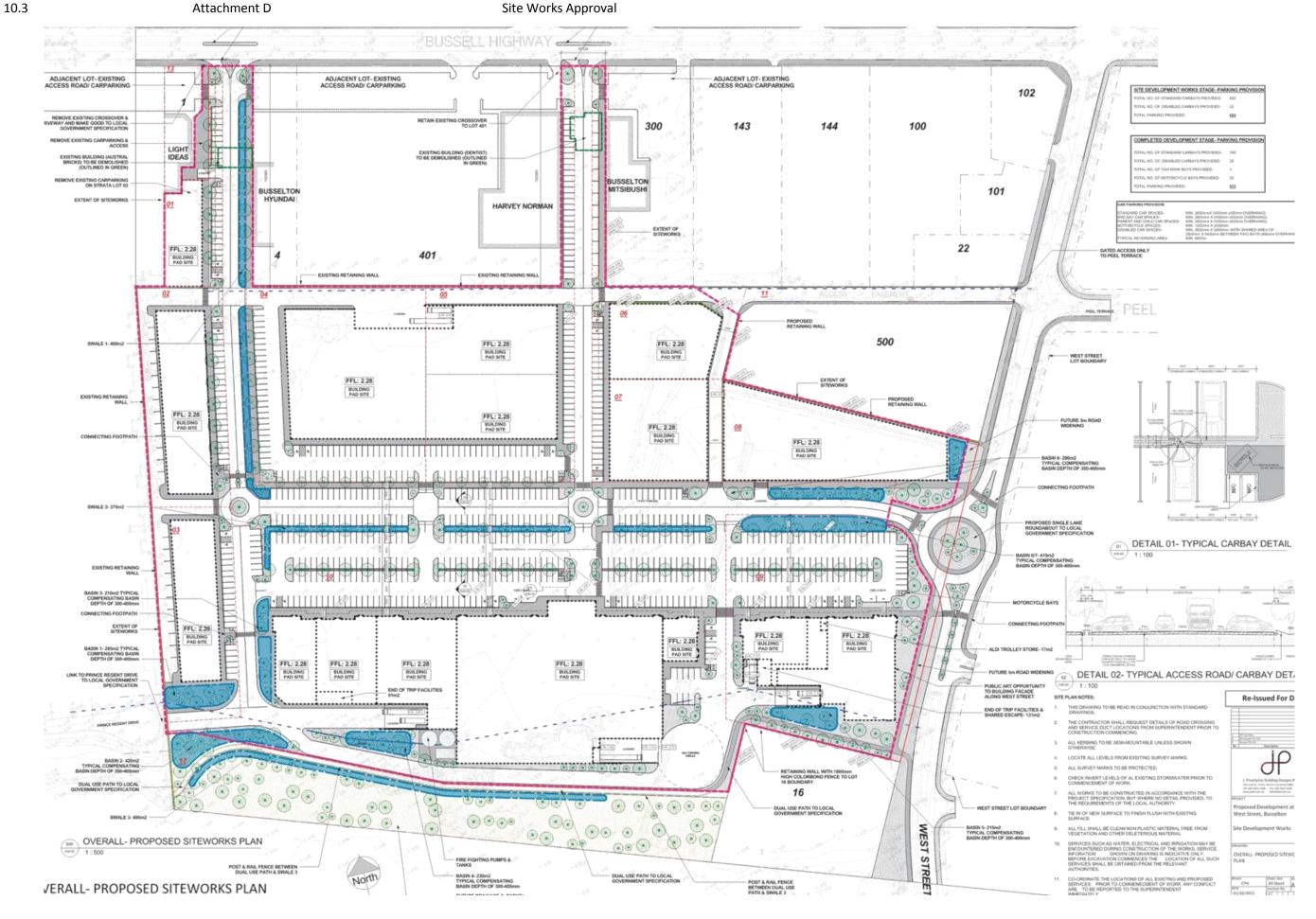
Regulations 1996, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy and Vehicle Crossovers Technical Specification.

In accordance with the requirements of the Local Government (Uniform Local Provisions)

Paul Needham
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

Date 29 January 2016

6.



EASEIVIENT PLAN DATS/US//



90 000V

# 10.4 <u>PROPOSED DISCOUNT DEPARTMENT STORE (K-MART) AND SHOWROOM, LOT 17, WEST STREET, BUSSELTON</u>

**SUBJECT INDEX:** Statutory Planning Development Assessment

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

decision-making.

**BUSINESS UNIT:** Development Services and Policy

**ACTIVITY UNIT:** Statutory Planning

**REPORTING OFFICER:** Manager, Development Services - Anthony Rowe

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

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Land Use Concept Plan

Attachment C Site Plan

Attachment D Site Works Approval

Attachment E Elevations

#### **PRÉCIS**

The City has received a planning application for a Discount Department Store (intended to accommodate a K-Mart store) and showroom premises at Lot 17 West Street, Busselton.

This application has followed a methodical approach of a Land Use Concept Plan, subdivision and a site works plan. This assessment is dependent upon fulfilment of the site works approval (DA15/0577), but it enables the assessment of this proposal as if on a site ready to development, with access, car parking and drainage matters already resolved. The application has been submitted in parallel with a similar application for a Supermarket on another part of the site, and which is also subject of a report to the Council on this meeting agenda.

The proposal is a contemplated land use in the Additional Use designation relating to the land and it did not require advertising.

The proposal is recommended for approval subject to conditions.

#### **BACKGROUND**

The subject land is zoned Restricted Business, which is generally for showrooms, warehousing and bulky goods shopping. Ordinarily, a discount department store business would fall into the 'Shop' land-use designation, and would be a prohibited land-use in the Restricted Business zone. The subject land is, however, also subject of an additional use provision (A64) that makes a Discount Department Store up to 8,000m² an explicitly supported form of development. It should be noted that a small portion of the proposed Discount Department Store is located outside the A64 area, but can still be considered utilizing essentially the same form of discretion that allows the Council to consider approval of a supermarket on another portion of the same site, and which is described in another report to the Council on this meeting agenda.

Special Provisions that relate to the land (SP26) also require that development shall be undertaken in accordance with a Land Use Concept Plan.

In June 2015 the City approved a Land Use Concept Plan. The Land Use Concept Plan illustrated indicative buildings and explicitly it identified a building at the location of this proposal as a Discount Department Store. A copy of the endorsed Land Use Concept Plan is included as **Attachment B**.

Following the approval of the Land Use Concept Plan, a subdivision application consistent with it was approved by the WAPC on 11 December 2015.

A Site Works application, for construction involving the filling of the land, installing services, making roads, carparks and individual building sites, consistent with the Land Use Concept Plan, was lodged concurrently with the subdivision application. It was approved under delegation on 29 January 2016. A copy of the site works approval is included as **Attachment D**.

The proposed development now before the Council consists of:

- A discount department store of 6,133m<sup>2</sup> GLA/NLA
- Showroom tenancies with NLAs of 333m²
- Loading docks at the rear of the supermarket and showroom tenancy

Future showrooms are proposed to adjoin the Discount Department Store at the western wall, and are shown on the Site Works Plan. These showrooms are not part of this application.

There are two key, existing subdivision/development approvals already in place; namely the subdivision approval and site works approval referred to above. Each of these is described in more detail under appropriate sub-headings below.

#### Subdivision WAPC 152597

The Subdivision proposed the creation of 11 allotments out of Lot 17 West Street and some adjoining lots in common ownership, and followed the allocation of land use and the indicative internal road layout consistent with the Land Use Concept Plan. A significant feature included ceding land for the foreshore reserve and the space to accommodate the road widening of West Street, including a proposed roundabout to provide the primary means of access to the overall development. The subdivision also provides the arrangement of easements for the shared use of car parking areas, access ways (private internal roads) and services/utilities. No public roads are proposed through the area of Lot 17. All access ways, dual use footpaths, pedestrian footpaths and car parking are to be covered by public easements available to the benefit of the City of Busselton and the public at large.

# Site Works Development Application DA15/0577

The site works implement the layout cascading from the Land Use Concept Plan through to the subdivision. The site works application addressed all works/constructions except for the buildings themselves. It is the works associated with the filling of the land, the making the roads, drainage works, car parking areas, service roads, street lighting, landscaping, public paths and the development of the foreshore reserve. It includes the construction of the roundabout at West Street and the construction of the road medians on Bussell Highway.

A particular focus of the officer assessment of the site works application, prior to the granting of an approval under delegated authority, was ensuring that, whilst recognizing the fact that the development is an essentially service commercial precinct, rather than a main street type precinct, the overall site layout and detailed design will provide a high level of amenity, with adequate footpaths to encourage and facilitate pedestrian access, as well as landscaping to soften the overall precinct.

Works are not to commence on site until (technical) engineering drawings, specifications and arrangements (Agreements) for ceded assets and works on public land have first been agreed.

A kangaroo management plan is to be prepared for approval by the Department of Parks and Wildlife prior to commencement. A construction management plan controlling dust, noise, and stormwater

through the period of construction has also been conditioned for the purpose of minimizing disturbance to neighbours and to protect the water quality of the New River wetland

#### STATUTORY ENVIRONMENT

On the 23 August 2015 the Minister Gazetted the Development (Local Planning Schemes) Regulations 2015. The new regulations introduced at Schedule 2 of the Regulations a set of Deemed Provisions that must be read concurrently with the City's Local Planning Scheme; until such time as the City prepares an amalgamated Local Planning Scheme. In the event of conflict between Schedule 2 and the City Scheme, the provisions of Schedule 2 prevail.

# **Development (Local Planning Schemes) Regulations 2015 (Schedule 2)**

In considering an application for development approval the City is to have **due regard** to the matters to be considered as listed at cl.67. (see Officer Comments)

To the extent they are the most directly applicable to the proposal, regard has been given to the *Matters of Considerations* listed in Schedule 2 and in turn the most applicable policy and guidance found across State Policy, Local Planning Scheme policy, and Local Planning policy.

Matters to be Considered	Applicable Policy/Provision
Orderly and proper planning (Cl 67(a)(b)(c)(d)(e)(f)(g) and (h))	Scheme 21
	LPP2,4,6 and 8
Any report of review of the Scheme (Cl. 67(i))	Nil
Land Reserved under the Scheme (Cl.67(j))	Nil
Built Heritage (cl. 67(k))	Nil
Cultural heritage (cl. 67(I))	Nil, addressed in
	investigations LUCP
Compatibility in its setting (cl. 67(I))	Part 5 Scheme 21
Amenity (cl. 67(n))	Part 5 Scheme 21
Effect on the natural environment (cl. 67(o))	DEC Wetland Mapping,
	addressed at Land Use Concept Plan
Landscaping (cl. 67(p))	Part 5 Scheme 21

# **Local Planning Scheme 21**

# Zoning Table

The zoning table lists a variety of land uses under each zone title in the City's Scheme. It denotes whether a land use is *Permitted*, *Discretionary*, Discretionary requiring advertising and *Prohibited*.

Development that does not fall comfortably within a use listed in the Table (having referred to the Definitions provided at Schedule 1 of the Scheme) may be assessed as a *use not listed*.

In addition to the Zoning table, *additional uses* identified in Schedule 2 of the Scheme may apply, and particular conditions that may apply to the development of particular sites can be listed as Special Provisions in Schedule 3 of the Scheme.

#### **Restrictive Business Zone:**

The subject land is located in the Restricted Business Zone.

The Restricted Business Zone does not list a Discount Department Store in the Zoning Table. An additional use however is provided at the subject land (in Schedule 2) for a Discount Department Store to be determined as a Discretionary use, not requiring advertising, and also Special Provisions listed in Schedule 3 apply.

Schedule 2 at Additional Use 64 (A64) includes:

- Pt Lot 17 West Street, West Busselton Discount Department Store 'D' discretionary use and does not require advertising.
- Developed in accordance with a Land Use Concept Plan adopted by the Council.
- Development shall comprise of a single Department store with a gross leasable area not less than 5,000m and not more than 8,000m<sup>2</sup>.

Schedule 3 at Special Provision 26 (SP26)

- Development in accordance with the Land Use Concept Plan (LUCP)
- Development of the land shall make provision for dual use path connections between Prince Regent Drive and Bussell Highway
- Development shall make provision for a foreshore and drainage reserve
- A Stormwater and Drainage Management Plan shall be provided
- Development shall address the interface with adjacent Residential zoned land
- Dust and Noise Management Plans are to be prepared

The Objective of the Restricted Business Zone is:

"To make adequate provision for other commercial needs and opportunities not ideally located in the town centres of Busselton and Dunsborough whilst having regard to the strategic importance and need to maintain the commercial primacy of the town centres."

# Land Use Concept Plan

The Additional Use provisions and the Special Provisions both rely on the Land Use Concept Plan.

The Land Use Concept Plan was recently amended by the City following advertising and consultation with state agencies. It was advertised 17 April 2015 to 15 May 2015 and adopted by Council on 24 June 2015. Advertising of the Land Use Concept Plan made explicit reference of its purpose to facilitate the development of Lot 17 for a Discount Department Store and it identified the location of the proposed DDS - notwithstanding it straddles the Additional Use area.

The Land Use Concept Plan also identifies indicative building locations, road arrangement, car parking and the delineation of the foreshore reserve. It also illustrated and notated the widening of West Street and provision of the roundabout, and the access onto Bussell Highway with restrictions to only left-in/left-out movement.

The Land Use Concept Plan includes policy guiding development, requiring development adjacent the residential zoned land, west boundary, to be restricted to single storey, and measures to protect residential amenity and privacy.

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

# **Local Planning Policy**

# **LPP 2 Traffic and Transport Policy**

A Traffic Impact Assessment was undertaken as part of the Land Use Concept Plan. The assessment was prepared by Jacobs SKM and critically reviewed by City engineers with assistance from ARUP consulting. The impacts upon the network and future demand was analysed, resulting in the approval of the Land Use Concept Plan with the roundabout and precise positioning on West Street, and medians restricting left-in/left-out turns at Bussell Highway. Insufficient road width is available at Bussell Highway to provide a slip lane for right hand turns, which is necessary to avoid congestion on Bussell Highway.

Light sequencing and restrictions on right-hand turns travelling west from Bussell Highway may be of temporary assistance, but the intersection at Bussell Highway and West Street will require a significant upgrade to cater for the natural growth of the City.

# LPP 4 Urban Centres Policy

This policy addresses design guidelines for specific commercial centres. Whist the subject land is outside of the boundary of the Urban Centres Policy it is considered relevant and has been given regard to.

# LPP 6 Development Contribution Policy

This policy identifies the requirement for contributions.

A percent for art contribution is at 1% of the development value is applicable to this application.

Drainage and infill contributions are not required as development through the UWMP for the Site Works application is to achieve standards for on - site disposal and therefore not require any augmentation of the City systems.

All roadwork associated with the development including the roundabout and medians will be at the applicant's cost and is addressed by condition of the site works approval.

# LPP 8 General Development and Process Standards policy

The CBD parking requirements can be applied to the considerations at this site and key considerations in this regard, from the General Development and Process Standards policy, include:

- Taxi spaces are required in close proximity to entrance at 1 per 1,000m<sup>2</sup> gross floor area.
- Where reciprocal parking is proposed, the City must be satisfied that parking arrangements are permanent
- All car parking areas are to be sealed, line-marked and drained to the satisfaction of the City
- Car park design and construction shall include adequate provision for landscaping

- The City may require the lodgement of performance guarantees against the satisfactory construction, completion and establishment of car parking areas and associated landscaping
- The rate of carparking spaces for particular land uses is:
  - Shop, Office 1 space for every 30sqm of net lettable area.
  - Showroom 1 space for every 50sqm of net lettable area.

#### **FINANCIAL IMPLICATIONS**

Nil

# **Long-term Financial Plan Implications**

There are no long term financial implications directly attributable to the determination of this application.

#### 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. There were no such risks identified.

#### **CONSULTATION**

The City determined that the land use and location had been explicitly advertised as part of the Land Use Concept Plan, and whilst a *use not listed*, it was considered permitted (pursuant to clause 4.4.2 (a) Scheme 21). Notwithstanding the aspect of land use had been answered, development standards associated with the proposal required determination. The requirement to advertise, having regard to the Land Use Concept Plan, was waived pursuant clause 64(2)(1c) under Schedule 2 of the *Planning Regulations 2015*.

Agency referral was undertaken. The issues raised by agencies include:

- Development is supported if consistent with the Local Water Management Strategy and Urban Water Management Plan.(DoW, DPAW)
- Supported if satisfactory manoeuvring space is provided for emergency vehicles.(DFES)
- Concern about impact/congestion on the West Street Bussell Highway intersection. (Main Roads)

The comments of Main Roads WA are not specific to the Discount Department Store but the development of Lot 17 overall. These matters were considered at the Land Use Concept Plan investigations and resulted in road treatments at West Street (provision for road widening and provision of a roundabout) and at Bussell Highway (medians restrictions facilitating only left in and left out turns.

It is acknowledged that the West Street/Bussell Highway intersection is under pressure at peak times and is worsening. Work by the City has not been able to proportionate the impact of other recent

commercial developments from that of the general and natural population growth. The City has therefore not been seeking upgrade contributions from recent developments in the town centre for the West Street Bussell Highway intersection. The capacity in the immediate term may be extended by signalling treatments including restricting right hand turns north at peak times, and by improving real time information for drivers (active signage at peak times) about alternate routes to destinations.

#### **OFFICER COMMENT**

This proposal follows a methodical approach to the development of Lot 17. Many of the matters that would be considered have been addressed through the development of the Land Use Concept Plan, namely the impact up on the traffic network including intersection designs, the integration of utilities, the relationship to adjoining properties and protection of the wetlands.

The subdivision application that followed the LUCP and the Site Works approval resolved the requirements for, floor levels, stormwater management, internal traffic movement, shared parking, pedestrian movement and landscaping.

# The key *Matters to be Considered* are the:

- Design and appearance of the building;
- Amenity;
- Carparking; and
- Effect on the natural environment

# Design and Appearance of the Building

The City has worked constructively with the applicant to improve the design and appearance of the initial proposal. These considerations included widening the footpaths, increasing the glass/glazing at the ground floor, ensuring a continuous awning for pedestrians, and identifying locations for advertising within the building profile.

The resulting building is a simple design (see **Attachment E**) but the use of vertical feature parapets, the continuous awning, as a linking horizontal element, together with the interchange of colours creates a frontage of interest at the carpark. The other sides of the building feature only an interchange of colour. It however, presents a neat and orderly appearance with more interest than typically expected of a uniform cement tilt up construction.

The face of the building to the wetlands however, is unacceptable as presented. The Land Use Concept Plan at cl.11(b) requires:

"the southern face of any building which faces the wetland is to incorporate design elements that break the expanse of walls by bringing forward and setting back elements and creating features of interest through the use of light and shadow, colours and textures".

This was an important inclusion in the Land Use Concept Plan because the southern face adjoins the dual use path and is a public presentation.

This aspect can be satisfied without fundamental change to the proposal, the attachment of parapets and height variations, such as has been utilized along the north face, can also be applied to improve the south presentation. This has been made a subject of a recommended condition.

# Building height

The predominant building height is 12.3m including the length facing the wetland. Advertising signage is to be retained below the heights of the parapet walls. The City's general building height limit is 10m but is discretionary.

The relationship to the height of adjoining structures as point of reference for scale, and the way a building scales up from its edges are important aspects to the sense of scale and whether a departure from the City's general building height limit is acceptable.

The relationship to the proposed supermarket and show room to the east, and the scaling up from the showrooms anticipated at the west will make the presentation of the building, in terms of its overall height, acceptable. The frontage to the carpark also has a range of vertical and horizontal elements and an interplay of colours that create interest and detract from the sense of scale when viewed from the front.

# Percent for Art

The Percent for Art Policy requires a contribution, or works, of one percent of the estimated value of the development is to be provided towards the inclusion of artworks in built form and public spaces (1% of \$9,000,000 = \$90,000). This is applied as a condition.

The applicant has indicated a preference to provide the art of an equivalent value on site, rather than making the cash contribution. The City has indicated that the combined contributions from the Site Works and other development applications should be directed to the area adjoining West Street.

# **Amenity**

A Discount Department Store and showroom are not normally development associated with high external impacts as a fundamental use of the land, such as may be compared to an industry. Possible impacts may be disturbance by service vehicle noise, light spill, odour from service area bins. These may be described as management scale impacts and can be addressed by conditions.

The proposed development will not have an adverse effect upon the residential area located at the western boundary due to the separation distance.

Overall the development does provide a benefit for the residents located to the west, which the City has pursued in response to their concerns; to provide them with an additional route of access to West Street or Bussell Highway.

# Carparking

Car parking is provided from a shared carpark. Both the proposal and the proposed supermarket, will share a large block carpark. A formal arrangement for the continued access to the parking area is a condition that must be satisfied for both the lots to be divided and for the site works to commence. The proposal requires 210 car parking spaces, the Discount Department Store 204 calculated at 1:30 NLA and the showroom 6 at 1:50. Across the developments that share the carpark, a total of 700 spaces is required and 815 has been provided. This includes overall, 26 disabled bays, four taxi ranks, and 20 motorcycle spaces.

The City has ensured that the carpark will be provided to practical dimensions ensuring that overhangs maintain the functionality of footpaths and landscape strips and drainage swales. Car parking areas will be sealed and line marked. Taxi bays 2 and disabled bays 4 are indicated convenient to the Discount Department Store entrances

The vehicle movement and parking arrangements pursued by the Site Works approval are designed to facilitate safe, efficient and secure access for users of the development. Through negotiation some initial spaces were removed to provide more space adjacent the internal roundabouts and at the aisle ends. Although some minor modifications will be required at the detailed design stage, associated with the Site Works approval, the key elements of the City's Car Parking Policy have been complied with

#### Effect on the natural environment

Through the investigation of the Land Use Concept Plan and the Local Water Management Strategy as part of the subdivision and expected of the Urban Water Management Plan a focus was to provide certainty for the adjacent (south) New River wetlands and its protection from entry of adverse quality storm water. These aspects have been addressed through establishing a foreshore reserve to be ceded to the Crown, by the requirements of the sub division approval and in the Site Works approval management plans and works the satisfaction of the Department of Parks and Wildlife.

The proposal before Council will connect to the systems established by the site works and in that sense it will have a neutral affect upon the natural environment.

Another indirect impact, but addressed by site works approval is the provision of a Kangaroo Management Plan to be approved by the Department of Parks and Wildlife.

#### **CONCLUSION**

The proposal follows an orderly and proper approach to the development of the Restricted Business Zone.

Other than superficial elements regarding the appearance of the south elevation, which can be addressed by condition, the proposal is considered consistent with the objectives and policies of the Restricted Business Zone.

#### **OPTIONS**

That the Council resolve

- 1. Refuse the proposal setting out reasons for doing so.
- 2. Approve the application with additional or different conditions.

# TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

# **OFFICER RECOMMENDATION**

That the Council resolve

- That application DA15/0578 submitted for development of a Discount Department Store at Lot 17 West Street Busselton is generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- 2. That application DA16/0578 submitted for development of a Discount Department Store at Lot 17 West Street Busselton is approved subject to the following conditions:

# **General conditions**

1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.

2. The development hereby approved shall be undertaken in accordance with the signed and stamped, approved details and plan(s) (enclosed).

# **Prior to Commencement of any work**

- 3. That development hereby approved or any work associated with this approval must not commence until the site works as approved in DA15/0577 have been completed. *These* works create the land suitable for development.
- 4. The development hereby approved, or any works required to implement the development shall not commence until the following plans or details have been submitted to the City and have been approved in writing
  - I. A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution.
  - II. Details of signage, including but not limited to the design, materials and levels of illumination.
  - III. Details of type and colour of all external materials to be used.
  - IV. Details of materials colours and articulation treatments that are to be applied to the south elevations to bring forward and setback elements to create features of interest and reduce the appearance of bulk; such as has been provided using parapets and intervening colour panels as used on the north face.
  - V. A detailed plan which shows natural ground levels, finished ground levels and finished floor levels
  - VI. A detailed external lighting plan. Aside from avoiding excessive light spill it should enhance security to the carpark and can it be used to create visual interest on the building's form.
  - VII. Details of bicycle parking facilities including location and design.
  - VIII. A Construction Management Plan, which shall include details of site offices, material compounds, construction parking.
- 5. Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's *Development Contribution Policy* via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site. Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street.

# Prior to Occupation/Use of the Development Conditions:

6. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 3 - 5 have been implemented.

# **Ongoing conditions**

- 7. All signage is to be maintained in good condition with an unbroken or faded surface.
- 8. Windows facing east and the carpark (north face) should remain open to views and shall not be covered by more than 20% such as for advertising.

#### **Advice Notes**

1. If the applicant and/or owner are aggrieved by this decision, there may also be a right of

review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Southern Joint Development Assessment Panel.

- 2. This Decision Notice grants planning consent to the development the subject of this application (DA15/0579). It cannot be construed as granting planning consent for any other structure shown on the approved plans which was not specifically included in this application.
- 3. Please note it is the responsibility of the applicant / owner to ensure that, in relation to substantial commencement, this Planning Consent remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
- 4. In accordance with the provisions of the Building Act 2011 and Building Regulations 2012, an application for a building permit must be submitted to and approval granted by the City, prior to the commencement of the development hereby permitted.
- 5. Details will be required at building permit for the provision of a static water supply for fire-fighting purposes. Hydrant pressure alone cannot be relied upon. This supply may be in conjunction with the requirements of other development at Lot 17.



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

City of Busselton IntraMaps Map. Printed: Friday, January 22, 2016

# LAND USE CONCEPT PLAN

# Lot 17 West Street, West Busselton

The purpose of this Land Use Concept Plan (LUCP) is to provide an appropriate layout for the future subdivision and development of Lot 17 West Street, West Busselton, and implement the conditions of the Special Provision Area 26 and Additional Use 64 (A64) conditions of the City of Busselton's Local Planning Scheme No.21 (LPS21).

The following provisions apply to the subdivision and development of land within this LUCP:

- 1. At least 50% of the DDS building footprint shall be within the A64 area.
- 2. A dual use path is to be fully constructed to link Prince Regent Drive with West Street in the first stage of the subdivision, generally in the location as shown on the LUCP.
- 3. Public access, in the form of a public access easement (or equivalent) for vehicles and pedestrians, shall be provided:
  - · linking West Street, Bussell Highway and Prince Regent Drive, via adjoining Lots 3 and 11, and
  - along the southern boundary of Lots 4, 401, 300, 143, 144, 100 and 22 (but not connecting directly to West Street)

in the locations generally shown on this LUCP. The public access easement (including intersections with West Street and Bussell Highway) shall be constructed as part of the first stage of the development.

- 4. A gate shall be erected between the southern boundary of Lot 22 and the northern boundary of Lot 500, restricting access between Lot 17 and West Street by all persons with the exception of the registered proprietor of Lot 143 on Deposited Plan 27202.
- 5. An urban water management plan for the whole of the site to be submitted and approved prior to the first stage of subdivision or development, whichever occurs first.
- 6. Land reserved for Recreation purposes under LPS21 is to be ceded to the Crown as a condition of subdivision for foreshore and drainage purposes. The reserve will serve a number of functions, including incorporation of an appropriate buffer to the adjacent CCW, provision of drainage swales, landscaping and vegetation and public access.
- 7. Development adjacent to Residential-zoned land shall be:
  - restricted to a single-storey.
  - · incorporate measures to avoid light spill into the adjacent residential area, and
  - · provide service areas that are enclosed and located to minimise noise and disturbance to the

to ensure an appropriate level of amenity and privacy to residential properties.

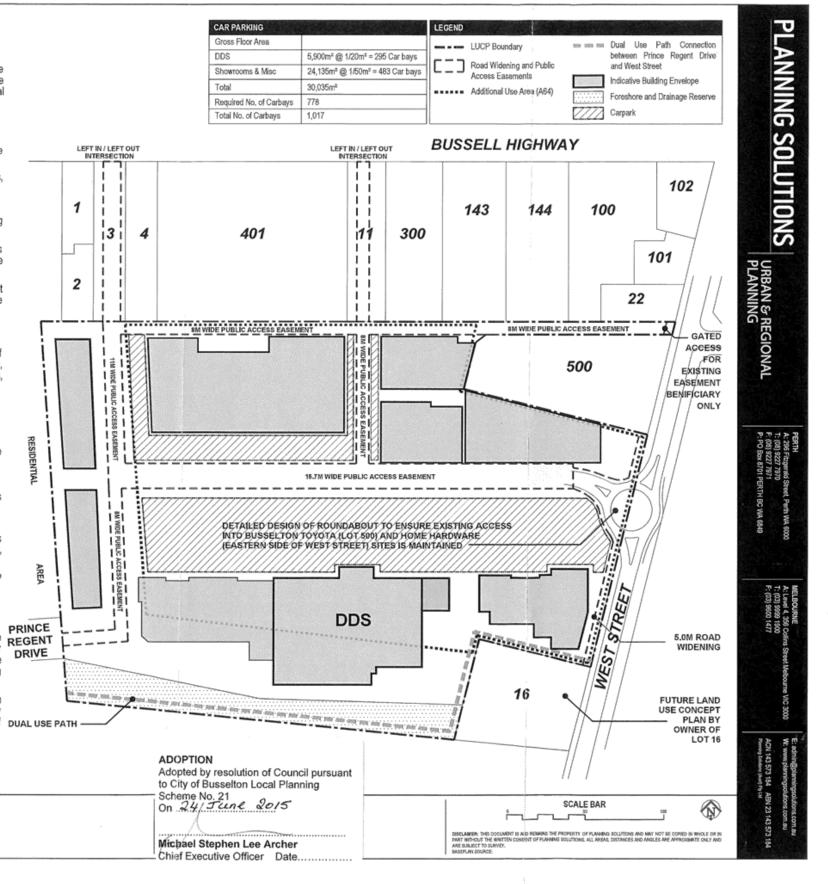
- 8. Building envelopes and car parks shall be constructed in the location as generally shown on this LUCP to maintain sightlines to buildings.
- 9. Public Access Easements and Car Parking:
  - a. All public access easements and the car park area south of the 15.7m wide public access easement to be constructed in full as part of the first stage of subdivision or development, whichever occurs first
  - b. Car parking shall be provided by the developers of each site as generally shown on the LUCP and subject to a public access easement (or equivalent).
- Road widening of West Street shown on the LUCP shall be ceded at the first stage of development.
- 11. Design Guidelines:
  - a. for the built form and provision of landscaping being provided on the LUCP that promote a simple architectural form, the use of glass at ground floor level which faces the carparks. clear identification of building entries, contiguous verandahs, enclosure of storage areas, and the landscaping methodology proposed for car parking and roadways areas and at the landscaping approach proposed for interface to the Wetland, and
  - b. for the built form being provided on the LUCP addressing the southern face of any building which faces towards the Wetlands, to incorporate design elements that break the expanse of walls by bringing forward and setting back elements and creating features of interest though the use of DUAL USE PATH light and shadow, colors and textures

prior to the first stage of development.

12. Development of Lot 16 shall not occur unless and until the LUCP has been amended to incorporate

LAND USE CONCEPT PLAN

LOT 17 WEST STREET WEST BUSSELTON WESTERN AUSTRALIA





Our Ref: DA15/0577

Your Ref:

Enquiries: Anthony Rowe

28 January 2016

**Planning Solutions** PO Box 8701 PERTH WA 6849

Dear Sir/Madam,

# APPLICATION FOR DEVELOPMENT APPROVAL SITE WORKS - LOT 17 (HSE NO 80) WEST STREET WEST BUSSELTON

I refer to your application for Development Approval received by the City on 16th October 2015 for Site Works on the above mentioned site.

The City has considered the application and I can advise that the application has been approved, subject to conditions. A decision notice and approved plans are enclosed. Please note that this approval follows the conditions of subdivision WAPC 152597

Please take the time to carefully read the decision notice, including all conditions and advice notes, as well as any notations made on the approved plans, prior to commencing the development.

Please note that the decision notice is a Development Approval only and is not a building permit or any other form of approval.

If you have any queries regarding this matter please do not hesitate to contact Anthony Rowe direct on 9781 0473 or via email at Anthony.Rowe@busselton.wa.gov.au.

Yours sincerely

Paul Needham DIRECTOR PLANNING AND DEVELOPMENT SERVICES

Approved plans



Application No: DA15/0577

Decision Date: 29 January 2016



# **DECISION ON APPLICATION FOR DEVELOPMENT APPROVAL**

# CITY OF BUSSELTON LOCAL PLANNING SCHEME No. 21

The City having considered the application:

Dated: 16th October 2015
Submitted by: Planning Solutions

On behalf of: Realview Holdings Pty Ltd, E M Bardi, P E Bardi, Greatwave

Holdings Pty Ltd

Legal Description: Lot 17 PLAN 1717

Property Details: 80 West Street WEST BUSSELTON WA 6280

Proposal: Site Works

hereby advise that it has decided to:

#### **GRANT DEVELOPMENT APPROVAL**

subject to the following conditions:

- The development hereby approved shall be substantially commenced within two years of the date of this decision notice.
- The works undertaken in accordance with the approved plan (stamped) except as may be modified by the following conditions.
- 3. Easements shall be provided in accordance with attached Easement Plan.
- No building/pad site is to be located within 6m of the new West Street boundary, established to accommodate a road widening of 5m.

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

- All buildings present on lots 3, 11 (plan of subdivision WAPC 152597) are to be demolished and removed.
- 6. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - $5.1 \qquad \text{Details for the provision of a suitable water supply service will be available to all lots.}$
  - 5.2 Details for the provision of a sewerage service will be available to the lots shown on the approved plan of subdivision.
  - 5.3 Details for the provision of an underground electricity supply to all lot(s).
  - 5.4 Details and specifications for all retaining walls and fencing.
  - 5.5 Details of the location and capacity of fire emergency infrastructure.
  - 5.6 Details for the transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure.

Attachment D

- 5.7 Details and specifications for street lighting, at the intersections with West Street and Bussell Highway to the standards of the relevant licensed service provider.
- 5.8 Detail of internal access roads, parking areas, and pedestrian path way lighting and arrangement for their ongoing management.
- 5.9 An Urban Water Management Plan prepared consistent with the local water management strategy LWMS, prepared in accordance with the WAPC Better Urban Water Management Guidelines 2008 and in consultation with the Department of Water.
- 5.10 A hard and soft Landscape Plan, the plan should include plantings locations and species in areas as indicatively shown on the Site Plan plus additional planning in the 6m set back from the new West Street road boundary. Particular attention is to be applied to trees within the parking areas,gate way landscaping at the West Street intersection, landscaping adjoining the dual use path to enhance the amenity at the southern boundary (Lot 09 and 10) and at Lot 12 to include land profiling to enhance the natural amenity despite accommodating the transition from wetland to site finished levels.

Note: This plan in relation to the West Street setback is encouraged to work in unison with any intended artworks (condition 7).

- 5.11 Engineering drawings and construction specifications:
  - For the filling and/or draining of the land, ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
     These Engineering drawings and specifications are to be in accordance with an approved Urban Water Management;
  - Ensuring roads and access ways connecting with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;
  - c. For the provision of road and paved surfaces, including colour and texture of footpaths either paved or in cement aggregate. Service roads are to be correctly signed and marked to distinguish their function from that of general public carriage. : and
  - d. For carparking areas demonstrating compliance with Australian Standards, bitumously sealed, and incorporating water sensitive urban design principles (condition 5.8) and landscaping in accordance with the landscape plan (condition 5.9)
- 5.12 Engineering drawings, specifications and geotechnical report for grading and/or stabilisation of the site to ensure that lots can accommodate their intended use and their finished ground levels at the boundaries of the lot(s) match the ground levels of the land abutting. This includes a land contamination and an acid sulphate soils assessment and any remedial works required.
- 5.13 Engineering drawings and specifications and a Wetlands Management Plan for Lot 12 (plan of subdivision WAPC 152597) including the design of the drainage basins, and their ongoing management to ensure the function of the foreshore and environmental protection of the wetland. To be developed in unison with the landscape plan (condition 5.9). The Management Plan is to include arrangements for development and maintenance for two summers after completion.
- 5.14 Engineering drawings, specifications for the design and construction of the roundabout and associated road works at West Street, and at Bussell Highway the left-in/left-out associated roadworks and the medians.
- 5.15 A construction management plan:
  - a. detailing how risk of erosion and sedimentation impacts into nearby water bodies will be minimised during the undertaking of site works;

Attachment D

- detailing the location of site offices, material compounds, construction parking;
   and
- c. detailing measures to maintain the residential amenity for the residence at Lot 16 and the residents adjoining the western boundary of the site, to be free of noise, vibration, odour, dust and light spill during the undertaking of site works.
- 5.16 A Dust Management Plan detailing measures to be implemented to minimise the amount of dust pollution until all allotments have been built upon. All bare earth shall be subject to ongoing dust mitigation and suppression.
- 5.15 Satisfactory arrangements for the full cost of upgrading and/or construction of West Street and Bussell Highway intersections, including:
  - a) the construction of a single lane roundabout at the entrance to West Street;
  - b) median treatments to be constructed to restrict access onto Bussell Highway to 'left-in/left-out';
  - c) The dual access path at the southern end of the site; and
  - All drainage basins, landscaping and fencing in the foreshore reserve Lot 12 (plan of subdivision WAPC 152597).
- Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009, a covenant preventing vehicular access onto West Street being lodged on the certificate(s) of title of the proposed Balance of Title lot (shown as proposed Lot 11 on the plan of subdivision) at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of the City of Busselton. The covenant is to specify:
  - "No vehicular access is permitted from West Street."
- 5.17 Easement(s) in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the City of Busselton and the public at large are to be placed on the certificate(s) of title of the proposed lot(s) specifying access rights generally in accordance with the approved Easement Plan. Notice of these easement(s) is to be included on the diagram or plan of survey (deposited plan).
- 5.19. Proposed Lot 11 shown on the approved plan of subdivision shown as a Balance of Title lot on the diagram of survey pending amalgamation with an adjacent lot.
- 5.20. The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over the proposed lots and for the ongoing coordinated management of shared infrastructure including drainage, lighting, roadways, pedestrian paths, carparking areas, landscaping and a consolidated approach to advertising signage, ie Pylon sign.
  - Note: Pylon signage will be restricted to one sign at the entrances with Bussell Highway and West Street, the sign to be no higher than 5m.
- 5.21 A kangaroo management plan is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

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

7. Satisfactory arrangements shall be made with the City to provide public art works. This entails compliance with the Percent for Art provisions of the City's *Development Contribution Policy* via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD"). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.

Note: The City may agree to this amount being combined with percent for art contributions arising from other development on the site and the artworks being undertaken at the site.

Artworks undertaken at the site in this regard are to be applied to the area adjoining West Street

- 8. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition 5 have been implemented; and, the following conditions have been complied with:
  - 7.1 Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005.)
  - 7.2 Lot 12 shown on the approved plan being shown on the diagram or plan of survey (deposited plan) as reserve(s) for foreshore protection and drainage and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown.
  - 7.3 A fence restricting vehicle, pedestrian and feral animal access to the foreshore protection and drainage reserve is to be constructed south of the Dual Use Path.
  - 7.4 The applicant is to enter into a Performance Bond, for development on City land, which shall be held against satisfactory compliance with Conditions 5.13 and 5.14 of this Planning Consent, accompanied by an executed legal agreement with the City at the full cost of the owner

The legal agreement shall include:

- a) written authorisation from the owner of the land that the City may enter the site
  at any time and permit the City to complete or rectify any outstanding work to
  the satisfaction of the City; and
- b) the ability for the City to be able to recover the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this planning consent.

# **On-going Conditions:**

8. The works undertaken to satisfy Condition 3, 4, 5 and 6 shall be subsequently maintained for the life of the development.

#### **ADVICE TO APPLICANT**

- If the applicant and/or owner are aggrieved by this decision, including any conditions of approval, there is a right to lodge a request for reconsideration. The application form and information on fees payable can be found on the City's website.
- If the applicant and/or owner are aggrieved by this decision there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the City of Busselton.
- This Decision Notice grants Development Approval to the development the subject of this
  application (DA15/0577). It cannot be construed as granting Development Approval for any
  other structure shown on the approved plans which was not specifically included in this
  application.
- Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
- In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.

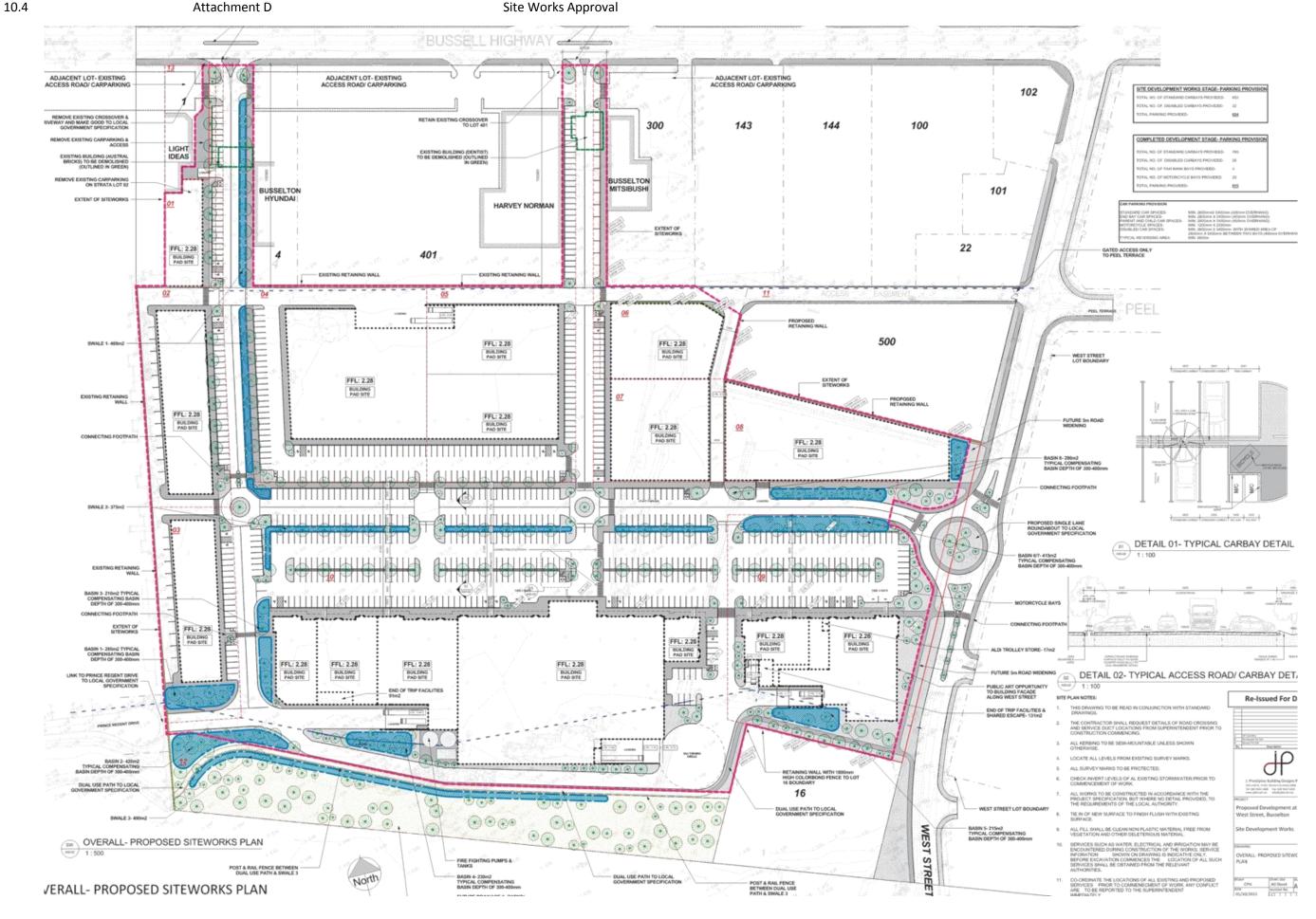
Paul Needham
DIRECTOR PLANNING AND DEVELOPMENT SERVICES

and Vehicle Crossovers Technical Specification.

In accordance with the requirements of the *Local Government (Uniform Local Provisions)* Regulations 1996, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy

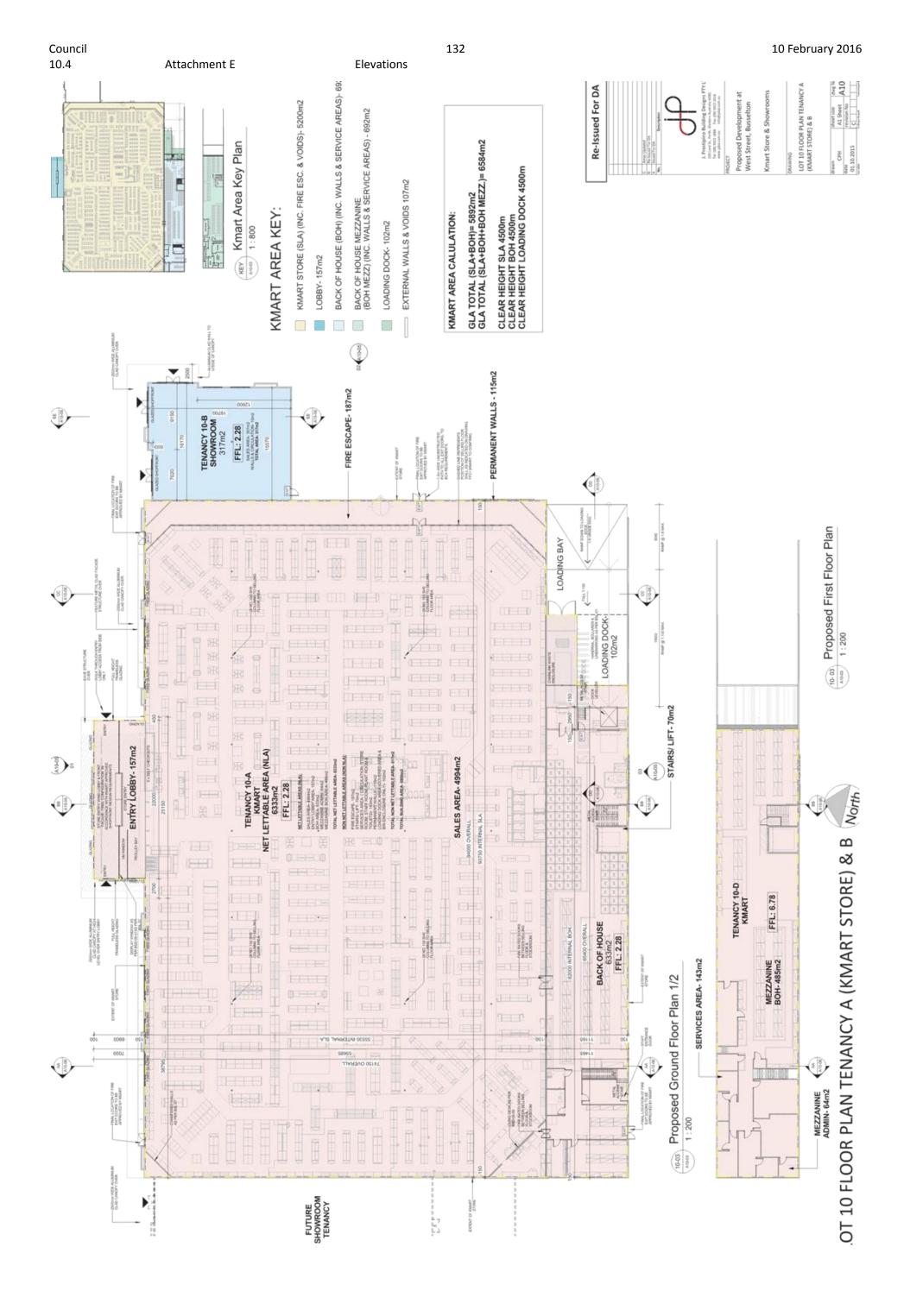
Date 29 January 2016

6.



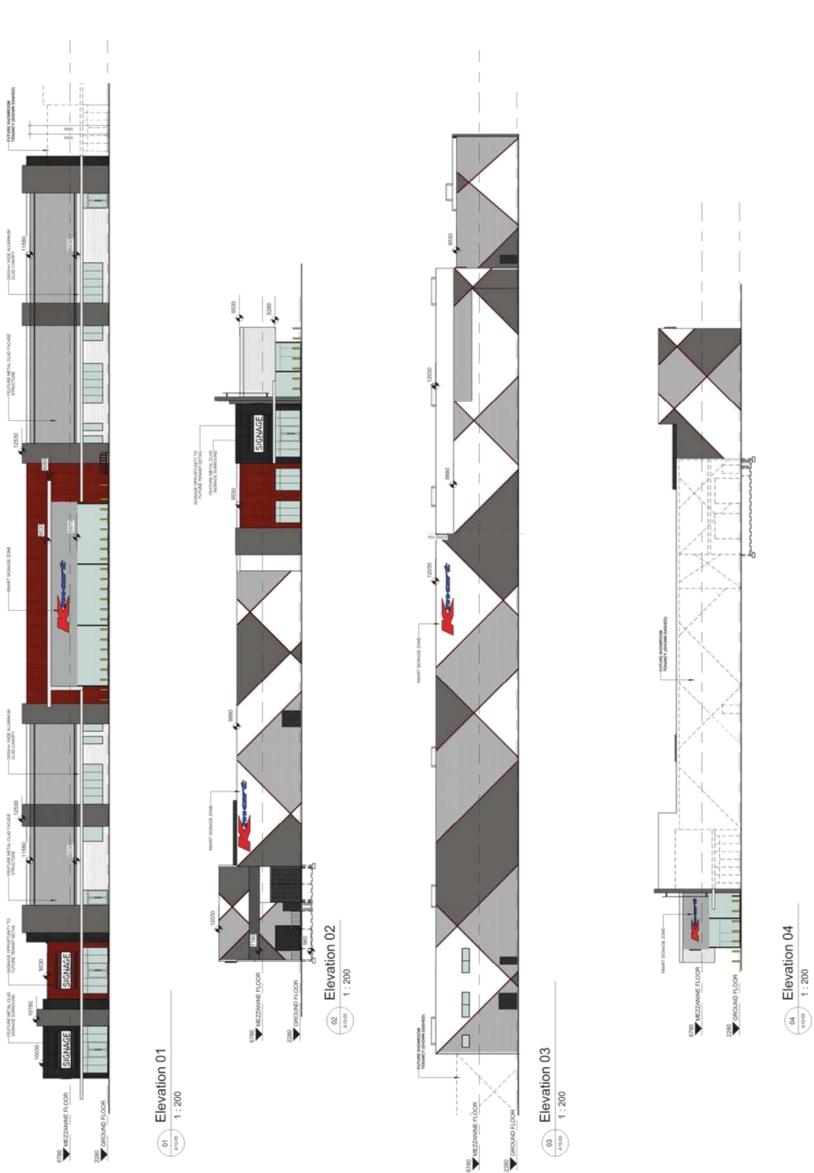
EASEIVIENT PLAN DATS/US//





10.4 Attachment E Elevations





10.5 PROPOSED LOCATION FOR A NEW SETTLEMENT (HAMLET) - LOTS 1, 2 & 1490 WILDWOOD ROAD AND PORTION OF LOT 115 BUSSELL HIGHWAY, CARBUNUP RIVER - CONSIDERATION FOLLOWING PUBLIC ADVERTISING

**SUBJECT INDEX:** Land Use Planning and Development

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

diverse activity and strengthen our social connections.

BUSINESS UNIT: Strategic Planning and Development ACTIVITY UNIT: Strategic Planning and Development

**REPORTING OFFICER:** Principal Strategic Planner - Louise Koroveshi

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

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Location Plan

Attachment B Proposed Hamlet 'Footprint' Attachment C Preliminary Hamlet Concept

Attachment D Urban Settlements Study - Leeuwin Naturaliste Ridge

Attachment E City of Busselton Draft Local Planning Strategy

Attachment F Schedule of Submissions

#### **PRÉCIS**

At its meeting on 26 August 2015 the Council resolved to advertise the report "Carbunup Hamlet Phase 1 – Hamlet Location" in relation to planning for a new settlement on Lots 1, 2 and 1490 Wildwood Road and portion of Lot 115 Bussell Highway, Carbunup River to enable wider consultation with landowners in the Carbunup River locality (i.e. in addition to those whose properties are included in the footprint of the proposed location), government agencies and the community generally, to determine if there are other strategic matters that require further consideration, and more broadly, to elicit public feedback on the merits of the proposal.

Public consultation, including a public information session which attracted attendance by approximately 45 – 50 people, was carried out over a period of 42 days ending 2 December 2015. 61 submissions were received. 37 submissions either supported or had no concerns with the proposal, 23 objected to the proposal and one submission was neutral. The majority of objections described some issues that would necessitate comprehensive investigation and resolution should the proposal proceed to the next stage of planning, being rezoning and the preparation of a structure plan to guide subdivision and development. After careful consideration of all submissions received, there is not considered to be a strong or widespread view or consensus that the local community wants Carbunup River to change or expand, and neither is there seen to be a broader strategic imperative for that to occur either.

The key matters for consideration of this proposal relate to contemporary planning and sustainability principles that do not support or encourage the development of new settlements in more isolated locations; the need for a new settlement to accommodate population growth, and the potential for land use conflict between sensitive residential development and high value agricultural land in the immediate vicinity.

On balance the proposal does not meet certain key tests of the State strategic planning framework and officers therefore recommend that the Council recommend to the Western Australian Planning Commission that it does not support the progression of the Carbunup River settlement expansion proposal to the rezoning and structure planning stage. It is considered, however, that if settlement expansion was to occur, the location identified would be the most appropriate location for that to occur.

#### **BACKGROUND**

A potential location to the west of the existing Carbunup River townsite for a new settlement ('hamlet') has been identified in the Western Australian Planning Commission's *State Planning Policy 6.1 Leeuwin Naturaliste Ridge* (LNRSPP) that could grow to 500 permanent residents. Planning for settlement expansion is to consider innovative planning approaches to servicing (water supply, wastewater disposal and power) and sustainability.

Strategic planning documents are required by the *Planning and Development (Local Planning Schemes) Regulations 2015* to have 'due regard' to State Planning Policies and as such the *City of Busselton Draft Local Planning Strategy* reflects the LNRSPP and identifies Carbunup River as a potential 'Village' of some 500 permanent residents.

The proposal before the Council, if supported, would be the first stage in the planning process necessary to create a new settlement at Carbunup River. Strategic assessment and justification of a location for the new settlement (and endorsement of the proposed location by the City of Busselton and Western Australian Planning Commission) is required as a precursor to more detailed rezoning and structure planning to come.

The report "Carbunup Hamlet Phase 1 – Hamlet Location" provides an analysis of the planning policy framework, describes strategic locational criteria and outlines the findings of preliminary site investigations aimed at providing necessary justification for proceeding to the rezoning and structure planning stages.

The proposed settlement expansion area is situated approximately 520m west of the existing Carbunup River townsite and immediately south of Wildwood Road (Attachment A). The site is zoned 'Agriculture' and 'Reserve for Recreation'.

The land within the proposed 'hamlet' location is approximately 98 hectares and comprises the following landholdings (Attachment B) –

- Lot 1 Wildwood Road 15.4ha
- Lot 2 Wildwood Road 12ha
- Lot 1490 Wildwood Road 37ha
- Portion of Lot 115 Bussell Highway 32ha
- Lennox Road reserve 2ha
- Crown Reserve 20554 vested in the City for the purpose of gravel quarry.

The report describes eight criteria used to determine the selection of the proposed hamlet location, summarised as follows -

# 1. Relationship to the Carbunup River Townsite and District Roads

The existing Carbunup townsite is situated immediately west of the bridge where Bussell Highway crosses the Carbunup River. The report suggests that it is desirable that the hamlet be located in proximity to the townsite and situated on the same side of the highway and river to assist with access, legibility and safety. This would also strengthen opportunities to provide vehicle, cycling and pedestrian linkages with the townsite.

# 2. Strategic Minerals and Basic Raw Materials

The Carbunup River locality is not constrained by the presence of strategic mineral sand resources. There is regionally significant basic raw material for sand in the area. Given the scarcity of sand, the Geological Survey of WA (GSWA) strongly encourages maximum use of this sand resource within the

settlement expansion area. There are currently no extractive industry licences in the area but it is important that any proposed 'hamlet' location avoids sterilising available sand resources. It is the intention of the proponent to utilise the sand resources as part of future development.

# 3. Flora and Vegetation

A flora and vegetation assessment of Lots 1, 2 and 1490 Wildwood Road was undertaken in spring 2014. The areas of Lot 115 included in the proposed hamlet location are cleared and used for grazing and so did not form part of the assessment. The findings of the flora and vegetation assessment may be summarised as follows:

A total of seven discrete native vegetation types (excluding scattered, isolated and planted trees) were recorded. The condition of the vegetation across the assessment area was found to be in a generally degraded state. The eastern portion of the assessment area consists of blue gum plantations, macadamia and olive groves, planted Eucalyptus species and Peppermint trees and garden trees/shrubs around existing dwellings. There are several small pockets of remnant vegetation which have been highly modified by grazing and past clearing.

The western portion of the assessment area contains remnant vegetation associated with several Abba Vegetation Complexes which have been extensively cleared and modified by agricultural activities. The majority of the Abba (AB) and (Aw) vegetation complexes are associated with the Mary Brook and remnant vegetation adjacent to Reserve 20554. This vegetation is in a Degraded to Good condition. The Abba (Aw) vegetation complex in the southeast corner of the assessment area was found to be in a Degraded to Completely Degraded condition. The Abba (Ad) vegetation complex also present in this area was found to be no longer representative of any remnant vegetation as it is highly modified and contains planted trees. The Abba (Af) vegetation complex in the central part of the assessment area contains some patches of remnant scattered and isolated mature native trees.

A Threatened and Priority Flora Database and a Threatened Ecological Communities (TEC) search was undertaken to identify significant flora/vegetation that may occur within the assessment area. Of the ten TEC vegetation communities listed in the DPaW and DoE database within a 10km radius of the assessment area, none were recorded within the site. No Threatened (Declared Rare) species, as listed pursuant to the *Wildlife Conservation Act 1950* or the *Environmental Protection and Biodiversity Conservation Act 1999* were recorded within the assessment area. Additionally, no priority-listed species were recorded during the assessment.

#### 4. Fauna

A fauna assessment was undertaken for Lots 1, 2, 1490 Wildwood Road and Reserve 20554. The areas of Lot 115 included in the proposed hamlet location are cleared and used for grazing and so did not form part of the assessment. The findings of the fauna assessment may be summarised as follows:

Overall, fauna habitat values and biodiversity have been significantly compromised by the total or partial clearing of native vegetation, historical and ongoing livestock grazing, dieback and weed invasion. Notwithstanding the history of disturbance, the assessment area still provides suitable habitat for a range of species, some of which are of conservation significance. The better quality habitat is found in Reserve 20554 and within the Lennox Road road reserve. These areas contain the densest vegetation with good canopy connectivity.

A total of 51 native fauna species were observed (or positively identified by foraging evidence, scats, tracks, skeletons or calls). Evidence of three listed threatened species was observed (Forest Redtailed Black Cockatoo, Baudin's Black Cockatoo and Carnaby's White-tailed Black Cockatoo), Western Ringtail Possum (WRP) and Rainbow Bee-eater. The assessment suggests that the WRP favours

habitat within the Lennox Road road reserve and Reserve 20554. Within Lots 1 and 2 WRP utilisation appears to be low with individuals relying on small areas of planted WA Peppermint trees.

The study also included a black cockatoo habitat assessment that included identification of all suitable tree species for nesting hollows. Only four trees were assessed as having hollows possibly suitable for nesting.

#### 5. Landform, Soils & Water Management

The area west of Carbunup River has a variety of Abba soils ranging from wet vales and flats to gentle slopes and deep sandy rises. The site is traversed by the Mary Brook and a minor tributary. The moderately drained Jindong flats situated north of Wildwood Road, southwest of Reserve 38582 and west of Lewis Road comprise good quality soils reflected in their use for well-developed horticulture and viticulture operations. It is suggested that the productive Jindong Flats soil unit contributes to defining the boundaries of the proposed hamlet location. It is also suggested that the higher sandy rises and slopes of the Abba soil units have the capacity to support development.

A preliminary geotechnical assessment suggests that the southwest and southcentral areas are suitable for onsite stormwater disposal in soakwells or infiltration basins. Areas with more clayey soils are less suitable for in-situ stormwater infiltration without modification.

# 6. Preliminary Servicing Assessment

It is suggested that on-site effluent disposal on suitably sized residential lots may be appropriate (based on the findings of the preliminary geotechnical investigation) and more cost-effective than reticulated sewerage. Sandy soils generally present between 0.5m and 1.9m are suitable for conventional effluent disposal systems. They are not recommended for areas of shallow laterite that are generally located towards the southwestern portion of the proposed hamlet location (where alternative effluent disposal systems such as Aerobic Treatment Units could be considered). Provision of a potable water supply has not been addressed at this stage.

#### 7. Bush fire Hazard Assessment

A bush fire hazard assessment has been undertaken that is based on existing site conditions and the vegetation/flora report. The assessment applies the methodology for determining bush fire hazard as set out in the *Planning for Bush Fire Protection Guidelines* (now superceded by *State Planning Policy 3.7 Planning In Bushfire Prone Areas* and *Guidelines for Planning in Bushfire Prone Areas 2015*). The assessment determined the following bush fire hazard ratings across the site —

- Uncleared areas within, and adjoining the site, are classified as having an 'extreme' fire hazard rating
- Cleared areas are classified as having a 'low' hazard rating
- Cleared areas that are within 100m of the areas with an 'extreme' or 'moderate' hazard rating are assigned a 'moderate' hazard rating to reflect the increased level of risk.

The assessment suggests that, as the majority of the subject location has a 'moderate' or 'extreme' bush fire hazard rating, permanent hazard reduction measures will need to be implemented such as: harvesting the existing blue gum plantation; and ensuring that settlement design complies with *Planning for Bush Fire Protection Guidelines* and the City's Local Planning Policy 9B - Bush Fire Protection Provisions.

# 8. Preliminary Hamlet Concept

A preliminary design has been prepared to demonstrate a possible land use concept and an understanding of the opportunities and constraints (Attachment C). The concept plan depicts residential and rural residential cells, POS/landscape buffers and drainage areas, as well as a 'village centre'.

The plan is conceptual only and, should the proposal be supported to proceed to the rezoning and structure planning stages, there are a range of matters that would need to be comprehensively addressed and resolved. These would include: settlement design (including the determination of the most appropriate location for a village centre), servicing, bushfire risk and management, environmental, health (including appropriate buffers to adjoining intensive horticultural operations), traffic, drainage, water supply and management, employment and sustainability. Additional strategic, planning and environmental issues may also emerge through this process.

#### STATUTORY ENVIRONMENT

Should the proposed location for a new residential hamlet at Carbunup River be supported, the land would need to be rezoned. The *Planning and Development Act 2005* and related legislation outline the relevant considerations and statutory requirements for preparing and amending local planning schemes.

The orderly planning of urban growth and settlement expansion at Carbunup River would be facilitated by the preparation of a Structure Plan. Clause 7.4 of Local Planning Scheme 21 outlines matters to be considered as part of that process.

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

The key policy implications for consideration of the proposal are set out in the Western Australian Planning Commission State Planning Policy 1: State Planning Framework, State Planning Policy 2.5: Rural Land Use Planning, State Planning Policy 3: Urban Growth and Settlement; State Planning Policy 6.1: Leeuwin Naturaliste Ridge, Leeuwin-Naturaliste Ridge Urban Settlement Study, South West Regional Planning and Infrastructure Framework, City of Busselton Draft Local Planning Strategy and Local Environmental Planning Strategy.

Each is discussed below under appropriate subheadings.

# **State Planning Policy 1: State Planning Framework**

This overarching State policy sets out the key principles relating to environment, community, economy, infrastructure and regional development required to guide the way in which future planning decisions are made. Several principles relevant to the consideration of the current proposal are described below.

In relation to future development, planning should (as far as practicable) promote and encourage sustainable communities by accommodating future population growth and providing housing choice, affordability and diversity, places of employment, open space, education, health, cultural and community services etc.

In relation to infrastructure, planning should ensure that the provision of physical and community infrastructure by both public and private agencies is staged and coordinated in a way that is efficient, equitable, accessible and timely. This means facilitating the efficient use of existing urban infrastructure and human services and *preventing* development in areas which are not well serviced, where services and facilities are difficult to provide economically and where unnecessary demands for infrastructure and human services are created.

In relation to economy, planning should also seek to promote and provide local employment opportunities in order to reduce the time and cost of travel to work, avoid land use conflicts (by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts) and protect agricultural land and resources from inappropriate uses and adverse impacts.

# State Planning Policy 2.5: Rural Land Use Planning

This policy sets out the position of the WAPC in relation to consideration of planning proposals for land zoned and/or identified for rural and agricultural purposes in local planning schemes and strategies.

The policy states that the introduction of sensitive or incompatible land uses such as additional housing or accommodation in rural areas can compromise rural land uses and effectively sterilise rural land. There is a need to ensure that, where appropriate, existing rural land uses are protected and landholders are able to exercise their operational needs effectively.

The policy expects that conflicts will be managed such that the introduction of land uses in rural areas that may constrain existing or potential production will generally not be supported.

# State Planning Policy 3: Urban Growth and Settlement

This policy sets out the position of the WAPC in relation to planning for urban growth and settlement within the State. Creating sustainable communities is a fundamental measure and the policy sets out a number of key requirements relevant to the consideration of the current proposal –

- sufficient and suitable serviced land in the right locations for housing, employment, commercial, recreational and other purposes, coordinated with the efficient and economic provision of transport, essential infrastructure and human services;
- making the most efficient use of land in existing urban areas through the use of vacant and under-utilised land and buildings, and allowing higher densities where these can be achieved without detriment to neighbourhood character and heritage values; the cost-effective use of urban land and buildings, schools and community services, infrastructure systems and established neighbourhoods; and promoting and encouraging urban development that is consistent with the efficient use of energy;
- directing urban expansion into designated growth areas which are, or will be, well serviced by employment and public transport;
- access for all to employment, health, education, shops, leisure and community facilities by locating new development so as to be accessible by foot, bicycle or public transport rather than having to depend on access by car; and
- proper consideration of the environment, recognising the need to restore and enhance (as well as protect) biodiversity, and to minimise development impacts on land, water, energy, minerals, basic raw materials, agriculture and other natural resources that help sustain urban economies and society.

The policy suggests that town expansions and new settlements should only be considered where they will have a planned economic and employment base and where they can be efficiently serviced by local and regional infrastructure including roads, public transport, water supply, sewerage, drainage, energy, local parks, schools, shops, recreational facilities and other services.

The policy also notes that outside, regional growth centres, proposals for new settlements whether by large scale additions to existing settlements or new 'free standing' settlements are unlikely to prove to be a sustainable development option given the difficulties in providing a secure employment base, the cost of providing a necessary range of new services and infrastructure, and

the potential for diverting population and resources from existing settlements (which could contribute to the decline of those settlements).

New settlements are only likely to prove to be a sustainable development option where they address a significant shortfall of available housing land in the region, have a secure employment base, are large enough to support a range of local services including schools, shops and employment and where there are no more sustainable alternatives.

# State Planning Policy 6.1: Leeuwin Naturaliste Ridge (1998)

The LNRSPP provides the strategic framework to guide development and conservation within the Policy area. The scope for a potential, expanded settlement at Carbunup River for up to 500 permanent residents is provided by the policy. Figure 3 Land Use Strategy Plan illustrates Carbunup River as a 'Hamlet' within the Principle Agriculture (Horticulture and Grazing) land use category and located at the intersection of two existing Strategic Roads, being Bussell Highway and Wildwood Road.

The LNRSPP sets out a number of settlement and servicing parameters for Carbunup River -

- Identified as a 'Hamlet' in *Table 1 Settlement Hierarchy* with a permanent population of up to 500;
- Commercial and community services provided are to be limited to convenience services with a community focus;
- Infrastructure provision can consider innovative alternatives to conventional reticulated water, sewerage and power;
- The hamlet is recommended to function as a 'rural service centre' and to be a focus for rural living and tourist facilities.

Specific policies and important parameters for Carbunup River set out in the LNRSPP include –

# "Hamlet

- LUS 1.11 Hamlet development will provide a rural service centre for the nearby intensive agricultural industry but the form and size of the urban development must remain separate from and not compromise the primacy of the horticultural industry.
- LUS 1.12 Ecological communities on Carbunup Reserve 38582 will be preserved."

# Leeuwin Naturaliste Ridge Planning Review - Urban Settlements Study (1996)

The purpose of the study was to examine the existing settlement pattern and growth pressures of the Leeuwin Naturaliste Ridge and to recommend an urban settlement strategy to accommodate projected population growth. The study identified Carbunup River as having the potential for a consolidated, fully serviced and sensitively planned community which would serve the intensive agricultural and tourist industry, given its central location and accessibility via Bussell Highway and through routes to Caves Road to the west and north via Chain Avenue.

The study identified a location for settlement expansion west of Bussell Highway and south of Wildwood Road that included the existing townsite, part of Reserve 38582, portion of Lot 115 Bussell Highway and Lots 1 and 2 Wildwood Road (Attachment D).

Residential cells, a multiple use corridor (stream zone, wetland protection, vegetation protection and enhancement, potential walking/cycling/bridle trails) and remnant vegetation to be retained within the balance of Reserve 38582 were identified within the general location.

# **South West Regional Planning and Infrastructure Framework**

The Framework is a regional strategy that outlines the WAPC position in relation to broad planning issues such as transport, agriculture, communities and climate change, and the major infrastructure requirements for the region. Local governments are required to have due regard to regional strategies when considering matters related to land use planning. The Framework outlines the WAPC position on a range of matters, the following of which are relevant to consideration of this proposal —

- Maximise the use of existing infrastructure by encouraging new urban development, including infill, to areas within, or adjacent to, existing infrastructure.
- Encourage the development of compact communities to reduce the demand for private motor vehicles and encourage use of public transport.
- Prevent the loss or stagnation of high-value and productive agricultural land through the development of sensitive land uses within close proximity to existing agricultural operations.

# **Draft Local Planning Strategy**

The *Draft Local Planning Strategy* (LPS) sets out the long term (25yrs +) planning direction for the City and provides the overarching, strategic rationale for decisions relating to the planning and development of the District (Attachment E).

Table 1 Settlement Framework of the LPS designates Carbunup River as a 'Village' with an approximate maximum population/development potential of around 500.

Table 2 *Urban Growth Framework* identifies Carbunup River as a medium\* term growth area. The LPS makes provision for the immediate consideration of the commencement of rezoning and structure planning processes for medium term growth areas marked with an asterisk. The LPS sets out the following key issues to be addressed in consideration of settlement expansion at Carbunup River –

- Exact location of settlement expansion subject of further detailed planning;
- Buffers to environmentally sensitive areas required; and
- Servicing (water and effluent disposal).

# **Local Environmental Planning Strategy**

The Local Environmental Planning Strategy (LEPS) focuses on the key environmental issues relating to development and land use planning and also gives consideration to the environmental constraints to the future growth of the City's settlements.

The LEPS sets out the following objectives to settlement expansion at Carbunup River –

- Protect all areas of remnant vegetation, particularly areas of poorly represented vegetation and Threatened Ecological Communities (TEC) and provide opportunities for revegetation where possible.
- Ensure that any proposed development in the area is subjected to thorough structure planning and development guide plan processes that incorporate relevant environmental assessment and management.
- Protect important landscapes within and around the townsite."

The LEPS sets out the following recommendations in relation to Carbunup River –

In considering proposals for the expansion of Carbunup River, Metricup and Jarrahwood, do
not support the rezoning of land that would result in the expansion of development into
areas identified as having medium or high environmental constraints unless there is a clear

- strategic case for doing so, and following consideration of the environmental impacts of urban development.
- In Yallingup, Carbunup River and Metricup promote the enhancement and protection of all remnant vegetation and consider introduction of clearing controls in the town planning scheme to support that objective."

The LEPS identifies the following levels of environmental constraints across the proposed location for settlement expansion —

- High poorly represented vegetation (<30% remaining)</li>
- Medium fire hazard, other remnant vegetation
- Low Priority Agricultural Area (>60% Category 1 & 2), basic raw materials and mineral resources, waterlogging (>60% High & Very High)

#### **FINANCIAL IMPLICATIONS**

Nil

# **Long-term Financial Plan Implications**

Nil

#### STRATEGIC COMMUNITY OBJECTIVES

The proposal is considered to be consistent with the following community objective of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.'

#### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve referring the decision/recommendation of the Council to the Western Australian Planning Commission and in this regard there are no significant risks identified.

# CONSULTATION

The proposal was advertised for 42 days, between 16 October and 2 December 2015 and 61 submissions were received (ten government agency and 51 public submissions). A Schedule of Submissions is provided at Attachment E. During the advertising period a public information session was held at the Carbunup River hall on 17 November 2015, which attracted the attendance of approximately 45 - 50 people, in addition to City officers (who chaired the session) and representatives of the proponents.

Of the ten government agency submissions received seven raised no objection and three raised objections/concerns with the proposal (Department of Health, Department of Food and Agriculture and Main Roads WA).

Of the 51 public submissions received, 30 submissions support the proposal (comprising one business/three residents of Carbunup River and 26 non-Carbunup River locality businesses/residents), 20 objected to the proposal (19 from residents within the Carbunup River locality) and one comprised an overview of the proposal.

Reasons provided in the submissions that *support* the proposal may be summarised as follows –

- 1. Potential creation of employment and opportunities for the local agricultural industry to diversify into new crops to support a new local perfume industry;
- 2. Provision of larger lifestyle lots;
- 3. Encourage the construction of green/eco-friendly homes;
- 4. subdivision/development will incorporate innovative ideas for water supply and wastewater disposal;
- 5. Asset to the locality more residents to support local tourism and other businesses and wine industry employees could live close to work; and
- 6. Identified by State Planning Policy 6.1 Leeuwin Naturaliste Ridge.

Reasons provided in the submissions that object to the proposal may be summarised as follows -

- 1. A new settlement is not needed at Carbunup River as the new township of Vasse is only 6km away and this will provide retail, commercial and community services;
- 2. Land use conflict between 'lifestyle' residential development and adjacent/surrounding established intensive and broadacre agricultural activities (biosecurity issues, increased dog attacks on livestock, complaints about noise, dust, spray drift);
- 3. Public health spray and fumigant drift from established intensive agricultural operations and potential impacts on 'right to farm' (issue of buffer/separation distances not adequately addressed);
- 4. Adverse effects on the rural character of the locality and the tourist value of Wildwood Road;
- 5. Traffic conflict and safety Wildwood Road generally and intersection with Bussell Highway;
- 6. Environmental impacts flora, fauna in Lewis & Lennox Road road reserves and Carbunup Reserve;
- 7. Loss of, or adverse impact on, prime agricultural land;
- 8. Adverse impact on the quiet rural lifestyle of existing residents; and
- 9. Hamlet development is predicated on a 20 year old State Planning Policy outdated approach to settlement planning.

The majority of submissions that raised objections and concerns described some issues that would necessitate comprehensive investigation and resolution should the proposal proceed to the next stage of planning, being rezoning and the preparation of a structure plan to guide subdivision and development.

Notwithstanding these valid concerns, the key matters for consideration of the current proposal relate to contemporary planning and sustainability principles and avoiding the development of new settlements in more isolated locations; the recognised 'need' for a new settlement to accommodate population growth in the District and potential land use conflicts. These matters are discussed further under the 'Officer Comment' section.

#### **OFFICER COMMENT**

The proposal before the Council is the first stage in a subsequent planning process that would be necessary to endorse and create a substantially expanded settlement at Carbunup River. Strategic assessment and justification of a location for settlement expansion (and endorsement of the same by the City of Busselton and Western Australian Planning Commission) is required as a precursor to the initiation of more detailed rezoning and structure

There are a number of reasons put forward by the proponent in support of the proposed hamlet location including:

- located on lesser quality soil complexes that are not best suited for horticulture;
- located on, or near, important tourist roads;

- supports safe pedestrian/cycle links and access generally between the existing townsite and the new hamlet;
- not constrained by the presence of strategic mineral resources; and
- not constrained by significant geotechnical or environmental factors.

There is little doubt that - given the site characteristics and considerations identified in relevant plans and policies (including the LNRSPP) as being required to be addressed in order to justify any potential settlement expansion location at Carbunup River - the area delineated in the current proposal is the most appropriate and best-suited.

Should the concept of settlement expansion at Carbunup River be formally approved by the Council and the WAPC, the location currently being proposed would be supported by officers. The issue remains, however, as to the proven *need* for such a settlement expansion to occur at Carbunup River. This has not been substantiated by the proponent to the degree that it could be supported by City officers.

There are a range of matters (many of which reflect the areas of concern and grounds for objection raised in various public and government agency submissions) which would need to be comprehensively addressed and resolved through subsequent rezoning and structure planning processes, *should* the current location proposal be supported for progression to that stage.

Notwithstanding the 'issues for and against', the key matters for consideration of the current proposal relate to:

- contemporary planning and sustainability principles, and avoiding the development of new settlements in more isolated locations;
- the proven need for a new settlement to accommodate likely future population growth;
   and
- the likely potential for land use conflicts.

The report 'Carbunup Hamlet Phase 1 – Hamlet Location' advocates that the hamlet concept (subdivision, design and built form outcome) will put into practice sustainability principles through initiatives such as: focusing development on already cleared land; avoiding prime agricultural land; adopting water sensitive urban design; protecting existing conservation areas; adopting energy efficient built form; encouraging walkability; developing a community focus; pursuing sustainable servicing solutions; and creating local employment opportunities.

The concept of 'sustainability' or 'sustainable development' is commonly defined as: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". The concept of sustainability is usually seen as relating to a 'triple bottom line' with economic, social and environmental factors being considered.

The planning system can support moves towards greater sustainability through: encouraging the development of compact towns and cities, with a greater focus on redeveloping and consolidating existing urban areas rather than development of new urban areas, (especially avoiding development of smaller settlements in more isolated locations); supporting integrated transport especially public transport, walking and cycling; ensuring that jobs, shops, schools and services are highly accessible by public transport, walking and cycling etc.

There is considerable scope for discussion about exactly how sustainability principles should be applied in any given situation and a particular focus of the hamlet concept report is on encouraging future homeowners to make their houses and other buildings more energy efficient by encouraging renewable energy, reducing water use and encouraging water and wastewater recycling.

Notwithstanding these suggested initiatives, development of a relatively small, isolated and 'off-grid' settlement (meaning remote from existing infrastructure such as reticulated sewer and water services, community and commercial services, employment and schools) with very few services and facilities and with almost total reliance on private cars for transport will reduce sustainability, even if the actual buildings and houses are highly water and energy efficient, is not thought appropriate. Overcoming car dependence to access jobs, services, schools and shops is a fundamental principle in achieving desirable and sustainable outcomes. This, again, concerns the 'appropriateness' of settlement expansion at Carbunup River, the proven 'need'.

The LNRSPP indicates that hamlet development should provide a 'rural service centre' for the nearby intensive agricultural industry along with convenience services. Convenience services are already provided by the service station/post office/general store at Carbunup River. The LNRSPP does not provide guidance on the scale or meaning of 'rural service centre' although it could be interpreted as meaning the provision of goods and services that are not readily available elsewhere. The goods and services needed by the intensive horticultural industry (such as those companies that specialise in selling agricultural products/services and technical advice) are already established in higher order centres such as the Busselton City Centre and Light Industrial Area and Dunsborough, and therefore highly unlikely to relocate to, or replicate in, an isolated, small settlement.

Furthermore, the developing settlement area of Vasse is located 6km from Carbunup River and will provide a range of housing/land opportunities, shopping, services, job opportunities and schools that a permanent population of 500 residents would expect and quite possibly demand, but would not be contemplated as part of settlement expansion at Carbunup River.

The City has a responsibility to manage the pattern of settlement within the District, not only in relation to when, where and how growth occurs, but also ensuring that communities are well planned and allowed to grow into vibrant and active places with a high level of accessibility to public transport, jobs, community services and so forth including the development of population centres that best fit with the local environment (character, community and natural elements), and that do not undermine existing settlements.

The existing settlement at Carbunup River has not changed, in and of itself, for many years. If the City had received an indication that residents wanted the settlement to expand it may have been considered before now. A number of submissions received from local Carbunup River residents in response to advertising feedback received from many of the people that attended the public information session held during the advertising period, strongly suggests that there is not a widespread view or community consensus that existing residents of the locality want Carbunup River to grow.

It is acknowledged that the scope for a new, expanded settlement at Carbunup River for up to 500 permanent residents is provided for by the Leeuwin Naturaliste Ridge State Planning Policy. However, the urban settlement study that informed the LNRSPP dates back to 1996 and was broadly based on a planning model for human settlement established in the eastern states of Australia that promoted clustered, new settlements of different sizes integrated with small-scale economic enterprises.

This model is now well out of step with contemporary planning principles that are embedded in the State planning framework and in particular *State Planning Policy 1 State Planning Framework* and *State Planning Policy 3 Urban Growth and Settlement*. These support a compact urban form with an emphasis on redevelopment and consolidation within, and expansion focused on, *existing* urban areas. This helps to maximise efficient use of land, reduce reliance on private vehicles and support integrated public transport systems, support the efficient use of infrastructure (water supply, wastewater disposal, power etc) and provide more equitable access to employment, community and other services, shops and schools.

The Carbunup River locality generally contains prime agricultural soils and is characterised by established commercial viticultural and horticultural operations. A new settlement would place residents in an area surrounded by, and in close proximity to, intensive agricultural operations and subject to chemical spray and fumigant drift, noise and dust. This would be likely to lead to land use conflict between sensitive residential land uses and high value agricultural activities.

The operational life of the Leeuwin Naturaliste Ridge State Planning Policy is 30 years (2028) and although the policy nominates Carbunup River for settlement expansion, it does not stipulate exactly where, or even when such a settlement should occur. There is certainly no imperative to do so within the current lifetime of the policy. Population growth and land supply projections that underpin the City's *Draft Local Planning Strategy* suggests that there is sufficient zoned and structure planned urban land to accommodate growth for at least the next 15 years (*without* the need for a new settlement at Carbunup River).

The Western Australian Planning Commission recently granted consent to advertise the City's draft *Local Planning Strategy*. In making that decision, the WAPC foreshadowed the preparation of a Leeuwin Naturaliste Sub-Regional Strategy for both the City of Busselton and the Shire of Augusta-Margaret River. The Department of Planning intends to prepare a 'report card' on the LNRSPP in approximately 6 months (i.e. by July/August 2016) that will outline matters to be formally addressed and reviewed in the LNRSPP. Officers are of the view that the settlement hierarchy set out in the LNRSPP should be reviewed, in particular the merits or otherwise of potential settlement expansion at Carbunup River and also at Metricup.

### **CONCLUSION**

Whilst supportive of the proposed potential *location* of a settlement expansion at Carbunup River, should such a concept actually be endorsed by the Council and the WAPC, officers contend that the *need* for such an isolated urban growth area has not been adequately substantiated.

Officers recommend that the Western Australian Planning Commission does *not* support the progression of the Carbunup River settlement expansion proposal to the scheme amendment and structure planning stage for the reasons set out in the 'Officer Comment' and 'Officer Recommendation'.

Officers further recommend that the WAPC be formally requested to include reconsideration and review of settlement expansion at Carbunup River and at Metricup as part of the mooted Leeuwin Naturaliste Ridge Sub-Regional Strategy.

### **OPTIONS**

Should the Council not support the Officer Recommendation, the Council could consider the following options –

- 1. Resolve to request further information before making a determination on the proposal.
- Resolve to support the potential location for a new settlement in the area delineated by the current proposal and recommend that the WAPC supports the progression of the Carbunup River settlement expansion proposal to the scheme amendment and structure planning stages.

Should the Council decide in favour of option 2, appropriate wording for such a resolution would be as follows –

1. Recommends to the WAPC that the proposed 'hamlet' location and urban expansion footprint on Lots 1, 2 and 1490 Wildwood Road and portion of Lot 115 Bussell Highway,

Carbunup River, as identified in the report "Carbunup Hamlet Phase 1 — Hamlet Location" (dated May 2015) is generally consistent with State Planning Policy 6.1 Leeuwin Naturaliste Ridge.

- 2. Recommends that the WAPC supports the progression of the Carbunup River settlement expansion proposal to the scheme amendment and structure planning stages for the following reasons
  - (i) The area delineated in the current proposal is considered to be the most appropriate and best-suited in terms of site characteristics and other strategic considerations provided as justification for settlement expansion at Carbunup River.
  - (ii) The 'hamlet' concept may potentially provide opportunities for the local agricultural industry to diversify into new crops to support a local perfume industry and existing local tourism.
  - (iii) The 'hamlet' concept is proposed to incorporate innovative ideas for water supply and wastewater disposal and will encourage the construction of green/eco-friendly housing.
- 3. Notes the Schedule of Submissions in response to the extensive public consultation process undertaken in relation to the current proposal, but requires amendment of the Schedule of Submissions to reflect the Council decision prior to referral of the proposal to the WAPC.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve advising the Western Australian Planning Commission of the Council recommendation and this will occur within one month of the date of the Council decision.

# **OFFICER RECOMMENDATION**

That the Council:

- Recommends to the WAPC that the proposed 'hamlet' location and urban expansion footprint on Lots 1, 2 and 1490 Wildwood Road and portion of Lot 115 Bussell Highway, Carbunup River, as identified in the report "Carbunup Hamlet Phase 1 – Hamlet Location" (dated May 2015) is generally consistent with State Planning Policy 6.1 Leeuwin Naturaliste Ridge.
- 2. Recommends that the WAPC does *not* support the progression of the Carbunup River settlement expansion proposal to the scheme amendment and structure planning stages for the following reasons
  - i) The proposal does not reflect contemporary planning and sustainability principles that support compact urban form with an emphasis on redevelopment and consolidation within, and expansion focused on, *existing* urban areas to best utilise infrastructure, services and community facilities.
  - ii) The proposal is inconsistent with *State Planning Policy 1: State Planning Framework* and *State Planning Policy 3 Urban Growth and Settlements* as it would facilitate the development of a small, isolated and 'off-grid' settlement remote from existing

- infrastructure such as reticulated sewer and water services, community and commercial services, employment and schools, with very few services and facilities and with an almost total reliance on private cars for transport.
- iii) Population growth and land supply projections that underpin the *City of Busselton Draft Local Planning Strategy* demonstrate that there is sufficient zoned and structure planned urban land to accommodate projected growth for at least the next 15 years (without any substantiated *need* for a new settlement at Carbunup River).
- iv) Advertising of the proposal did not elicit a strong view or consensus from the local community that settlement expansion at Carbunup River is either warranted or supported.
- v) Whilst a number of matters raised as grounds of objection/concern would need to be comprehensively addressed and resolved through subsequent rezoning and structure planning phases (should the current proposal be supported), a new settlement at the proposed location would place residents in an established agricultural area surrounded by, and in close proximity to, intensive agricultural operations and subject to chemical spray, fumigant drift, noise and dust. There would be a strong potential for land use conflicts. This would be inconsistent with State Planning Policy 1 State Planning Framework, State Planning Policy 2.5 Rural Land Use Planning, State Planning Policy 3 Urban Growth and Settlement and the South West Planning and Infrastructure Framework.
- 3. Notes the 'Schedule of Submissions' prepared in response to the extensive public consultation process undertaken in relation to the current proposal.
- 4. Recommends to the WAPC that it include reassessment and review of potential settlement expansion areas (as currently set out in Table 5 Settlement Hierarchy of *State Planning Policy 6.1 Leeuwin Naturaliste Ridge*) for Carbunup River and Metricup as an integral part of the mooted Leeuwin Naturaliste Sub-Regional Strategy.

Carbunup Hamlet Phase 1 - Hamlet Location

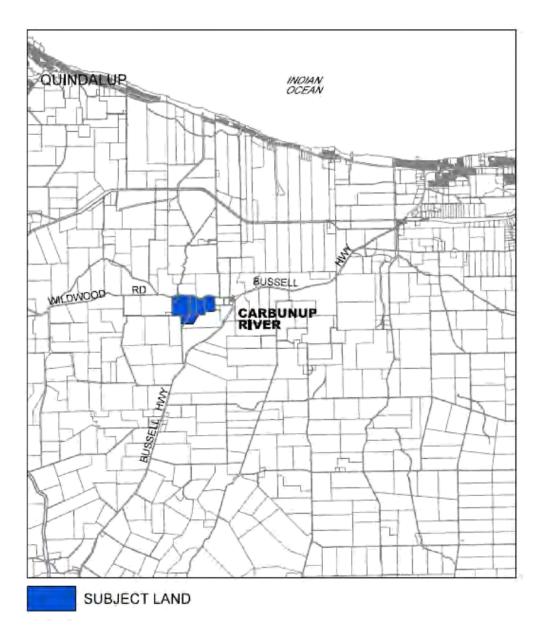


Figure 1 : Location Plan

Council 10.5



CARBUNUP RIVER HAMLET PREFERRED LOCATION



	1:5000 @ A1 or 1: ALL DISTANCES ARE I	N METRES	
J			
н			
G			
F			
€			
D			
c	Modification to Subject Land	KS	13.04.2015
B	Modification to Subject Land	KS	03.02.2015
. A	Modification to Subject Land	KS	28.01.2015
REVISION	DESCRIPTION	DRAFTER	DATE

RIGINAL PLANNER:	LG
RIGINAL DRAFTER:	KS
REATED DATE:	23.01.2015
IRIAL DATA:	Nearmap 2012
ADASTRAL DATA:	MGA
POGRAPHIC DATA:	LANDGATE



TME Town Planning Management Engineering Pty Ltd Trading As Calibre Consulting (AUST) (08) 9791 4411 www.calibreconsulting.co

Carbunup Hamlet Phase 1 - Hamlet Location



Figure 16: Carbunup River Hamlet Concept Plan

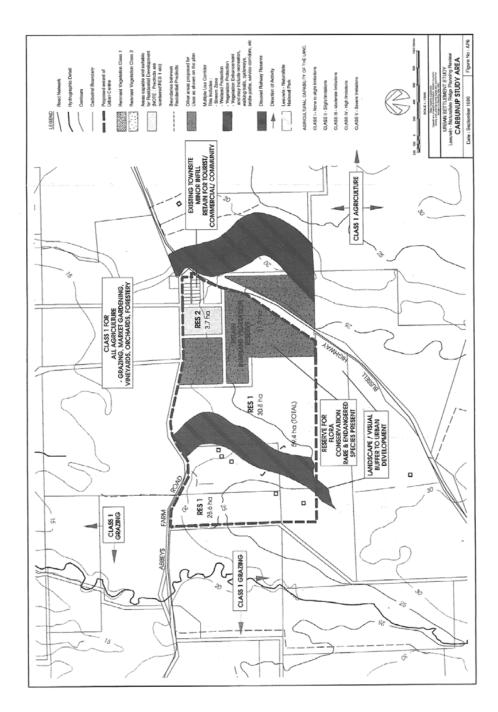


Figure 4: Carbunup Study Area, Urban Settlement Study

Figure 5: Draft City of Busselton Local Planning Strategy

No	Туре	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	
					RECOMMENDATION
	GOVERNMENT AGENCY SUBMISSIONS				
1.	Ex Agc	Water Corporation Frank Kroll Frank.Kroll@watercorpora tion.com.au	The Water Corporation has not included the subject area in its adopted long term water or waste planning. The proposal is remote from the Corporation's Dunsborough water and sewer schemes and the Busselton sewer scheme. A scheme for the hamlet would be classified as distant, unplanned and unscheduled and would need to be fully funded by the developer on commercial terms. This is not to suppose the Corporation would contemplate such a proposal. Because the operating licence covering the area is non-exclusive, it is open to any other party to secure a third-party wastewater provider licence to provide services to the town.  It is noted from the consultant report that the proposal contemplates a rainwater supply and on-site effluent disposal. The subject land falls within the Busselton Drainage District rural drainage system. Developments within this catchment are required to contain the flows from a 1:100 year storm event on site. Discharge to the Water Corporation drains must be compensated to pre-development levels. To determine the flood level the developer should contact the Department of Water regarding the Drainage and Water Management Plan which includes the subject area.	Noted and these matters would need to be satisfactorily addressed should the project proceed to the rezoning and structure planning stage.	That the submission be noted.
2.	Ex Agc	Western Power Customer Service Centre SSR customer.service.centre.ss r@westernpower.com.au	No specific comments in relation to the proposal.	Noted.	That the submission be noted.
3.	Ex Agc	Main Roads Paul Davies PO Box 5010 Bunbury WA 6231	Concern raised over potential traffic conflicts at the intersection of Wildwood Road and Bussell Highway.  A Traffic Impact Assessment has not been undertaken for the proposal, however a population of approximately 500 would generate around 1,800 – 2,000 additional vehicle movements along Wildwood Road. It is noted that MRWA is currently upgrading the intersection of Wildwood Road and Bussell	Noted and these matters would need to be satisfactorily addressed should the project proceed to the rezoning and structure planning	That the submission be noted.

					·
			Highway to include a right turn treatment. Any further upgrading of the	stage.	
			intersection to include a left turn treatment would be constrained by the		
			road geometry, adjacent river crossing and existing commercial		
			development.		
			As outlined by the proponent in the longer term a realignment of the Bussell		
			Highway at Carbunup is proposed which will bypass the existing Wildwood		
			Road intersection. At this stage there is no timing for the future Bussell		
			Highway realignment, and realistically is not anticipated for 20 years or more.		
			On this basis, the existing Wildwood Road intersection will be the primary		
			access to the proposed hamlet area for a considerable time. The City may		
			wish to consider the realignment of Wildwood Road through the proposed		
			hamlet area or provision of a new subdivision access road linking Wildwood		
			Road with Bussell Highway south of the hamlet area.		
			The new local road intersection with Bussell Highway could then be designed		
			and constructed with appropriate left and right turn treatments. The new		
			intersection would be required to be designed and constructed by the		
			developer to the specifications and satisfaction of MRWA at the full cost of		
			the developer. It is recommended that the proponent be required to		
			undertake a traffic impact assessment for the overall hamlet area that also		
			considers a new subdivision road access to Bussell Highway.		
4.	Ex Agc	Department of Agriculture	Objection to inclusion of portion of Lot 115 Bussell Highway and advice on	The proposal before the	That the submission
		and Food	buffer (separation) distances.	Council is the first stage in	be noted.
		Leon.vanwyk@agric.wa.go	The proposed area has changed since the Department of Food and Water	the planning process for a	
		<u>v.au</u>	(DAFWA) provided previous advice (28.01.14) in that portion of Lot 115	new settlement at	
			Bussell Highway has now been added to this area. DAFWA investigated and	Carbunup River. The	
			found that this lot is currently used to grow potatoes. The inclusion of the	proposal focuses on a	
			portion of this lot to the proposed settlement will have a negative impact on	strategic assessment and	
			the farming operation on Lot 115 and DAFWA therefore strongly objects to	justification for the future	
			the addition of this area.	development of a new	
			The Leeuwin Naturaliste Ridge State Planning Policy 6.1 states the following –	settlement at this location	
			"Hamlet	and seeks to elicit the in-	
			LUS 1.11 Hamlet development will provide a rural service centre for the	principle support of the	
			nearby intensive agricultural industry but the form and size of the urban	City of Busselton and the	

development must remain separate from and not compromise the primacy of the horticultural industry."

It is highly unlikely that the development of a hamlet at Carbunup will incorporate a rural service centre for the nearby intensive agricultural industry as the industry is already well serviced from Busselton.

More important is the fact that the urban development must remain separate from and not compromise the primacy of the horticultural industry. This means that the land must be well buffered from the surrounding agricultural land.

DAFWA previously commented that any buffers needed to minimise land use conflict should be accommodated within the rezoned land (urban area). The cultivation of potatoes includes the use of soil fumigants before each planting and up to two potato crops can be planted in a single year. The Department of Health Guidelines for Separation of Agricultural and Residential Land Uses states:

"Vegetative buffers may not be suitable where the chemicals in use may result in vapour drift (e.g. soil fumigants) or where herbicide spray drift would impact on the vegetative buffer. In these circumstances a 300m buffer distance would apply."

This point is further emphasised by the fact that the development is planning to use roof catchments and water tanks to provide potable water. The southern and eastern boundary of the proposed development will definitely require a 300m buffer to be accommodated within the urban area (excluding part of Lot 115). More than half the development area will be required for buffers. This does not include the provision for buffers to the west and north of the development.

Water is fully allocated in this area and if a significant amount of landholders in the proposed development area decide to install bores it can have a negative impact on the water source and therefore on the current horticultural activities.

Buffers and Setbacks (general information) - any changed land use on agricultural land needs to include buffers on the rezoned land to minimise land use conflict, to ensure that agricultural operations on land next to

Western Australian Planning Commission for the project to proceed to the next detailed planning stage (i.e. rezoning and structure planning).

The key matters for consideration in relation to the proposal relate to contemporary planning and sustainability principles and avoiding the development of new settlements in more isolated locations; the need for a new settlement accommodate population growth and potential land use conflict (buffers). Land use conflict between sensitive and high value agricultural activities is a key strategic issue that has not been adequately addressed as part of the justification for this phase of the proposal.

In relation to the issue of impact on groundwater resources refer comment in response to

5.	Ex Agc	Heritage of WA	rezoned areas are not restricted, DAFWA recommends that minimum setbacks should be incorporated in accordance with EPA guidelines: Separation Distances between Industrial and Sensitive Land Uses which set out minimum separation distances for a range of agricultural activities including market gardens, orchards and dairies and the Department of Health Guidelines for the Separation of Agricultural and Residential Land Uses 2012.  No Comment – no impact	government agency submission 10.  Noted.	That the submission
					be noted.
6.	Ex Agc	Department of Health PO Box 8172 Perth BC 6849	The DOH does not support the current development proposal based on the following issues:  1. The plan is inaccurate. Figure 15 Preferred Location map- includes land parcels from Lot 115 that are not available as part of this development according to the current land owners.  2. The proposal needs to take into account all of the chemicals used by all the surrounding agricultural operations when proposing buffer distances.  3. The current plans do not include the appropriate setbacks or buffers according to the 2012 DOH Guidelines for Separation of Agricultural and Residential Land Uses.  The DOH Guidelines state that the preferred buffer distance for orchards and vineyards is 500m. This separation distance may be reconsidered upon the construction of a specifically designed landscape buffer that is deemed effective in the protection of the proposed residential developments from spray drift generated by activities on the vineyard.	Noted and refer to comment in response to government agency submission 4.	
			According to Figure 16 Concept plan there is no buffer or setback on the Western border along Lewis Road. The fumigant, methamsodium, is used routinely in the production of potatoes on the lands bordering Wildwood Road, and to the South of the proposed settlement. Where soil fumigants are used, vegetative buffers may not be suitable, as the use of fumigants may		

	Ace the alice she for the second of the seco	usult in significant odourous vapour drift. In these circumstances, a 300 m uffer distance would apply.  Coording to Figure 16 Concept plan the proposed buffer is less than 50 m on the Southern boundary and there is no buffer on the Northern boundary ong Wildwood Road. In order for this development to proceed, there would be a thorough analysis of the specific site conditions by an expert allowed by the preparation of a designed landscape buffer.  The DOH provides the following further comments:  On-site Wastewater Disposal Further to comments provided in DOH's terror dated 20 February 2014, structure planning needs to take into consideration the site conditions and soil type over the site as reported by alt Geotechnics for subdivisions and developments. Importantly, it is to be noted that residential lots and developments are not supported in areas there groundwater levels are at ground surface or within 500mm of the entural ground surface as depicted in Figure 12: Preliminary Groundwater eight Map (August 2014) of Calibre Consulting's Report.  Separation of Residential and Agricultural Land Uses The proposed attlement is surrounded by Priority Agricultural lands. Active production areas are located on the adjacent properties on the Northern, Eastern and continuing and locations and this includes an active vineyard, on Lewis Road, on the Western boundary. There is a concern about existing and continuing gricultural activities on surrounding land and the risk of spray drift from the memical applications. The proponent should adhere to the necessary buffer paration distances between agricultural and sensitive land uses and ensure that there is no development or community activity within the buffer area. The DOH published the "Guidelines for Separation of Agricultural and esidential Land Uses". This guidance should be followed to ensure that very precaution is taken for the construction of viable and maintained esidential Land Uses". This guidance should be followed to ensure that very precaution is taken for the		
7 Ex Agc Department	of Fire and DF	FES is content that the bushfire mitigation measures within the referred	Noted.	That the submission

		Emergency Services	documents, including the Carbunup Hamlet Bushfire Hazard Assessment are		be noted.
		Doug Van Bavel	satisfactory at this time. The includes, but is not limited to, the requirements		
		Doug.vanbavel@dfes.wa.g	and recommendations of that report which will necessitate the development		
		<u>ov.au</u>	of a Fire Management Plan concurrently with any structure plan and		
			subsequent implementation thereafter.		
8	Ex Agc	Department of Planning	The WAPC/DoP may be required to formally consider this matter following	Noted.	That the submission
		6/61 Victoria Street	Council's assessment and in doing so will need to have regard to the		be noted.
		Bunbury WA 6230	recommendation of the Council (including the proposal's suitability and any		
			recommended modifications) and any issues raised during the advertising		
			period (i.e. from public and government agency submissions).		
			Given that the above matters are currently unknown, it would be premature		
			for the Department to provide comments at this time as this could		
			potentially prejudice the WAPC's consideration of any future formal proposal		
			(i.e. Amendment, Structure Plan).		
9.	Ex Agc	Dept of Education	No objection. The anticipated student yield will be accommodated at the	Noted.	That the submission
			nearest local primary school.		be noted.
10	Ex Agc	Department of Water	The Department of Water (DoW) has reviewed the proposed location for a	The large concentration of	That the submission
			new settlement (hamlet) for Lots 1, 2 and 1490 Wildwood Road and portion	domestic bores that the	be noted.
			of Lot 115 Bussell Highway, Carbunup River. The area consists of large	development is likely to	
			portions of land that are flat to gently sloping that are classified as multiple	generate and the potential	
			use palusplain. The area contains two ephemeral waterways one being Mary	impact on the security of	
			Brook the other a tributary of Mary Brook. These waterways drain into	existing groundwater	
			Geographe Bay through the Annie Brook Sub Catchment Area. The following	supplies has been raised	
			risks to the proposed development were identified.	as a concern by local	
				residents and licenced	
			Identified risks	commercial intensive	
			In light of the above situation, the Department of Water identifies the	agricultural operators in	
			following aspects that need consideration for the proposed hamlet location:	submissions.	
			Stormwater management from an increase in impervious surfaces		
			Management of shallow groundwater and localised seasonal     in underline.	The Department has	
			inundation	provided more recent	
			Flood management	advice that modelling	

Fit for purpose water supply for POS and on-lot requirements

- Potable water supply for residential
- Effluent management
- Protection of waterways

The Department of water provides the following advice for your consideration.

1. The subject Lots are located within the Busselton-Capel Groundwater Area proclaimed under the Rights in Water and Irrigation Act 1914. Any groundwater abstraction in this proclaimed area is subject to licensing by the Department of Water, other than supply from the shallow watertable (superficial aquifer) for domestic and non-intensive stock watering purposes.

Note: Domestic use generally refers to the take of water to service ordinary use associated with a household and for firefighting purposes. Intensive stock watering relates to the watering of stock that are generally confined to an area smaller than that required for grazing under normal conditions. Under these latter circumstances, stock are usually fed by hand or mechanical means.

However, in view of the likely large concentration of domestic bores this development will generate the Department has identified a potential risk in that the cumulative impact from the future domestic bores may jeopardize the security of supply for the adjacent licensed commercial operator. The Department is undertaking modelling work to analyse this risk and will provide the results in due course, it is anticipated that this modelling work will be completed within six months.

The issuing of a groundwater licence is not guaranteed, but if issued will contain a number of conditions that are binding upon the landowners. Please note the availability of groundwater for

work has been completed and confirms that there is a potential high risk of impact on the security of supply for a nearby licenced commercial operator. The Department advises that should the current proposal progress to the next planning stages this and other matters raised would need to be satisfactorily addressed and resolved.

allocation in the proposed development area is limited. The proponent is advised to contact the DoW's district office in Busselton to determine water availability for the development. While there is no guarantee of supply, where the groundwater is found to be fully allocated, the proponent will need to obtain water from alternative sources.

2. Lot 1490 is traversed by the mainstream Mary Brook, and Lot 1 is crossed by a tributary of Mary Brook which feed into Water Corporation managed Mary Brook Drain network that in turn discharges directly to Geographe Bay. The guidance and management strategies to reduce nutrients and/or pollutants being delivered to Geographe Bay should be considered, as outlined in the 'Vasse Wonnerup Wetlands and Geographe Bay Water Quality Improvement Plan, 2010'.

In accordance with Operational Policy 4.3 Identifying and establishing waterways foreshore areas (DoW 2012) it is recommended that the foreshore of these creeklines are identified and vesting and management for them is appropriately considered. Of note foreshore management must be considered at the same time as bushfire management, to avoid unintended consequences of fuel reduction zones being located within areas of foreshore protection, which the department strongly discourages and does not support.

In determining foreshores and their management reference to WQPN 6 'Vegetation buffers to sensitive water resources' is also recommended.

3. As noted in the Report 'Carbunup Hamlet Phase 1 - Hamlet Location' by Calibre Consulting, May 2015, public water supply and sewerage management requires considerable investigation to

 <u></u>
ensure appropriate best management outcomes can be achieved. It is noted that a portion of the land at question is unsuitable for both ATU's and septic sewerage systems due to not meeting the Draft Country Sewerage Policy (DoH 2002) requirement of at least 0.5m separation from the surface and highest know ground water level. However, the concept plan has been configured such that these areas are not proposed for residential use.
4. The Department of Water's preference is for ATUs systems to be used rather than septic systems, which is further supported by the 'Vasse Wonnerup Wetlands and Geographe Bay Water Quality Improvement Plan, 2010'. ATU systems provide a greater degree water quality treatment, and also require regulated maintenance to ensure they are operating effectively. However, the biggest risk with on-site effluent systems being that they do not function to standard if they are not maintained appropriately, and in this proposal if there are to be 500 lots serviced that has the potential to create significant off-site water quality issues and health risks. Depending on the systems adopted, they may require quarterly servicing, and as such the role of the local government to regulate these systems can be a significant administrative burden.
5. Fit for purpose public water supply for the development still requires investigation. In the absence of a reticulated water supply, strategies will need to be devised to address potential risks and offer measures that can be taken to protect private water supplies taken from roof run-off, surface waterways or groundwater. The Department's Water Quality Protection Note 41 "Private drinking water supplies (April 2006)" could provide some guidance.
6. Lot 1490 and Lot 1 have been identified to include areas of palusplain that are typically seasonally waterlogged, which may require particular attention to drainage and flood management. It is

noted that these areas (on south to north drainage lines) are unlikely to be developed and have been conceptually depicted as public open space, conservation and drainage areas within 'Carbunup Hamlet Phase 1 - Hamlet Location' report by Calibre Consulting, May 2015. Waterways rehabilitation within this area will be strongly supported by the department.

### Discussion

While the department has identified risks and potential issues related to water resource management these can be managed through appropriate planning and design.

The department therefore does not raise any objection to the proposed land use, but in view of the number of risks and issues recommends implementing Better Urban Water Management (WAPC 2008), by requiring the rezoning application to be supported by a District Water Management Strategy (DWMS) that is completed to the satisfaction of the Department of Water. If however, the rezoning application is submitted alongside a structure plan then a Local Water Management Strategy (LWMS) should be completed to the satisfaction of the Department of Water.

It is recommended that the DWMS focuses on areas of constraint, as outlined in the advice above and listed below:

- stormwater and groundwater management
- flood management
- water supply for POS and residential areas
- effluent management
- irrigation / nutrient management on POS
- waterway protection and buffers

#### Recommendations

The department:

does not raise any objection to the proposed land use, and

			<ul> <li>recommends the rezoning application to be supported by a District Water Management Strategy, as outlined in Better Urban Water Management (WAPC 2008), to ensure the identified risks and potential issues related to water resources are appropriately managed. If the rezoning application is submitted alongside a structure plan then a Local Water Management Strategy (LWMS) should be completed.</li> <li>If on-site effluent systems are to be adopted then ATU systems should be used throughout and the City must ensure that it has the administrative processes and resources to regulate the maintenance requirements.</li> <li>Consideration of water supplies be made in view that there is the potential that the cumulative impact of a large concentrations of domestic bores, in close proximity to a licensed commercial operator, will result in unacceptable risks.</li> </ul>		
	PUBLIC SUBMISSIONS				
1.	Public	Malcolm and Audrey Paine	Objection.	Noted. Refer to comments	That the submission
		56 Lewis Road	As there is already a new town being developed in Vasse and considerable	in response to	be noted.
		Carbunup River	development taking place in Cowaramup do we really need to build on good	government agency	
			farming land along a road favoured by visitors to the area for its rural character?	submissions 4 and 10.	
			We do not refer to this development as a 'Hamlet'. Having lived in a typical	This and other similar	
			hamlet of 14 dwellings this proposal is anything but. Carbunup River already	public submissions set out	
			has a hamlet with a store that provides fast food, liquor, petrol and other	below raise a number of	
			necessities. There is also a community hall and public toilets.	concerns about some	
			As our property is closest to the development we are very concerned about	detailed matters that	
			the changes that will be made to our lifestyle and the local environment.  The area adjacent to Lewis Road is termed Special Residential and Residential	would necessitate	
			but does not give any details regarding access to the proposed 4,000m <sup>2</sup> lots.	comprehensive investigation and	
			As the creek runs down the eastern side where will the entrances be to these	resolution should the	
			blocks? Lewis Road is not mentioned and as it provides habitat for many	proposal proceed to the	
			varieties of wildlife.	next stage of planning,	

			There are many things that concern us, also the water table. In the past we	being the preparation of a	
			have lost our groundwater when potatoes grown nearby required heavy	scheme amendment and a	
			water use. We still rely mainly on our bore, although now supplemented with	structure plan to guide	
			rainwater tanks. Where will this large development get its water? There are	subdivision and	
			many questions that need answering before this development gets approval.	development.	
2.	Public	L Paine	Objection for the following reasons –	Noted and refer to the	That the submission
		6600 Bussell Highway,	With the proximity of the Vasse development, 6km away and Cowaramup	comment provided in	be noted.
		Carbunup River 6280	(18km away) there is no need for another development.	response to government	
			Water draw from groundwater sources. This is a finite resource, even now,	agency submissions 4 and	
			and in a dry season heavy demand from intensive agriculture will affect the	10 and public submission	
			water levels in surrounding properties. With each dwelling (approximately	1.	
			180 according to the developer) there is a high probability that a water bore		
			will be required. The developer stated that a caveat would be placed on		
			properties to prevent this but riparian rights will allow dwellings to access		
			groundwater.		
			The area is prime agricultural land and just because it has not been used for		
			intensive agriculture does not lessen its value as an agricultural resource.		
			The impact of 500 permanent residents also means an influx of dogs and cats		
			which will potentially cause problems for graziers in the area. It is already a		
			problem in Dunsborough where domestic dogs from development run in		
			packs to kill stock, specifically sheep and lambs.		
			The use of the term 'hamlet' is a misnomer as it suggests a small country		
			village, which this proposed development is not.		
			Wildwood Road is already a recognised tourist route. Putting another		
			development will not increase the appeal of this road and will likely		
			necessitate road widening (removal of trees, flora and fauna affected) to		
			cope with the increase in traffic.		
			Within the report by Calibre there are terms used to describe the condition		
			of land and flora e.g. 'generally degraded'. Not all areas are degraded and		
			certainly not to a level where they are irretrievable. Terminology used by the		
			consultants suggest that the vegetation block on the corner of Wildwood		
			Road and Lewis Road is a gravel pit suggesting that it is barren and worthless.		
			In fact a good proportion of that area is natural bush in good condition and		

	1			1	<u>,                                      </u>
			much of the rest has been replanted years ago with the appropriate native		
			vegetation. There is a suggestion that the entire reserve will remain		
			untouched but with further reading the report says 'the balance of reserve		
			38582 – suggesting that this reserve will not necessarily be protected (along		
			with its fauna).		
			The results of the endangered flora and fauna in the area would be more		
			believable if they actually made observations that covered the different		
			seasons rather than a couple of days out of 365.		
			The solutions to wastewater and sewerage management is very unclear and		
			of grave concern.		
			The location footprint is misleading as part of the land is owned by an entity		
			that has no intention of selling the land or becoming involved in the		
			development.		
			There is already a true Carbunup Hamlet – it has a small number of dwellings,		
			a general store, fuel outlet, community hall and children's playground. There		
			is no need for an additional development.		
3.	Public	N Paine	Objection for the following reasons –	Noted and refer to the	That the submission
		6600 Bussell Highway	The proposal should not be called a hamlet. Carbunup hamlet already exists.	comment provided in	be noted.
		Carbunup River WA 6280	The proposed development is neither an extension of the existing hamlet or	response to government	
			in any way complementary to it.	agency submissions 4 and	
			The development has no tourist value at all. It will detract from the character	10 and public submission	
			of Wildwood Road.	1.	
			The development is not required or necessary as large amounts of similar		
			housing is already made available at Vasse and Cowaramup.		
			The development is not connected to any community resources such as		
			recreation areas, skate parks, medical centres, cycle paths and shopping		
			centres, making it largely unsuitable for youths and the elderly.		
			The development is planned to occupy the area currently occupied by two 40		
			acre blocks. Farmlet blocks of this size of any quality are not common in this		
			area and should be conserved for people who genuinely want to enjoy a rural		
			lifestyle.		
			The advertised footprint of the proposed hamlet includes a large amount of		
	1	I	land which belongs to 3 <sup>rd</sup> generation farming families who have stated that	I	I

			the land is not available and will not be available to the project in any reasonable time. The actual footprint area is therefore considered to be too small for this type of development.  Urban development situated amongst genuine farmland and areas of high conservation status will be detrimentally impacted. Dogs, cats, fire hazards, overuse of shallow groundwater, chemical intrusions, harvest noise and dangerous vehicle movements are all points to be considered.		
4.	Public	Robert Tognela PO Box 489 Busselton WA 6280	Supports the concept plan for the following reasons - It will give home owners the opportunity for a larger block of land in a rural setting. With a larger block, homeowners would have the opportunity for a vegetable patch, fruit trees and maybe some chooks. Stops the erosion of prime agricultural land being used for larger lots, as outlined by consultants at the public meeting, which was the catalyst for the concept of the expansion of Carbunup and other towns. Will tidy up an unsightly gravel pit. Will provide extra customers for the café, proposed restaurant, function centre, flower shop and cellar door sales on the property next door to the proposed location. As a smaller community with a proposed 'village centre' will provide an opportunity for neighbours to know each other as per a Neighbourhood Watch. Provide innovative ideas for the use and disposal of grey water.	Noted.	That the submission be noted.
5.	Public	Frank & Margaret Credaro 6857 Bussell Highway Carbunup River WA 6280	Objection to the proposal for the following reasons —  To put a hamlet amongst intensive farming land will bring problems. Farms closest to this hamlet grow potatoes and have vineyards. These farms require various heavy sprays to be used on the crops during the year. Even with buffer zones put in place there could still be (spray) drift and a danger causing problems in the future.  As each of the houses in the hamlet will have to use tanks to catch their water the drift from spray could carry the sprays onto their roofs and then into their water supply.  Each home would be entitled to have a bore. The amount of water drawn	Noted and refer to the comment provided in response to government agency submissions 4 and 10 and public submission 1.	That the submission be noted.

			could affect the water supply of the neighbouring farms for their agricultural		
			pursuits which in turn could affect their livelihood.		
			The possibility of each landholding having a dog would also be a problem		
			with the likelihood of dogs straying, upsetting sheep during lambing, or even		
			killing sheep and lambs.		
			As the owner of Lot 115 Bussell Highway is not connected with the proposal		
			the settlement footprint and other diagrams are misleading in terms of the		
			area available to this proposal and the plan in general.		
			The officer report on the Council agenda dated 26.08.15 states that the City's		
			draft Local Planning Strategy suggests there is sufficient zoned and structure		
			planned land for urban growth for at least the next 15 years, without		
			Carbunup, so why let the proposal go ahead?		
			Carbunup is a very developed farming area and to put a Hamlet amongst		
			these farms would be showing very little thought for the future of the		
			farmers in this area.		
			If this development was to go ahead and human nature being what it is,		
			inhabitants would start to complain and try to stop any nearby farming		
			activity to the detriment of local farmers.		
6.	Public	Mandy Edwards	Objection.	Noted and refer to the	That the submission
		10 / 3 Spindrift Cove	1. Population growth and land supply projections that underpin the City's	comment provided in	be noted.
		Quindalup WA 6281	draft Local Planning Strategy suggests that there is sufficient zoned and	response to government	
			structure planned land for the next 15 years without the need for a new	agency submissions 4 and	
			settlement at Carbunup River.	10 and public submission	
			2. the operational life of the Leeuwin Naturaliste Ridge State Planning Policy	1.	
			is 30 years (2028) and although the policy nominates Carbunup River for a		
			new settlement, is does not stipulate exactly where, or even when such a		
			settlement should occur and there is no imperative to do so within the		
			current lifetime of the policy. A review of the policy, in light of contemporary		
			planning principles may result in a change to the existing settlement		
			recommendations and it would be prudent to delay a new settlement until a		
			review is undertaken.		
			3. Contemporary planning principles suggest that population growth should		
			be accommodated through the expansion of existing urban centres and		

		T		T	
			urban consolidation to prevent urban sprawl and best utilise infrastructure,		
			services and community facilities. Such principles are embedded in the State		
			planning framework.		
			4. It is important that the largely rural nature of the City is maintained into		
			the future. This is an essential drawcard for residents and tourist alike and a		
			slow loss of this character through urbanisation/development of rural areas		
			(e.g. at Cowaramup) is likely to have negative impacts on the tourism		
			industry.		
			5. Although density is not confirmed and will be subject to further planning,		
			the concept suggests lots up to 4,000m2, which could be likened to		
			Windlemere and Willow Grove and inappropriate for maintaining the		
			character of a rural area.		
			6. A settlement population of 500 is likely to require services and facilities		
			that the City may have to provide and/or maintain at an ongoing cost.		
			7. Absentee landownership could potentially be high and this could result in		
			ongoing compliance issues for the City (such as annual maintenance of		
			firebreaks).		
			8. the locality contains prime agricultural soils and established commercial		
			viticultural and horticultural operations. A new settlement would place new		
			residents in an area surrounded by, or at least in close proximity to, intensive		
			agricultural operations and subject to chemical spray and fumigant drift,		
			noise and dust. The issue of provision of adequate buffers has not been		
			comprehensively addressed by the proposal.		
			9. the likely degradation of Carbunup Reserve and issues of management of		
			domestic animals, weed introduction, dieback spread and creation of		
			informal trails which increase 'edge effects'. This will require City resourcing		
			to manage properly.		
			10. the proposed village centre, presumably to include retail		
			opportunities/supermarket etc, which in their suburban form are completely		
			inappropriate for the Carbunup River rural setting.		
7.	Public	Scott Jones	Support.	Noted.	That the submission
		43 Douglas Road	As a nearby farm owner we believe the proposed hamlet will be an asset to		be noted.
		Carbunup River	the locality and create numerous employment opportunities for the		

			increasing younger generation. We believe it will enhance the overall		
			community spirit and be a positive for the precinct of Carbunup River. we understand that the proposed hamlet will be established via environmentally		
			friendly and sustainable principles along with homes incorporating various		
			'green friendly' features which will be positive.		
8.	Public	Peter Rouw	Opposed to the proposed new settlement which appears to have been	Noted and refer to the	That the submission
0.		116 Haag Road	developed via an outdated planning proposal.	comment provided in	be noted.
		Carbunup River WA 6280	It will destroy the rural ambience of the area.	response to government	
		'	Wildwood Road is narrow and winding and is unsuitable for this amount of	agency submissions 4 and	
			traffic.	10 and public submission	
			Viticulture and horticulture operations by nearby farmers will create serious	1.	
			problems for new residents and older farming families i.e. chemical and		
			fertiliser spraying, harvesting etc.		
			Depletion of underground water supplies will exacerbate already dry seasons		
			and have a major impact on surrounding farms. Rainwater supplies will be		
			inadequate for any emergencies that may arise during summer.		
			In the proposal clearing of native vegetation is considered to be 'fire		
			prevention' and retaining it is 'flora and fauna preservation'.		
			Sewerage and garbage collection are issues not yet discussed and are likely		
			to create a problem.  The Vasse settlement just up the road is the perfect fit for this amount of		
			people.		
9.	Public	Helen Waterhouse	Opposed to the proposal for the following reasons –	Noted and refer to the	That the submission
		7 Wildwood Road	Water supply – as a resident of Carbunup I am very aware of the limited	comment provided in	be noted.
		Carbunup River WA 6280	availability of water in the area. By the end of summer the groundwater is	response to government	
		·	slow to recharge and is sludgy. The supply of water to 200 extra homes from	agency submissions 4 and	
			the groundwater would be untenable.	10 and public submission	
			Safety issues – Wildwood Road is a very windy country road and many more	1.	
			cars regularly using the road would constitute a hazard. This a rural area and		
			increasing the number of people using the area means increasing the danger		
			of hazard from fire.		
			Environmental concerns – the Carbunup Reserve is a protected area		
			containing the Carbunup spider orchid found nowhere else and the clearing		

			of land right up to the edge of the reserve would inevitably lead to its destabilisation.  Tourism – Wildwood Road is a tourist attraction itself being the gateway to the winery region and choice route for visitors to experience the pleasure of driving in this area. The proposed development would destroy a large part of the road.		
10	Public	Keith Waterhouse 7 Wildwood Road Carbunup River WA 6280	Hoping my protest will be effective in discouraging the development.  Objection as per submission 9.	Noted.	That the submission be noted.
11	Public	Audrey Paine PO Box 757 Busselton WA 6280	Objection. One of our main concerns is the water supply and how will it sustain a population of 500.  Page 7 of the proposal report (s2.5 Local Rural Planning Strategy) it states that surface and groundwater needs to be protected and managed. Also pockets of remnant vegetation need to be conserved to benefit groundwater and landscape outcomes.  Reserve 20544 cnr Lewis and Wildwood Roads was revegetated a few years ago by the Busselton Naturaliste Club. It is valuable habitat for many species in an area that has largely been cleared. The trees along Lewis Road provide a corridor for wildlife between the reserve and the area of bush adjoining the proposed hamlet location and should not be cleared.  Negative impact of development on our peaceful rural lifestyle of 27 years.  Wildwood Road is unsuitable for pedestrians and cyclists and will only become worse with the hamlet development traffic.  With our population increasing more housing developments will be needed but fragmented suburban development will not improve the situation.	Noted and refer to the comment provided in response to government agency submissions 4 and 10 and public submission 1.	That the submission be noted.
12	Public	Peter May on behalf of Trevor Credaro 6750 Bussell Highway Carbunup River WA 6280	Objects to the proposal for the following reasons -  1. The proposal includes numerous references to Lot 115 Bussell Highway, Carbunup River. I am the owner of that property. I do not agree to the inclusion of my property in any such proposal, I expressly oppose it.  2. The proposal if approved is likely to directly impact my farming	Noted and refer to the comment provided in response to government agency submissions 4 and 10 and public submission 1.	That the submission be noted.

operations on my farm which is immediately adjacent to the site of	
the proposed Hamlet.	
3. The proposal if approved will expose me to potentially substantial	
financial losses.	
4. The proposed location is not an appropriate location for a residential	
subdivision given its proximity to established farmland in the vicinity,	
which surrounds the land the subject of the proposal and includes my	
farm which is immediately adjacent to it.	
5. The proposal is incomplete in that it does not include, for example,	
any details of how certain basic infrastructure requirements will be	
provided to the residential hamlet, without adversely affecting the	
agricultural properties in the vicinity.	
6. The location of the proposed Hamlet would expose members of the	
public who chose to reside there to serious health risks.	
7. The proposed location of the Hamlet is disconnected from the existing	
settlement at Carbunup River.	
DETAILS	
1. No Agreement to use Lot 115 Bussell Highway	
I am the owner of Lot 115 Bussell Highway, Carbunup River. The proponent	
has, without my consent, included my property in the documents prepared	
and lodged by the proponent. The proponent is aware that I oppose the	
location of the proposed Hamlet. I do not consent to my land being included	
in the proposal. It is not a future development option for the proponent, nor	
is it to be considered for a separation zone between my farming activities	
and the proposed hamlet location. My property comprises prime agricultural	
land which my family has actively farmed for 3 generations, and I will	
continue to actively conduct farming activities on it, including intensive	
agriculture and cattle grazing.	
2. Negative Impact on Farming	

(a) The proposed location for the Hamlet is surrounded by agriculture, intensive agriculture (including growing of potatoes) and viticulture including 2 commercial vineyards. On my own farm, my farming activities include growing potatoes and grazing cattle.	
(b) It is necessary in intensive agriculture to use fumigants and sprays which require a safe separation zone or buffer between the area being sprayed and any nearby residential development. The Health Department recommends a separation zone of not less than 300m for vegetable growing and 500m for vineyards. The proposal does not include as part of the proponent's land any, or any adequate, separation zones. It would negatively impact on my farming activities if I was required to create a separation zone on my prime agricultural land.	
(c) A vegetative buffer on the proponent's land is considered unsuitable because of the use of fumigants on my property. My farm produces 2 potato crops a year which means the use of sprays and fumigants occurs 12 months of the year. The nature of the chemicals used will destroy vegetative buffers. The only effective buffer is a separation zone of sufficient size to ensure the safety of the public. The Health Department recommends a minimum of 300 to 500 metres separation zone. Any reduction in the quantity and timing of the spraying would negatively impact my ability to farm the land to its best capacity.	
(d) Even if the chemicals were not destructive to vegetative buffers the Health Department recommends that vegetative buffers (where appropriate) be twice the height of the chemical spraying equipment meaning that the minimum height of any vegetative buffer would be 4.8m. Any vegetative buffer of this height would take some time to establish and grow.	

If the proposal was to be approved and the required separation zone

be found to be inadequate, I would be the party adversely affected by that as I would be required to discontinue spraying until such time as an extended separation zone was established and/or a greater vegetative buffer was established of the required density or height Sprays are required to be applied at the appropriate times and without delay. Any prevention of or delay in the application of sprays will have a direct and negative impact on the crop and hence my ability to derive my income from farming.	
(f) The proposed location for the Hamlet is essentially down-wind from where my spraying activities are carried out. Apart from noise and dust, spraying creates spray drift and additionally the fumes or odours from the sprays can carry a greater distance than the actual spray, so that occupants of houses within the proposed residential hamlet are likely to detect odours from spraying, even with the establishment or a vegetative buffer. The odour from sprays is likely to result in opposition to the spraying and this will lead to an inevitable disruption due to the conflicting land uses.	
(g) The Department of Agriculture recommends a separation zone of not less than 300m, and up to 500m. Any separation zone must be entirely within the proponent's land solely, and may not include any of Lot 115. I cannot be prevented from farming my land due to the presence of a separation zone over my own land.	
3. Financial Losses	
(a) Interruptions to growing and harvesting cycles will produce a cost to me in terms of lost agricultural production. Lost production is reflected directly in a loss of income from farming activities.	
(b) The reduction in available water supply will inevitably cause a reduction in the number and size of the crop which will have a direct	

and foreseeable loss of income which I will suffer. See item 5 below
which details why a reduction in the available water supply will result
from the location of the proposed hamlet where proposed.
(c) The likely required stoppages to farming operations are expected to
be considerable if there are inadequate buffers or separation zones
established between the boundary of my property and the location of
the proposed residential development. The entire buffer and
separation zones must be located within the proponent's land and
may not include mine.
(d) My inability to continue farming in accordance with current and best
farming practices will be disruptive to the farming operation and will
have a direct adverse cost impact on me as well as an adverse income
impact on my farming operations.
(e) The presence of a residential development so close to my farm will
adversely affect my ability to continue to farm my land, due to
complaints regarding noise, dust, chemical use, lights and the like
from the residents who occupy houses next door to it. The usefulness
and hence the value of the prime agricultural land which I own, will be
de-valued.
4. Inappropriate Location
4. Inappropriate Location
(a) The conflicting land usages between agriculture/viticulture and
residential land uses is contrary to the principles of good planning
which require that agricultural and viticultural land be preserved for
use for those purposes with residential developments being placed in
a location which will reduce or eliminate the friction between the
conflicting land uses where those uses intersect.
(b) The proposed location of the residential development is of particular

concern where the proposed housing development renders prime agricultural land unable to be used to its full potential.
(c) The site of the proposed residential hamlet is disconnected from the existing Carbunup settlement. It is contrary to the principles of good planning to have a residential development separated from the existing Carbunup settlement.
(d) The proposed location is inconsistent with the principles outlined in State Planning Policy 6.1, which recognises the importance of preserving the agricultural and horticultural land uses.
In relation to the proposed hamlet development, SPP 6.1 states, at LUS 1.11 "Hamlet development at Carbunup River will provide a rural service centre for nearby intensive agricultural industry but the form and size of urban development must remain separated from, and not compromise the primacy of the horticultural industry."
The proposed location for the residential hamlet is not separated from the adjacent horticultural industry, and directly compromises the primacy of the horticultural and viticultural land which surrounds it.
(e) Any proposed residential hamlet must be driven by need as evidenced by population growth and land supply projections. The City's draft Local Planning Strategy suggests that there is sufficient zoned and structure planned land to accommodate growth for at least the next 15 years, without the need for a new settlement at Carbunup River, as
referred to in the City's report of the 26 <sup>th</sup> August 2015. That same report specifies that: "The Carbunup River locality contains prime agricultural soils and is characterized by established commercial viticultural and horticultural operations. A new settlement would most likely place residents in an area surrounded by, or at least in close proximity to, intensive agricultural operations and subject to

chemical spray and fumigant drift, noise and dust, and the issue of the	
provision of adequate buffers has not been comprehensively	
addressed by the proposal." I fully endorse that comment.	
5. Insufficient Details of Infrastructure Requirements	
(a) The proposal contains no information regarding the method by which	
the proposed residential hamlet would have access to infrastructure	
requirements such as water and sewerage.	
(b) The proposed residential Hamlet will significantly adversely affect	
groundwater supplies which are essential for farming operations. I	
presently have a licence to draw 41,000 kilolitres per annum from the	
Leederville Aquifer. The Leederville Aquifer is fully allocated. My dam	
is located only 80m from the boundary of the proposed residential	
Hamlet. A residential Hamlet supporting 500 people equates to	
approximately 220 houses (at an average 2.3 people per house) and	
on the basis of an expected draw of 1,500 kilolitres per annum by	
each of those residences, the total draw by the residential Hamlet	
would exceed 330,000 kilolitres per annum, which is approximately 8	
times my permitted water use for my own farming activities. No	
information is provided by the proponent as to the method of	
providing for water and sewerage services which would be required	
by the occupants of that subdivision.	
(c) The Department of Water in Busselton confirms the negative impact	
on the locality's available water resources if the proposed Hamlet is	
approved in the location as proposed.	
6. Public Health	
(a) The required use of sprays and fumigants as part of the horticultural	
activities undertaken on my farm, together with the fact that the	

			proposed location of the hamlet is essentially down-wind from where my farming activities are conducted, shows that a residential development within that area will expose members of the public to significant health risks unless the proponent establishes, on the proponent's own land, a sufficient separation zone and substantial vegetative buffer.		
			(b) The existence of a vegetative buffer and its adequacy will need to be assessed, not only in relation to its width, height and location, but also in relation to the proponent's ability to protect the vegetative buffer from events such as bushfire. The presence of a residential development in that immediate area will mean that in the event that the vegetative buffer was damaged or destroyed such as by chemical drift, bushfire or natural degradation, then that would have an immediate adverse impact on my ability to continue to farm my property without exposing the residents of the residential development to significant potential health risks.		
			(c) The Department of Health opposes the location of the proposed hamlet.		
			7. Separation from the Carbunup River settlement.  It is contrary to the principles of good planning to have a hamlet		
			intended to house as many as 500 people being separated by, and not connected to, the existing settlement at Carbunup River. In an endeavour to show some "connection" to the existing Hamlet the proponent had included my land lot 115 into the discussion and is shown on the concept plan. As stated above that is not with my consent and I do not agree with it.		
13	Public	Michael Baldock 9 Rainbird Place	Opposed to the proposal. Wildwood Road is a strategically vital road in the district. The mix of agriculture and agricultural based tourism businesses that	Noted and refer to the comment provided in	That the submission be noted.

		Dunsborough WA 6281	exist along the road are a major tourist drawcard to the area and symbolic of	response to government	
			the tourist experience that many people seek when coming to the area.	agency submissions 4 and	
			The proposed hamlet is not complementary to the character of Wildwood	10 and public submission	
			Road, but seeks to replace agricultural farmland with urban development.	1.	
			The location immediately next to existing agricultural businesses such as		
			vineyards and potato production will result in a conflict in land use and lead		
			to restrictions being placed on these businesses with respect to the use of		
			sprays and machinery outside normal working hours.		
			The proposed development will draw on already limited resources. The need		
			to provide bushfire fighting services, rubbish pick up etc will add cost to the		
			City of Busselton budget, exceeding that for the same number of households		
			in Vasse.		
14	Public	Wayne and Denise	Objection for the following reasons that will affect our right to farm	Noted and refer to the	That the submission
		Credaro	(intensive horticulture farmers since 1980) –	comment provided in	be noted.
		142 Wildwood Road	1. Chemical use – with limited houses in the area we can manage the use of	response to government	
		Carbunup River WA 6280	fertilisers without putting residents at risk of spray drift and residue, but this	agency submissions 4 and	
			will not be possible with a large increase in housing.	10 and public submission	
			2. Water allocation – the Leederville aquifer is a highly allocated water	1.	
			source and our concern is that hamlet residents will have riparian rights to		
			draw 1,500kL putting their combined usage of over 300,000kL. We try to		
			exist on 40,000kL and this possible water extraction will greatly affect our		
			right to farm.		
			3. Biosecurity – we have a limited amount of pests and diseases that affect		
			our horticultural endeavours. New residents will have the ability to plant		
			orchards and gardens that will amplify the risks of importing disease, plants		
			and pests which will spread to established commercial crops.		
			4. Dog/stock risk - increased risk of dog attacks on our 1000 sheep and		
			annual lambs. We shoot between 150 – 180 foxes/year to keep stock losses		
			minimal. A hamlet directly across the road will reduce our ability to shoot		
			safely and control vermin.		
			5. Traffic pressure – our property has three roads bordering and bisecting it		
			and we need to cross stock over several times a year. A large increase in		
			traffic would turn these rural roads into urban roads and make stock crossing		

		Ī	1:00: 1:		<u> </u>
			more difficult.		
			6. Alternative location for houses – the City of Busselton has alternative		
			ground for housing in the foreseeable future and this hamlet is in the wrong		
			place at the wrong time. It would greatly affect the use of this farming area		
			as a high intensity horticulture and stock production area.		
15	Public	Robert Credaro	Opposed to the proposal.	Noted and refer to the	That the submission
		rob@credarowines.com.a	We have a large vineyard, horticulture and grazing operation within close	comment provided in	be noted.
		<u>u</u>	proximity (1km). We need to have an understanding on the impact this could	response to government	
			have on our business into the future. Our main concern is about the water	agency submissions 4 and	
			requirement for this development. To our knowledge the Superficial and	10 and public submission	
			Leederville water aquifers are fully allocated and the community does not	1.	
			have a clear understanding where the proposed 200 lots will source their		
			water from. We have water allocations in the Superficial and the Leederville		
			aquifers which we will need into the future to keep our business viable.		
			Another concern is the conflict that may arise from our everyday vineyard		
			and horticulture operations from machinery and spraying.		
16	Public	Wally Lewis	Objection to the proposal for the reasons –	Noted and refer to the	That the submission
		Anniebrook Wine &	1. Loss of income and effect on right to farm imposed by new residential	comment provided in	be noted.
		Flowers	development.	response to government	
		Lot 1464 Wildwood Road	2. We think our water supply will be adversely affected by the proposed	agency submissions 4 and	
		Carbunup River WA 6280	hamlet and this will have a negative impact on our future farming and ability	10 and public submission	
			to make a living.	1.	
			3. We believe a 300 – 500 metre buffer zone is needed to be planted and		
			established before buildings are approved, but vegetated buffers may not be		
			suitable where vapour drift occurs. Who will be responsible for maintaining		
			the buffers?		
			4. Lewis Road should not be upgraded/widened as it is a wildlife corridor		
			between a large area of remnant vegetation to the south of the hamlet		
			footprint and the gravel pit reserve on Wildwood Road. The road currently		
			services 3 homes and our property and will not cope with increased		
			traffic/risk to drivers.		
			5. Impact of increased numbers of domestic dogs on livestock.		
			6. Another residential development is not needed and will be an expense for		

			the City. 7. traffic implications for Wildwood Road that is already a hazardous road. 8. Hamlet footprint takes up some of the best farming land in the area.		
17	Public	Dawn Lewis Anniebrook Wine & Flowers Lot 1464 Wildwood Road Carbunup River WA 6280	Objection for the following reasons —  1. Loss of our primary producer income because of future objections to our farming activities e.g. for spraying sulphur and noise at night during harvesting.  2. Impact on and loss of our water supply.  3. Adequate buffers established and maintained between existing agricultural activities and residential development.  4. Lewis Road is an important wildlife corridor and home to Western Ringtail Possums and black cockatoos.  5. Domestic dog attacks on livestock.  6. Need for another development? Cost to the City of Busselton.  7. Wildwood Road is already windy and dangerous without added traffic from the hamlet.  8. Loss of good farmland.	Noted and refer to the comment provided in response to government agency submissions 4 and 10 and public submission 1.	That the submission be noted.
18	Public	Andrew & Serena Lewis C/- Carbunup River Post Office Carbunup River WA 6280	Objection on the following grounds —  1. Water — the proposal does not make adequate provision for water supply. If each house is to service its own needs with a water tank it is possibly achievable but for lawns and gardens bores will be needed and 180 houses each with a bore will have a massive impact on all neighbouring farms. If the water table drops our farm will be dramatically affected as our only water for stock and grapes is a small dam. Who will compensate us for loss of impact from loss of water due to the subdivision?  2. Protecting our right to farm — the DoH recommends a buffer between our grapes and the subdivision of 300-500m, especially as the sulphur spray from grapes can settle on house roofs and end up in drinking water. Will we have to give up spraying if this buffer is not adhered to and people get sick? Will we be liable or potentially lose income from this and who will compensate? How will the buffer of trees be maintained and who will pay to replant in the event of fire or tree deaths?  3. Dogs — when a subdivision opened up 5km away from my father in law's	Noted and refer to the comment provided in response to government agency submissions 4 and 10 and public submission 1.	That the submission be noted.

			farm dog attacks increased from 1 every 3 years on average to 3-4 attacks each year on his sheep. Will there be a permanent ranger at the subdivision? I am one of the closest sheep farmers to the subdivision and have a combined total of sheep worth of over \$100,000, with some worth over \$2,000. Dog attacks are of extreme concern plus the cruelty of an alive sheep with gaping wounds is not something anyone wishes to see or deal with.  4. Agricultural soils – at the public meeting the proponents said the land did not have good farming soil. This is odd as the property that borders the Anniebrook has very good soil on the majority of it. We believe an independent consultant should test the soil as we believe it to be good farming soil.  5. Lewis Road – the developer states he does not want to widen Lewis Road. At the moment 3 houses and our service entrance us this road and the map for the subdivision show two entrances onto Lewis Road. How will Lewis Road cope with the additional traffic that would be generated by 180 new houses?  6. Environmental impact – There are endangered and threatened fauna species on Lewis and Lennox Road. Black Cockatoos currently live in the big red gum on Lewis Road, phascogales are seen running down the road at night along with many possums. We believe an independent person should be chosen to submit a realistic environmental evaluation.  Developing prime farmland is not sensible for the future of food production. A residential subdivision right next to intensive agriculture cannot co-exist safely and harmoniously.		
19	Public	First National – Margaret River Att: Craig Bamford PO Box 412 Margaret River WA 6285	Support for the proposal. The hamlet will provide larger 2,000m2 lifestyle lots and also encourage 'green friendly' homes which is a point of difference in the current market. Given the hamlet's close proximity to the towns of Busselton, Dunsborough and Margaret River and easy access to the nearby beaches of Smiths and Yallingup, we would expect a strong demand for these lots within a rural setting. The proposed hamlet will be an asset to the	Noted. The structure plans for the residential estates of Provence (Yalyalup), Dunsborough Lakes, Lot 2 Kookaburra Way, Nash	That the submission be noted.
			locality and provide ongoing economic benefits to the region.	Drive/The Woods rural residential estate, for example, provide a range	

				of lot sizes including larger	
				'lifestyle' lots. The	
				suggestion that the	
				development of a new	
				settlement at Carbunup	
				River will deliver lots that	
				are a point of difference in	
				the market due to lot size	
				is not entirely correct and	
				will not necessarily be a	
				point of difference to what	
				is currently available, and	
				will become available in	
				the future, in Busselton	
				and Dunsborough – land	
				already zoned and	
				structure planned.	
20	Public	First National – Margaret	Same as public submission 19.	Noted and refer to the	That the submission
		River		comment in response to	be noted.
		Att: Leanne Johnson PO Box 412		public submission 19.	
		Margaret River WA 6285			
21		Ross Sorgiovanni	Same as public submissions 19 and 20.	Noted and refer to the	That the submission
21		Stocker Preston	Same as public submissions 15 and 20.	comment in response to	be noted.
		PO Box 585		public submission 19.	be noted.
		Dunsborough WA 6281		public subtribution 15.	
22	Public	Todd Huxley	Support for the proposal. As a local builder, the proposal to encourage eco-	Noted.	That the submission
		Studium Homes	homes within the hamlet that incorporate sustainable principles and various		be noted.
		PO Box 951	'green-friendly' features is a positive outcome. We specialise in this type of		
		Dunsborough WA 6281	construction and find that our customers are keen to utilise such techniques		
			which allow them to save on daily running costs but also do their bit for the		
			environment. The hamlet will be an asset to the locality and will create		
			numerous employment opportunities. It will enhance the overall community		

			spirit and be a positive for Carbunup River.		
23	Public	Ken Ward Green Construction Unit 4/14 Burler Drive Vasse WA 6280	Support, we believe the hamlet will further enhance our beautiful region and create numerous employment opportunities. We understand the hamlet will be a better lifestyle development, providing larger 2,000m² lots and also encourage 'smart green' homes as a point of difference to the bulk of project homes available at the present time. As a concerned local builder the proposal to actively encourage residents to build homes with a lower environmental footprint within the hamlet that incorporate lower energy use and water saving principles and being in sync with the environment should be encouraged in any way possible. We specialise in this type of construction and are continuing to find that our customers are becoming more aware of the ability to utilise these environmentally friendly construction techniques.	Noted and refer to the comment in response to public submission 19.	That the submission be noted.
24	Public	Karl E Plunkett Eco Constructions 24 Marine Terrace Fremantle WA 6160	Support for the proposal. Our company specialises in building sustainable homes and the proponents proposal to encourage eco homes incorporating sustainable principles and various green friendly features is a great outcome. Our customers are keen to utilise these environmentally friendly building techniques. The hamlet will be an asset to the locality and create numerous employment opportunities.	Noted.	That the submission be noted.
25	Public	Chris Raymond Aurelius Solar 0430 300 520	Support for the Carbunup Hamlet concept which will be incorporating numerous environmentally friendly and sustainable features. We have been advised that the proposed development will provide larger lifestyle lots and also encourage 'green friendly' homes incorporating solar power systems. Aurelius Solar specialises in the installation of solar energy systems. Current advances in back up battery storage provide opportunities for environmentally friendly, efficient, cost effective power solutions. By encouraging eco-homes within the hamlet that incorporate sustainable principles this will save on further power consumption and power distribution costs. We note that the planned hamlet location on Wildwood Road has been endorsed by the State Government in the Leeuwin Naturaliste Ridge State Planning Policy.	Noted and refer to the comment in response to public submission 19.	That the submission be noted.
26	Public	Clara Kotai 5 Wildwood Road Carbunup River WA 6280	Objection to proposal for the following reasons –  1. the study informing the Leeuwin Naturaliste policy was conducted 20 years ago and changes have occurred since, such as the growth of Vasse. It would	Noted and refer to the comment provided in response to government	That the submission be noted.

	T	1			1
			be prudent to conduct an up to date feasibility study on the proposal.	agency submissions 4 and	
			2. Wildwood Road & traffic – generally is a beautiful and tranquil road but it	10 and public submission	
			is fraught with dangers due to its windy configuration, use by tourists &	1.	
			cyclists and trucks. A new settlement of 500 will increase the hazards on this		
			road.		
			3. Water supply – another 500 people will put further pressure on availability		
			of groundwater.		
			4. Flora & fauna – negative impact of additional population on Carbunup		
			Reserve (dieback, impact by domestic pets).		
			5. Disorderly behaviour – in the 14 years as a resident the amount of traffic		
			and people (both tourists and locals) has increased along with anti-social		
			behaviour. The new settlement will exacerbate this situation.		
27	Public	Arian van den Ouweland	Objection to proposal for the following reasons –	Noted and refer to the	That the submission
		10 Vickery Street	1. Traffic on Wildwood Road would increase to a point where it would need	comment provided in	be noted.
		Carbunup River WA 6280	to be modified for safety reasons. Wildwood Road is one of those iconic	response to government	
			drives where there is old vegetation on both sides and I would not want to	agency submissions 4 and	
			see the vegetation removed and the road straightened to make it safe.	10 and public submission	
			Increased traffic would negatively impact on the quality of life for the existing	1.	
			Carbunup River residents. Likely to be lengthy queueing onto Bussell		
			Highway at peak times.		
			2. Impact on Carbunup Reserve – we have lived here 21 years and have seen		
			the bush deteriorate, especially over the last 5 years. The pressure of more		
			local residents letting their dogs out, more shallow bores for watering lawns		
			lowering the already declining groundwater table and more controlled burn		
			offs to keep new residents safe is going to be the last straw for this struggling		
			reserve.		
			3. Tourism – the proposal suggests opportunities for new tourist ventures –		
			in a residential development. What tourism development would fit that		
			scale? The hamlet development is in a tourist area and would not add to it,		
			but rather spoil the ambience and setting of all the existing tourist uses		
			further along Wildwood Road.		
			4. Isolated location – not appropriate so far from town – residential		
			development should be created in residential areas where travel to work and		

			facilities is short.		
28	Public	Miriam Crawford 4 Prowse Way Dunsborough WA 6281	Support as the proposal will create further employment opportunities for the local community plus some different rural-setting living options. It is my understanding that the developers propose to have larger lifestyle lots with green friendly homes and services. This style of development would be a welcomed change from the standard residential subdivisions and would be attractive to many current and potential future residents.	Noted and refer to the comment in response to public submission 19.	That the submission be noted.
29	Public	Shaun Costello 4 North Street Dunsborough WA 6281	Supports as the proposal will create further employment opportunities for the local community and be a positive for the area of Carbunup River. It is my understanding that the development proposes to have larger lifestyle lots which would be something different in the current market. I like the idea of having a larger lot so I can park a trailer, boat or caravan and also have a good size shed.	Noted and refer to the comment in response to public submission 19.	That the submission be noted.
30	Public	Coby Cockburn 22 Panoramic Close Quindalup WA 6280	Support for the proposal. The development proposes larger lifestyle lots with eco-style homes, a welcome change from the standard residential subdivisions like Vasse and Dunsborough Lakes. I like the idea of a larger lot to park my boat and set up a good sized shed. It will create further employment opportunities for the local community and overall be a positive for Carbunup River.	Noted and refer to the comment in response to public submission 19.	That the submission be noted.
31	Public	Jane Post 99 Broadwater Boulevard Broadwater WA 6280	Supports the proposal for similar reasons as submissions 28 – 30.	Noted. and refer to the comment in response to public submission 19.	That the submission be noted.
32	Public	Todd Davidson & Natalie McCarthy 645 Vasse-Yallingup Road Anniebrook WA 6280	Supports the proposal for similar reasons as submissions 28 – 31.	Noted and refer to the comment in response to public submission 19.	That the submission be noted.
33	Public	Alexandra Scourtis 162 Haag Road Carbunup River WA 6280	Objection for the following reasons —  1. Environmental - the fauna assessment is inadequate as it was conducted over on day and night period only and cannot be relied upon as a true indication of the impact of the proposed development.  The extent of clearing has not been identified therefore the impact of development on fauna cannot be adequately determined.  The development area is habitat for several EPBC Act listed threatened	Noted and refer to the comment provided in response to government agency submissions 4 and 10 and public submission 1.	That the submission be noted.

10 February 2016

			species however the impact has not been considered or assessed by the Federal Department of Environment.  The fauna assessment fails to consider the cumulative impact on flora and fauna of clearing at the hamlet site in the context of clearing across the City/region.  2. Social & cultural heritage values – the development of standardised, small allotment bulk housing estates, reminiscent of suburban sprawl is not in keeping with these values of the region, especially Carbunup River which is defined by the quaint, small settlement, country location with treed roads, large rural properties and undeveloped areas. There is no indication that this housing development is needed to accommodate projected population growth.		
34	Public	Dr Jack Carlsen Tourism Research Services PO Box 672 Cowaramup WA 6284	Supports the location proposal for the following reasons: employment generation; innovative tourism business opportunities (proposed establishment of a perfumery) and flow on effects for new and existing businesses; help Wildwood Road become a major tourist route; development will respect the environment; and hamlet will be established on sustainable principles with eco-housing.	Noted.	That the submission be noted.
35	Public	Steve Birkbeck Raintree Estate Pearls and Perfumes P/L	Confirmation that Raintree Estate Pearls and Perfumes Pty Ltd involvement with the Carbunup hamlet development. Carbunup Hamlet has established a Heads of Agreement to co-operate with Raintree Estate in Denmark. This agreement consolidates earlier aspirations and feasibility studies to grow crops for flavour and fragrances exports, creating new agricultural industries for our struggling south west traditional agriculture sector. This allows the Wildwood Road development to tap into 34 years of cosmetic/perfume experience of Raintree Estate and minimise duplication of processing and marketing resources and will enable the fast-tracking of exports. If the hamlet development concept is supported the two parties will focus on branding and crop selection. There is unfulfilled demand for various crops and it is the intention of Carbunup hamlet developers and Raintree Estate to identify adjoining farms to both properties that would like to participate in this vision.  The growing climate of Margaret River and Denmark are generally frost free	Noted.	That the submission be noted.

			and Mediterranean. European flavour and fragrance crops have started to		
			encounter increased diseases and significant climate events that can cause		
			shortage of supply and peak pricing at various times. Major perfume houses		
			seek to diversify their risk base. With the expansion of the sandalwood		
			export industry WA is now a major port of call for key global multi-national		
			flavour and fragrance purchasers, purchasing additional crops is logical. The		
			Carbunup Hamlet development offers the window for WA to expand on its		
			existing sandalwood fragrance exports and create the State's first exports of		
			flavours based on the growing and value adding of a wide range of new and		
			exotic crops for the south west region.		
36	Public	Dr Janean Robinson	Opposed to the proposal for the following reasons –	Noted and refer to the	That the submission
		10 Vickery Street	Wildwood Road is already a dangerous road because of many sharp corners	comment provided in	be noted.
		Carbunup River WA 6280	and one lane. To add extra traffic from all the extra landowners will add to	response to government	
			this danger. To then make the road safer will require widening and removal	agency submissions 4 and	
			of trees taking away from the authentic country winding road that it is. The	10 and public submission	
			proponents of the development advocated that this settlement will become	1.	
			a tourism corridor. This proposal will bring in more traffic. The corner of		
			Wildwood & Bussell Highway is already very busy with traffic. There is no		
			roundabout to enter, so having all that extra traffic each day trying to turn		
			onto Bussell Hwy will require major changes. As bridge construction work is		
			only now just being completed, there is little chance that a roundabout		
			would also be constructed anytime in the near future to accommodate all		
			the extra traffic.		
			Water and Sewerage disposal are a concern for this size development. We as		
			residents of the original hamlet in Carbunup River have experienced first-		
			hand the problems with drainage, pumps and bores when this was		
			developed 20 years ago. The low water table in these soils meant that many		
			people have had to have their septic systems pumped many times to remain		
			safe (and that is with only 12 homes).		
			I believe that the Leeuwin Naturaliste Ridge Policy (1997-98) from which the		
			proponents of this development have used is out of date with the		
			progression of the area now almost 20 years further on. Many tourists are		
			attracted to visit the area for its country atmosphere not witness more urban		

sprawl. Another argument put forward by the proponents was that the 500 persons could provide services to the town. I would argue that all services are already more than adequately provided.

I would also argue that there is not sufficient employment for a settlement of this size, so many of the people would more than likely be absent landowners, or retirees, as presently happening in Yallingup and Dunsborough. This creates other problems for the City as absent homeowners do not always contribute to the community or provide services. The 'Carbunup Reserve Management Group' - our main purpose is to ensure the objectives of the Carbunup Reserve Management Plan, adopted in by the City of Busselton in February 2002, are followed and adhered to. Carbunup Reserve (38582) has very high regional conservation values and our group has spent many hours over the past 13 years ensuring the protection of biodiversity and ecology of the Reserve is preserved. Carbunup Reserve's Marri woodland community contains more species than any other type of woodland on the Swan Coastal Plain, and is listed as a Threatened Ecological Community (TEC). The western side of the reserve is where the Hamlet Concept Plan proposes landscape buffers and drainage and future development options. With increased bulldozing and introduction of contaminated soil in this area for development, increase in firebreaks and extra traffic, will all increase one of the key threats to biodiversity in the reserve; Phytophthora dieback. A Dieback Management Plan for Carbunup Reserve was prepared in 2002 and more recently (2015) Dieback Treatment Services was contracted to undertake the task of mapping the extent of Phytophthora distribution in Carbunup Reserve by the City of Busselton with funding provided through Project dieback and the DiebackWorking Group. As reported on page 7 of The Dieback Interpretation Report of the Carbunup Reserve, 'the largest area of uninfested vegetation occurs on the western side'...'and is relatively undisturbed'. In the conclusion of this report on page 12, it is made clear that 'because Phytophthora cinnamomi has the ability to spread autonomously and through vectors such as vehicles activity, machinery use and animals activity, the map boundaries should be rechecked prior to, and in the vicinity of, any soil moving activities that occur in the

			uninfested sections of the reserve after this date. As the proposed development will require new fire protection tracks the spread between infested and dieback free will become a major concern. Residents from the development using this reserve for walking or bike and trail riding greatly increase the introduction and spread of dieback. As stated in the CRMP (2002) summary on page 4 'Previous disturbance of the bush/and is associated with the access tracks and firebreaks, the power transmission line, too frequent fire, dieback disease, litter dumping, and timber and firewood collection. Residents walking their dogs will also pose a threat to native fauna. People keeping other domestic animals such as cats will also pose a threat.		
37	Public	Stacey Tan Shop 70/55 Dunn Bay Road Dunsborough WA 6281	Support - the proposed hamlet would be a positive for our business and assist in creating numerous employment opportunities for the local residents. We understand the hamlet would encourage sustainable lifestyle building ideas with an emphasis on a good community lifestyle and overall we feel this will be a positive for the area of Carbunup River.	Noted.	That the submission be noted.
36	Public	Trent and Kristin Wilson Mitre 10 94 Faure Lane Dunsborough WA 6281	Supports proposal for similar reasons as public submission 37.	Noted.	That the submission be noted.
38	Public	Rachael Gaspar Stay Straight Fencing 36 Blum Blvd Yalyalup WA 6280	Supports proposal for similar reasons as public submission 37.	Noted.	That the submission be noted.
39	Public	Down to Earth Labour & Supplies 3/8 Owen Tucker Lane Margaret River WA 6265	Supports proposal for similar reasons as public submissions 37 & 38.	Noted.	That the submission be noted.
40	Public	Bruce Dukes Naturaliste Vintners 61 Hairpin Road Carbunup WA 6280	Supports proposal - as a member of the wine industry this location is centrally located within the Margaret River wine region and gives the opportunity for workers from the surrounding wineries, vineyards and restaurants to live nearby their places of employment which is currently unavailable. I also understand the proposal will encourage eco-homes within	Noted.	That the submission be noted.

10 February 2016

			the hamlet that incorporate sustainable principles and various 'green friendly' features which is a very positive outcome.		
41	Public	Phil Fletcher 9 Sparrow Crescent Broadwater WA 6280	Supports the proposal for similar reasons as submission 40. Create employment opportunities. Enhance the overall spirit of Carbunup River.	Noted.	That the submission be noted.
42	Public	Steven Hughes The Grove Experience PO Box 1025 Busselton WA 6280	Support the planned hamlet location on Wildwood Road and note that it has been endorsed by the State Government in the Leeuwin Naturaliste Ridge State Planning Policy. As a local business operator we feel this proposal will provide for more tourist activities and development on Wildwood Road which will become a strong tourist link to the Caves Road tourist precinct within the area similar to Metricup Road (in which The Grove Experience has its business). We see this as a real positive for the immediate and surrounding localities and opens up further tourism opportunities for both operators and visitors.	Noted.	That the submission be noted.
43	Public	P Lilly Spindrift Cove Quindalup WA 6280	Supports the proposal for similar reasons as public submission 42. Create opportunities for arts and crafts and will be a much needed destination particularly for new cruise ships and future airport arrivals in Busselton.	Noted.	That the submission be noted.
44	Public	R Otway Busselton WA 6280	Supports the proposal as per public submission 43.	Noted.	That the submission be noted.
45	Public	Geoff Eastaugh PO Box 101 Yallingup WA 6281	Supports the proposal for similar reasons to submissions 43 & 44.	Noted.	That the submission be noted.
46	Public	R Branson 35 Anniebrook Road Carbunup River WA 6280	Supports the proposal and believe it will have a positive impact on the area. We understand the proposed location was nominated under the Leeuwin Naturaliste Ridge State Planning Policy and as nearby a farm and business owner we believe that the proposed hamlet will be beneficial to the locality. It will create further employment opportunities for the local community and overall be a positive for the precinct of Carbunup River.	Noted.	That the submission be noted.
47	Public	Grant Devitt 4 Chain Ave Anniebrook WA 6280	Support as per public submission 46.	Noted.	That the submission be noted.
48	Public	Jason Malcolm	Support as per public submissions 46 & 47	Noted.	That the submission

10 February 2016

		222 Wildwood Road			be noted.
49	Public	Carbunup River WA 6280 Kristy Malcolm 222 Wildwood Road Carbunup River WA 6280	Support as per public submissions 46, 47 & 48.	Noted.	That the submission be noted.
50	Public	lan Stubbs lan.stubbs@westnet.com. au	CARBUNUP HAMLET – OVERVIEW INTRODUCTION  On the 26th August 2015 the Council agreed to advertise for community consultation a proposed location for a new settlement on lots 1, 2 and 1490 Wildwood Road, and portion of lot 115 Bussell Highway, Carbunup River. The proponents submitted a report titled "Carbunup Hamlet Phase 1 – Hamlet Location". The report provides an analysis of the planning policy framework, strategic justification and criteria for site selection. It is important to note that this is the FIRST STAGE in the planning process. If the proposed site is chosen as the preferred site, more detailed rezoning and structural planning will be required. This document is designed to provide an overview of all the issues involved in this site selection exercise.  STRATEGIC JUSTIFICATION  State and local planning for the area has provided the "strategic justification" for a settlement west of the Bussell Highway at Carbunup. Arguably the most relevant regional planning policy supporting the Carbunup Hamlet is State Planning Policy 6.1 – Leeuwin Naturaliste Ridge. The settlement strategy in SPP 6.1 identifies Carbunup as a 'Hamlet' with a potential to accommodate approximately 500 permanent residents. Hamlets are characterised as having the function of a rural service centre with a focus on rural living and tourist facilities and providing convenience services and a community focus.  A key aspect of SPP 6.1 is consideration being given to innovative alternatives to conventional reticulated water, sewerage and power servicing solutions.	Noted.	That the submission be noted.

An **Urban Settlement Study** was undertaken as part of the SPP 6.1 to address settlement opportunities within the policy area. This study identified Carbunup (and others) as having the potential for a "consolidated fully serviced and sensitively planned community......which "would serve the intensive agricultural and tourist industry and offer options for homebuyers from Busselton generally". The study identified the preferred location for the Carbunup settlement being west of Bussell Highway and south of Wildwood Road.

The draft City of Busselton Local Planning Strategy identifies Carbunup River Hamlet as a 'Medium term Urban Growth Area' with an approximate potential population of 500 persons.

The justification for a small settlement at Carbunup is very clear. The question currently before the Council is; what is the preferred location for the settlement?

#### SITE SELECTION CRITERIA

The report submitted by the proponents to the City officers describes eight (8) criteria used to determine the selection of the proposed hamlet location. Summarised they are:

- 1. Relationship to the Carbunup River Townsite and District Roads It makes sense that any settlement at Carbunup River be located in proximity to the existing settlement (roadhouse & store) and on the same side of the highway and the river. It also makes sense that the settlement be situated near Wildwood Road as this is a major east - west district road servicing both agriculture and tourism. The proponent proposes to link the new settlement to the roadhouse and store by a walk and/or cycleway, so that they combine as one community.
- 2. Strategic Minerals and Basic Raw Materials The Carbunup River locality is

Wildwood Road, south west of Reserve 38582 and west of Lewis Road comprise good quality soils reflected in their use for well-developed

not constrained by strategic mineral sands resources. The Department of Minerals and Petroleum has not raised the matter of coal resources as a constraint. There are significant sand resources in the region but no current Extractive Industry Licenses in the area. It is the express intention of the proponents to utilize the sand resource on the property as part of the development.	
3. Flora and Vegetation - A level 2 flora and vegetation assessment has been carried out. The condition of the vegetation across the study area was recorded to be in a generally degraded state. The assessors concluded there are no significant constraints to the proposed development of the study area.	
4. Fauna - A level 1 fauna assessment has been carried out. The assessment included a desktop study and a series of site surveys. The assessors found that overall fauna habitat values and biodiversity at the study area has been severely compromised by the total or partial clearing of native vegetation, historical and ongoing livestock grazing, dieback and weed invasion. With respect to fauna in general, the assessor anticipates no substantial impacts as a consequence of development of the site. In cases where some impact is anticipated, the degree of the impact is only expected to be low and relates to loss of very small areas of generally degraded habitat. Because of this, coupled with the fact that most species are common and widespread, meant that no overall change in the conservation status is anticipated. Measures to mitigate and minimise potential impacts on fauna will be considered as part of any management plans that may be needed in the next planning phase.	
5. Landforms, Soils & Water Management - A preliminary Geotechnical Study has been undertaken over lots 1, 2 and 1490. The area west of the Carbunup River has a variety of Abba soils ranging from wet vales and flats to gentle slopes and deep sandy rises. The site is traversed by the Mary Brook and a minor tributary. The moderately drained Jindong flats situated north of	

horticulture and viticulture operations. The productive Jindong flats soil unit has contributed to defining the boundaries of the proposed settlement. The assessment reveals the southwest and south central areas are suitable for onsite stormwater disposal in soak-wells or filtration basins, areas with more clayey soils are less suitable for in-situ stormwater infiltration without modifications. The creek-lines and their associated foreshore/wetland areas will be conserved and enhanced. Water Sensitive Urban Design features will be incorporated into the settlement design to capture and treat runoff before it reaches the waterways.

- 6. Preliminary Servicing Assessment It has been suggested through discussions with City officers that alternative servicing options may be suitable, for example, the use of a 'closed system' (water tanks, anaerobic sewerage systems, re-use of grey water on gardens). This will also assist to achieve the innovative planning and sustainability objectives for the Hamlet. Further investigations and discussions with the City and relevant agencies will be undertaken as part of Phase 2 of the planning process.
- 7. Bush Fire Hazard Assessment A bushfire hazard assessment has been undertaken. The assessment proposes that as the majority of the site has a moderate or extreme bush fire hazard rating permanent hazard reduction measures will need to be implemented. This will be part of Phase 2 of the planning process. The settlement design will comply with *Planning for Bush* Fire Protection Guidelines and the City's Policy relating to Bush Fire Protection. The proponent proposes to harvest/remove the Blue Gum plantation before any development.
- 8. Preliminary Hamlet Concept A concept plan depicting residential and lifestyle residential cells, POS, landscaped buffers, drainage areas and a village centre has been prepared. This is CONCEPTUAL ONLY and will be revised and modified to accommodate any issues arising from the exercise to determine the appropriate site including any constructive comment received following community consultation and consultation with the government

	agencies.	
	PRINCIPAL REASONS IN SUPPORT OF THE PROPOSED LOCATION	
	1. Lands to the north of Wildwood Road and east of Bussell Highway are utilised for intensive agriculture (vines and vegetable production) and good quality horticultural soils support these activities. The LNSPP is clear in its policy provisions that a new settlement at Carbunup River must remain separate from and not compromise the primacy of the horticultural industry. The preferred location targets mostly lesser quality soil complexes that are not best suited for horticulture and the land is not developed for intensive agricultural purposes	
	2. Both Bussell Highway and Wildwood Road are recognized as Strategic Roads in the LNRSPP because of their ongoing importance for traffic function and aesthetic/tourist appeal. Given that the LNRSPP suggests that the function of a new hamlet should include tourist facilities, location on, or near these important tourist roads, is logical.	
	3. A location to the east of the existing Carbunup River townsite would be severed by Bussell Highway and Carbunup River. The proposed location on the southern side of Wildwood Road and west of Bussell Highway would support safe pedestrian/cycle links and access generally between the existing townsite and the new hamlet.	
	4. Exclusion of Reserve 38582 in recognition of its conservation values.	
	5. The proposed location is not constrained by the presence of strategic mineral resources and only a relatively minor part of the site has an identified regionally significant basic raw material sand resource. The bulk of the resource (which is not extensive in the context of the surrounds of the proposed location) lies outside the proposed location.	

6. A preliminary geotechnical assessment and flora/fauna surveys suggests that there are no significant constraints within the proposed hamlet location.

There are a range of bush fire risk & management, settlement design, servicing, environmental, health, traffic, drainage and water management, buffering to adjoining intensive agricultural operations, employment and sustainability matters that need to be comprehensively addressed and resolved during Phase 2 of the planning process.

#### FREQUENTLY ASKED QUESTIONS

## Q Why is Carbunup being singled out as a location for a new Hamlet/Settlement?

A Carbunup is identified in the LNSPP as a site for a new settlement/hamlet. This has also been reflected in the City's draft Local Planning Strategy. The LNSPP identified other locations for new settlements/hamlets along Bussell highway, these being within the Shire of Augusta Margaret River and are in varying stages of approval/development.

## Q Are there other areas around existing Carbunup that could be considered more suitable?

A Other areas around Carbunup comprise, in the main, good quality horticultural soils. The LNSPP is very clear that any settlement must remain separate from and not compromise the primacy of the horticultural industry.

#### Q Why is there no detailed plan of the proposed development?

A A detailed plan will be prepared as part of the structural planning and rezoning phase. At this stage, the City is only wanting to confirm that the location under consideration is the most appropriate location.

#### Q What 'tourist facilities' if any, are planned for the settlement?

A The LNSPP specifies that a hamlet is to have a focus on rural living and tourist facilities. The proponent has a very interested party wanting to

A There will be no adverse impact on the existing store, in fact, when development occurs, it will provide the store with additional clientele. It is proposed to construct a walk/cycle path from the new settlement to the

establish a perfumery within the settlement. Not only will this be a major tourist attraction, it will provide many opportunities for farmers in the region to grow crops to supply essential ingredients and will provide significant employment opportunities in the region. Q Is there likely to be any link between the settlement and the Wardandi Trail? A Yes. The proponent is looking to identify an appropriate access way to the trail. Q Why are some areas of land shown on the concept plan as part of the settlement footprint when the owners have indicated that they do not want to sell or subdivide? A Areas outside and adjoining lots 1, 2 and 1490 have been identified in the WAPC's Urban Settlement Study as possible areas in a Carbunup Hamlet and therefore, at the suggestion of City officers, parts were shown on the concept plan. This does not mean they will necessarily be developed now or in the future. Q Will the development have any impact on Reserve 38582? A No. The Reserve will remain as is. A buffer strip will be designated to set back any development from the Reserve. A walk/cycle path is proposed to be provided within Wildwood Road on the north side of the Reserve. Q What are the plans for the old gravel pit, Reserve 20554? A The proponent has commenced discussions with City staff to ascertain whether this reserve can be re-instated and revegetated. Q How will this proposal impact on the existing store at Carbunup on **Bussell Highway?** 

	1
store.	
Q What will be done to preserve the creeks that traverse the location?  A The creek-lines and their associated foreshore/wetland areas will be conserved and enhanced. Water Sensitive Urban Design features will be incorporated into the settlement design to capture and treat runoff before it reaches the waterways.	
Q Adjoining farmers often use chemicals as part of their farming practises. Will the development restrict them in any way?  A No. The Health Department and the EPA provide guidelines for the separation of agricultural and residential land uses with buffer zones. These guidelines will be used when detailed planning of the development occurs in phase 2.	
Q How is it proposed to address the issue of 'sustainability'?  A The Carbunup Hamlet concept aims to put sustainability principles into practice through initiatives such as:	
<ul> <li>Focussing development on land already cleared.</li> <li>Avoiding prime agricultural land.</li> </ul>	
Adopting water sensitive urban design.	
Protecting existing conservation areas.	
Adopting energy efficient built form.	
Encouraging walkability.	
Developing a community focus.	
Pursuing sustainable servicing solutions	
Creating local employment opportunities.	

## 10.6 <u>DA15/0340 - CHANGE TO A NON-CONFORMING USE (OFFENSIVE OR HAZARDOUS</u> INDUSTRY - CRUSHING AND RECYCLING OF BUILDING MATERIALS)

**SUBJECT INDEX:** Planning/Development Applications

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

diverse activity and strengthen our social connections.

**BUSINESS UNIT:** Development Services and Policy

**ACTIVITY UNIT:** Statutory Planning

**REPORTING OFFICER:** Senior Development Planner - Andrew Watts

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

**VOTING REQUIREMENT:** Simple Majority

**ATTACHMENTS:** Attachment A - Site Plan

Attachment B - Development Proposal Attachment C - Attachment C - Schedule of Submissions

#### **PRÉCIS**

The Council is asked to consider an application seeking approval for a Change to a Non-Conforming Use (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials) at Lot 6 (No.19) Cable Sands Road, Yalyalup ("the site"). The approval is being sought for a temporary term of three years.

The planning proposal has been placed before Council due to the significant volume of public submissions received raising concern with development.

It is considered that the proposal is consistent with the relevant planning framework and is recommended for approval subject to conditions including a temporary approval timeframe of three years.

#### **BACKGROUND**

Lot 6 (No.19) Cable Sands Road has street frontage to Cable Sands Road to the west and Bussell Hwy to the north, is bound by Lot 203 Bussell Hwy to the east and Lot 9032 Cable Sands Rd to the south. Lots 203 and 9032 are part of the Satterley Property Group land holdings for the Provence Estate.

Under Local Planning Scheme No. 21 the site is zoned Special Purpose (Yalyalup Deferred Development) and is subject of Special Provision 23. Special Provision 23 requires that:

Development (including subdivision) of the land shall be generally in accordance with the Development Guide Plan and the Detailed Area Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission.

Special Provision 23 also sets out the planning requirements for Development Guide Plans and Detailed Area Plans over the land.

The applicant is seeking to establish for a limited duration, a facility for the recycling of construction and demolition waste. The facility is proposed to recycle concrete, brick and tile material to create road base, drainage material and sand through on-site crushing of the waste materials.

Historically the site has been used as a timber mill and yard, of which some aspects of the use the applicant advises have been continuing and currently, the site is predominantly used as the main operational office and workshop for the applicant's business. The site is used for storage of vehicles and equipment, materials and their maintenance. There are parking areas for light vehicles, trucks

and trailers and earthmoving/road construction equipment. There is also a large workshop that provides vehicle and machinery maintenance and repairs.

The applicant originally requested approval for a period of up to five years, however in response to submissions received after advertising of the development proposal, BCP reduced the requested approval period to three years.

An application for works approval and licence has been submitted by the proponent to the Department of Environment Regulation (DER). Advice has been received by the City that DER has given the proponent a Draft Works Approval with a range of environmental conditions that the proponent has agreed to accept. DER are prepared to issue a formal Works Approval subject to the City issuing Development Approval and have advised that any licence issued would be for a duration that runs concurrent to any development approval issued by the City.

#### STATUTORY ENVIRONMENT

The key elements of the statutory environment that relate to the proposal are set out in the Local Planning Scheme.

#### **4.10 NON-CONFORMING USES**

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent -

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme or an amendment to the Scheme (as the case may be); or
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date of the Scheme or an amendment to the Scheme (as the case may be), an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current.

Note: "Land" has the same meaning as in the Planning and Development Act and includes houses, buildings and other works and structures.

#### 4.11 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

- 4.11.1 Subject to the other provisions of this clause 4.11, a person must not -
  - (a) alter or extend a non-conforming use;
  - (b) erect, alter or extend a building used in conjunction with or in furtherance of a nonconforming use; or
  - (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.
- 4.11.2 An application for planning approval under this clause is to be advertised in accordance with clause 10.4.
- 4.11.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

#### 11.6 TEMPORARY PLANNING APPROVAL

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

In this instance the land has been identified for future urban development and the proposal is requesting a time limited approval of 3 years.

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

There are no Local Planning Policies relevant to this proposal.

#### **FINANCIAL IMPLICATIONS**

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

#### STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are:

- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 3.1 A strong, innovative and diversified 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 identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater.

Risk	Controls	Consequence	Likelihood	Risk Level
Reputational risk should the	Appropriate assessment of the	Minor	Possible	Medium
development not be managed	issue and recognition of			
effectively to minimize impact on	additional control provided by			
the amenity of other nearby land	DER works approval and			
	licence requirements			

#### **CONSULTATION**

The proposal was referred to adjoining landowners of the proposed development site and was also advertised in the local newspaper for a period of 21 days.

A total of twenty-one submissions were received, of which four were from government agencies, two were from property developers who own adjoining land, one was from a local school and 14 submissions were received from members of the general public. The majority of public submissions received were objecting to or raising concerns with the proposal for the following reasons:

- Properties will be devalued due to the destruction by industry of the lifestyle chosen by owners in the area.
- Concerned about operation being proposed 6 days per week from 7am 5pm. If approved operating on Saturdays, Sundays and public holidays should not be permitted and preferably

shorter hours.

- Time frame of approval should be greatly limited, i.e. to less than the five years requested and preferably only to the time necessary to process waste from the hospital demolition.
- Concerned about proximity of proposal to residential areas and Georgiana Molloy School. Believe proposal should be located preferably in an Industrial or Rural area. Proposal is less than the 1000m from sensitive premises specified by the EPA Guidance Statement No.3. The proposal is approximately half of this distance, this variation is too great.
- Why is the Rendezvous Rd site not being used for this proposal?
- Concerned by dust being blown and that waste accepted will contain asbestos, affecting people's health and contaminating rain water supplies.
- Concerned about water volume needed for dust suppression and that may necessitate excessive abstraction of groundwater with resultant impact on the local aquifer relied upon by other landowners and needed for ecological balance.
- Additional heavy traffic onto Bussell Hwy will increase road safety issues.
- Believes that the proposal represents too significant a change in use from the current activities on the site with too significant impacts.
- Noise impacts from truck movements, reversing beepers, machinery operation, dumping of materials. Constant vibration and noise causes stress.

These concerns raised in the submissions are discussed further below and specific consideration of each of the submissions is given in the Schedule of Submissions at **Attachment C**.

#### **OFFICER COMMENT**

Key issues/questions in relation to the application are outlined and discussed below.

#### Period of approval

Some submissions, including from property developers owning adjoining land raised concern in regard to approval being granted for a period as long as five years, with comments suggesting that if approved a shorter timeframe would be more acceptable to tolerate impacts to amenity and not unduly impact on future development plans.

In response to submissions the applicant has reduced the original approval period requested down to three years. This reduction is considered acceptable to not impact on future development plans of adjoining landowners and combined with environmental conditions that would be imposed through the DER environmental approvals process and other conditions of the City development approval, it is considered that a three year approval would appropriately mitigate impacts on the surrounding residential uses.

#### **Operation times**

Multiple submission raised concerns in respect to the proposed operation times that they should be shorter and be restricted to weekdays only to reduce the duration each day of environmental impacts on amenity, such as that from noise and to allow for enjoyment of weekends at home free of any noise.

Recommended conditions include limiting all operations on weekdays to specified hours, reducing the Saturday times and limiting it to delivery of materials only, with no crushing and prohibiting any operations on Sundays and public holidays. This aims to assist in reducing the daily impact on surrounding residents whilst still allowing sustainable business operations. This type of restriction on operating hours is similar to that which are frequently imposed on development approvals for extractive industry.

#### Environmental Impacts on surrounding land (noise, dust etc)

The majority of the issues raised by members of the public relate to the environmental impact from noise and dust (including potential for asbestos fibres). The application information submitted for development approval is the same as that submitted to DER for environmental approvals and includes a range of environmental management plans and measures to mitigate environmental impacts, including noise, dust and handling of asbestos.

Advice has been received that DER has issued the applicant a Draft Works Approval and is prepared to issue the approval formally provided the City has issued Development Approval and would only approve a licence application for a duration the same as that of any approval by the City.

As the proposed operation cannot occur without environmental approval from DER, there are not any separate environmental conditions recommended to be included on the City Development Approval.

#### Traffic

The proposal was referred to Main Roads WA comment on traffic management issues with trucks entering onto Bussell Hwy. No concerns were raised by Main Roads in respect to the type or volume of the traffic that would be accessing the site via the Main Roads controlled section of Bussell Hwy.

The applicant states that there will only be an increase of 12 truck movements per day over the current site operations. This level of increase in traffic is considered to be very small and the current road access configuration is adequate to deal with this.

Concerns about noise from vehicle movements on site and reversing beepers is required to comply with noise management requirements set by DER.

The crossover into the site is not sealed. To minimise the drag out of gravel from the site onto Cable Sands Rd, the crossover is to be appropriately sealed.

#### Why is Rendezvous Rd site not being used by the applicant?

Submission queried why the proposal was intended to be located at Lot 6 Cable Sands Rd when there are similar activities carried out at the City owned Rendezvous Rd waste site. The City needs to assess the application that has been lodged, and the potential or otherwise of alternative sites is not a question that can or should be addressed unless and until it has first been determined that the application site is not appropriate (if this were a strategic planning process, the scope of considerations would be broader and could include the consideration of potential alternatives).

#### **CONCLUSION**

It is recommended that the Council approve the development with conditions restricting approval to a period of three years and with restrictions on scale and operating times.

The proposed conditions restricting operation times and total volumes of material put through aim to alleviate the occurrence of unreasonable levels of noise, dust and traffic impacts that have been highlighted as concerns in submissions received.

#### **OPTIONS**

The Council could:

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

### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

#### **OFFICER RECOMMENDATION**

That the Council resolve:

- 1. That application DA15/0340 submitted for development at Lot 6 (No.19) Cable Sands Road, Yalyalup is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- 2. That temporary Planning Consent for a period of 3 years be granted for the proposal referred in 1. above, subject to the following conditions:

#### **General Conditions:**

- 1. All development is to be in accordance with the approved Development Plans (attached), including any amendments placed thereon by the City and except as may be modified by the following conditions.
- 2. Hours of operation of the business (including receipt of deliveries) are restricted to: between 7.00am and 5.00pm on weekdays; 9.00am and 3.00pm Saturdays for delivery of materials only, no crushing; and, at no time on Sundays or public holidays.
- 3. A maximum of 70,000 tonnes per annum of construction and demolition waste being processed at the site.

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

- 4. The development hereby approved shall not be occupied or used until all plans, details of works required by Conditions(s) 1 have been implemented and the following conditions have been complied with:
  - 4.1 The crossover onto Cable Sands Road is to be sealed and drained for a minimum of 20m.

#### **On-going Conditions:**

5. The works undertaken to satisfy Condition(s) 1, 2, 3, and 4 shall be subsequently maintained for the life of the development.

# 206 Attachment A - Site Plan





Busselton Civil Pty Ltd 19 Cable Sands Road Yalyalup WA 6280 P. O Box 1876 Busselton WA 6280

City of Busselton Locked Bag 1 BUSSELTON WA 6280 16 June 2015

Attention: Mr Paul Needham

Dear Sir,

RE: PROPOSED RECYCLING FACILITY - LOT 6 CABLE SANDS ROAD, YALYALUP

#### 1. Introduction

Busselton Civil & Plant is seeking consent from the City of Busselton to establish, for a limited duration, a concrete recycling facility ('inert material recycling facility') at Lot 6 Cable Sands Road, Yalyalup (the site).

Established in 1997, Busselton Civil & Plant Hire is a local Busselton based company with approximately 50 employees and considerable experience in civil contracting, demolition, plant hire, liquid waste and sand supplies. The business has been providing services to the City of Busselton for many years and is its preferred supplier.

Busselton Civil Pty Ltd (**BCP**) is committed to ensuring that its business activities are conducted in a responsible manner with a view to minimising its impact on the environment. BCP undertakes demolition activities in the City, with these activities creating various waste products including timber, concrete, bricks and tiles. In the absence of alternative economical recycling options, these products end up in the City's landfill sites.

### 2. Background & Land Use

The site is located approximately 8km east of Bussleton on the southern side of Bussell Highway and is accessed from Cable Sands Road. It is owned by Silverbay Enterprises Pty Ltd, the owners of the Busselton Civil and Plant Hire business prior to 9 December 2014 when the business was acquired by BCP.

Silverbay Enterprises Pty Ltd had been using the land for storage and administration purposes relating to the Busselton Civil & Plant Hire business purposes since 2005.

Prior to this time the site was used as a timber yard, with several aspects of these activities continuing. In respect of its current use, it is understood the City acknowledges that it is in general keeping with the amenity associated with the original timber yard use class attributed to the land. Further, BCP is of the view that the proposed concrete processing activities are not of a dissimilar nature to timber processing activities.

The subject land is zoned "Special Purpose (Yalyalup Deferred Development Area)" pursuant to the City of Busselton Local Planning Scheme No. 21 (the Scheme). The present zoning of the site was introduced by way of a scheme amendment in 2006 which rezoned the land to its current "Special Purpose" zoning.

Prior to the rezoning, the land was zoned 'Agriculture' under the relevant town planning scheme at the time and used by BCP as it is today.

In light of the above and by virtue of its zoning change in 2006, current use of the land could be considered by the City as a "non-conforming use".

In respect of non-conforming uses, Clause 4.10 of the Scheme enables "the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme or an amendment to the Scheme (as the case may be)."

Clause 4.11 which relates to an extension or change to a non-conforming use, further states that:

- "4.11.1 Subject to the other provisions of this clause 4.11, a person must not -
- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.
- 4.11.2 An application for planning approval under this clause is to be advertised in accordance with clause 10.4.
- 4.11.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone."

Given the above and if deemed appropriate, Council has the power and ability to consider the proposed facility on the site under its Scheme as "change to a non-conforming use".

#### 3. The Proposal

BCP are seeking to establish, for a limited duration, a recycling facility on the site as part of its business operations. Location and details of the facility are shown on the attached site plan.

The facility would recycle concrete, brick and tile material to create road base, drainage material and sand. BCP proposes that in order for BCP to effectively manage the risk of contaminants, initially only material from BCP demolitions would be taken to BCP's facility.

The facility proposed by BCP is smaller than the concrete crushing operations currently being undertaken by City at the Rendezvous Road facility, though it will operate in a similar manner.

BCP considers that its premises are located at a greater distance from sensitive land uses, and have more appropriate road access, than the City's facility.

A Department of Environmental Regulation (**DER**) licence for this type of facility is typically granted for 5 years. BCP would be comfortable in providing an undertaking to City that the proposed operation would be limited to a duration of 5 years.

BCP is undertaking consultation with key stakeholder's pre-lodgement of planning documentation.

BCP has engaged environmental and acoustic consultants to undertake assessment in relation to the proposed use, as required by the DER in order to acquire the necessary environmental approvals. Both the noise and environmental assessment reports are attached and included in support of this application.

In summary, noise assessment results show that with the noise mitigation proposed, the crushing operations would comply with the assigned levels under the Regulations 7.00 am to 5.00pm Monday to Saturday.

The environmental findings conclude the proposal can be progressed without any unacceptable impact to the environment and the surrounding land users, subject to various engineering and management measures (outlined in the report) being implemented. Such measures would address issues of noise, dust, asbestos, storm water, traffic, litter and vermin management, security and community liaison.

Finally, it is only proposed to operate the facility for a period of 5 years whereby operations will be shifted to another location to make way for the intended future residential development of the site and surrounding locality. Clause 11.6 of the Scheme refers to "Temporary Planning Approval" and states that:

"Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted. Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence."

210

The above scheme provision and its intent is clearly aligned with the land use scenario associated with this application.

#### 4. Conclusion

The proposed facility will provide a short term solution to alleviate demand for concrete crushing operations within the City of Busselton, currently isolated to a single existing facility operated by the City at Rendezvous Road.

The proposed facility on this site will be smaller than the facility at Rendezvous Road and is suitably located on land which provides sufficient buffer allowances and distance to other sensitive land uses. The site is also easily accessed via Bussell Highway and does not rely on transport movement through existing urban areas.

Noise and environmental assessments in respect of the proposal have already been undertaken and confirm the sites suitability, subject to certain measures being implemented.

A license from the Department of Environmental Regulation will also be required prior to operation, typically valid for a period of five years. In this regard, it is only intended to operate the facility on the site in the short term (i.e. five years) whereby BCP will relocate to an alternative site. On this basis only temporary planning approval to the proposal under Clause 11.6 of the Scheme is sought.

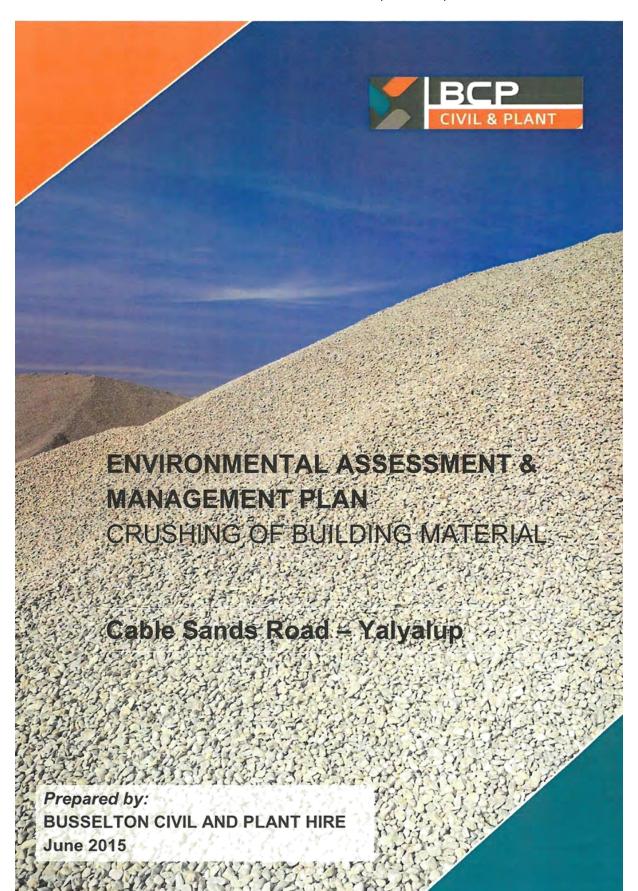
BCP has engaged with various divisions of the City since January 2015 in relation to this proposal. BCP wrote to the City on 24 April 2015, providing a summary of BCP's engagement with the City in relation to the proposal and seeking clarification as to the planning aspects of the proposal. City planning staff have confirmed (verbally) that it is able to consider the proposal under its Scheme as a "change to an existing non-conforming use".

Finally, BCP is of the view that it would not be in the public interest for land in the City that is zoned 'Deferred Development Area' to be 'sterilised' from the time the Deferred Development Area zoning is adopted until (or if) such time as zoning is amended to urban development and accordingly approval to the application as submitted is respectfully requested.

We look forward to your reply and in the meantime, should you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely

Kyle Jackson



BCP\_C&D Recycling Plant\_EAMP\_June 15

Attachment B

## **Table of Contents**

1.	Introduction	4
2.	Site Information	5
3.	Environmental and Social Attributes	6
	3.1 Climate	6
	3.2 Topography & Geology	6
	3.3 Flora and Fauna	6
	3.4 Hydrogeology & Hydrology	6
	3.5 Cultural Heritage	7
	3.6 Contaminated Sites Information	7
	3.7 Sensitive Land uses	7
	3.8 Summary of Environmental and Social Attributes	8
4.	Current Site Activities	9
5.	Description of Proposed Development	10
	5.1 Site Design	10
	5.2 C&D Source Material	10
	5.3 Materials Acceptance	10
	5.4 Material Processing	12
	5.5 Storage of Recycled Building Products	12
	5.6 Material Transport	13
	5.7 Operational Hours	13
	5.8 Staffing	13
	5.9 Infrastructure, Equipment and Machinery	14
	5.10 Traffic Movements	15
	5.11Landscaping	17
	5.12 Security	17
6.	Justification / Benefits of the Proposed Development	18
7.	Environmental Aspects	19
	7.1 Noise	19
	7.2 Dust	22
	7.3 Asbestos	22
	7.4 Stormwater	22



### Attachment B - Development Proposal

### BCP\_C&D Recycling Plant\_EAMP\_June 15

Attachment B

	7.5 Traffic
	7.6 Litter
	7.7 Odour
	7.8 Vermin
	7.9 Storage of Hazardous Materials
	7.10 Environmental Risk Assessment of Environmental Aspects
8.	Community Consultation
	8.1 Community Consultation Programme
	8.2 Community Consultation Feedback
	8.3 Further Consultation
9.	Environmental Management Measures
	9.1 Noise Management
	9.2 Dust Management
	9.3 Asbestos Management
	9.4 Stormwater Management
	9.5 Traffic Management
	9.6 Litter Management
	9.7 Odour Management
	9.8 Vermin Control
	9.9 Hazardous Materials Management
	9.10 Vehicle Washdown
	9.11 Security
	9.12 Community Liaison
	9.13 Summary of Proposed Management Measures
10.	Conclusion
11.	References
Atta	achments39
Арр	pendices46
	Landowner Consent
	Asbestos Management Plan
	Dust Management Plan
	Environmental Noise Assessment 67



BCP\_C&D Recycling Plant\_EAMP\_June 15

## 1. Introduction

Established in 1997, Busselton Civil & Plant Hire (BCP) is a local Busselton based company with approximately 50 employees and considerable experience in civil contracting, demolition, plant hire, liquid waste and sand supplies.

BCP has been awarded the contract to demolish the old Busselton Hospital and wishes to recycle this material rather than disposing it to landfill, which is standard practise in this area. Once contaminated material (primarily asbestos) and other recyclable material are removed the remaining concrete and bricks will be stockpiled for recycling at BCP's Cable Sands Road site. If this recycling project is a success, BCP is looking to undertake further recycling of building waste from their business and other demolition projects.

The storage of waste material and crushing of building materials for recycling are prescribed activities under the *Environmental Protection Act 1986* and therefore require a works approval to establish and a licence to operate. The prescribed categories and the maximum throughput for each is shown in **Table 1**.

Table 1: Prescribed Premises Categories applicable to the Cable Sands Rd Recycling Facility

Category	Description	Anticipated Maximum Throughput
13	Crushing of Building Material: premises on which waste building or demolition material is rushed or screened.	70 000 tonnes per annum
62	Solid Waste Depot: premises on which waste is stored or sorted pending final disposal or re-use.	70 000 tonnes per annum

The purpose of this report is to gain the relevant Local Government and DER approvals for the proposed storage and crushing and screening of construction and demolition wastes. The primary guidance documents used for the preparation of this document are:

- Guidance Statement: Regulating the use of waste derived materials, November 2014;
- Western Australian Waste Strategy: Creating the Right Environment;
- Material Guideline: Construction Products, December 2014
- Guidelines for Managing Asbestos of Construction & Demolition Waste Recycling Facilities, (2012); and
- Environmental Guidelines for construction and demolition waste recycling facilities, (2009).

The 'Western Australian Waste Strategy: Creating the Right Environment, has landfill diversion targets for municipal solid waste of 65 per cent by 2020; for commercial and industrial waste of 70 per cent by 2020; and for construction and demolition (C&D) waste of 60 per cent by 2015 and 75 per cent by 2020, up from 38 per cent in 2012. This proposal will assist the State Government in achieving this objective.

In recognition of the deferred residential zoning on the premises, it is proposed that development approval and works approval would be for a period of 5-years.



BCP\_C&D Recycling Plant\_EAMP\_June 15

### Site Information

The site is located at Lot 6 (19) Cable Sands Road, Yalyalup, WA 6280. The title details are provided in Table 2 and the Certificate of Title is provided as **Attachment 1**. Lot 6 has an area of 7.75 Ha.

Table 2: Site Identification Details

Lot No.	Diagram Street Name	Street Name	Suburb	Certificate of Title (Volume/Folio)
6	33959	Cable Sands Road	Yalyalup	2226/801

The premises is located ~ 8-km east of Busselton CBD and 1-km and 1.5-km northeast of the suburb of Provenance and Georgiana Molloy School, respectively. The Reinscourt semi-rural estate is located north of the site on the other side of the Bussell Hwy. The site is surrounded by rural land to the west, south and east and the Bussell Highway to the north.

Access to the site is from the Bussell Hwy onto the bitumen sealed Cable Sands Road that provides access to Lot 6, an adjacent old industrial site and rural land.

The site is located in the City of Busselton and is zoned Special Purpose, Yalyalup Deferred Development under Town Planning Scheme No. 21. The City of Busselton has indicated that residential development is not expected to commence for at least 5-years. The installation and operation of a crushing and screening plant is not inconsistent with the Special Purpose Zoning. A Development Approval for the project is being progressed with the City of Busselton.

The premises was originally a timber milling site. BCP has used the site as its main operational office since 2005. It is used by BCP for parking of vehicles and equipment, materials storage and for maintenance. It has access to power and (bore) water. The site is flat. The majority of the site has been cleared including the majority of understorey vegetation. The remaining vegetation is mainly around the premises boundary and acts as visual protection from Bussell Hwy and all boundaries except that fronting onto Cable Sands Road. **No clearing will be required**.

The semi-rural estate of Reinscourt is located north of the site on the north side of the Bussell Hwy. Land around the eastern and southern boundaries is used for agricultural grazing and hay. The premises on the other side of Cable Sands Road was also used as a timber mill. It is currently abandoned. Immediately south of Lot 6 is a small block used to store materials by LD Developments.

A plan showing the site and the nearest sensitive premises is provided as Attachment 2.



BCP\_C&D Recycling Plant\_EAMP\_June 15

## Environmental and Social Attributes

This section provides a description of the environmental and social attributes of the site.

#### 3.1 Climate

The Busselton climate is Mediterranean, with hot dry summers and wet winters. Annual average rainfall is 725 mm/year with ~ 80% of this falling between May and September.

Winds are generally from the east and southeast at 9AM, averaging 10 - 30 km/h. in the afternoons (3PM) winds typically average 20 - 30 km/h with direction typically dependent on frontal weather systems (N, NW, W) and their subsequent passing (SW, S, SE).

#### 3.2 Topography & Geology

The site is flat and the natural elevation is  $\sim 10$ mAHD. The site is located on the lower Swan Coastal Plain. The plain is the result of the lowering of sea levels and therefore the geology is typically lacustrine in nature with marine sands overlying limestone. Typically the soils are sandy loams to  $\sim 1$ -metre under which an ironstone cap from 0.3m to 1.0m occurs, under which is silty clay typical of past lacustrine conditions.

Acid sulphate soils do occur in the greater Busselton area. The risk rating for this site is 2, low to moderate risk. Management is required if greater than 100 m³ of soils are intended to be moved.

#### 3.3 Flora and Fauna

The site has been largely cleared in the past for grazing and as a timber mill. There is limited understorey remaining. There are no known priority or declared rare flora at the site. Ring tailed possums and black cockatoos may be present at the site. No clearing will be required for the project.

Site vegetation consists primarily of peppermints with the odd tuart. There is also similar native vegetation on the adjacent industrial premises, the Bussell Hwy mid verge and bushland which forms part of the Reins Court estate.

According to Landgate the site is not located within or near any Environmentally Sensitive Area (ESA).

#### 3.4 Hydrogeology & Hydrology

The depth to the winter superficial aquifer is  $\sim$  1.0 to 1.5-metres below ground surface level (bgsl) or approximately 12-metres AHD (Australian Height Datum) (DoW's WIN database). This groundwater is brackish (500 - 1000 mg/L). The Leederville Aquifer is located  $\sim$  30-



BCP\_C&D Recycling Plant\_EAMP\_June 15

metres bgsl. Abstraction from the Leederville requires a licence from DoW as this area is within the proclaimed Busselton-Capel Groundwater Area. A water resource licence allows up to 2.5 ML of groundwater to be abstracted annually. This water is used for site ablutions and dust suppression.

There are no watercourses or drains that run through the premises. Additionally, no naturally occurring surface water bodies occur on site.

## 3.5 Cultural Heritage

A search of the Department of Aboriginal Affairs on-line Aboriginal Heritage Inquiry System does not identify any site that requires protection or referral under S18 of the Aboriginal Heritage Act 1972. There are three sites within 5-km, Abba River a mythological dreaming trailing, a burial site and a modified tree.

The site is not considered to contain any natural or Australian Heritage significance.

## 3.6 Contaminated Sites Information

A search of the contaminated sites database identified that the site is not listed as contaminated site. Although the site used to be a timber mill, the owners are not aware of any timber treatment being used.

Used oil and hydrocarbon products used for maintenance are stored in bunded areas.

## 3.7 Sensitive Land uses

The Environmental Protection Authority's Guidance Statement No. 3 - Separation Distances between Industrial and Sensitive Land Uses (2006) recommends the minimum separation distances between industrial activities and sensitive land uses. Sensitive landuses are defined as those that are sensitive to industrial emissions and include residential developments, schools, hospitals, shopping centres and other public areas and buildings. The recommended separation distance for waste storage and crushing of building materials is 200-metres and 1,000 metres, respectively.

The Provenance residential estate is located over 1,000 metres from the prescribed premises as is the Vasse farmhouse. The Georgiana Molloy school is 1,500 metres away. The nearest residences are located in the Reinscourt semi-rural estate on the northern side of the Bussell Hwy with the nearest being  $\sim$  500-metres from the proposed crushing plant. This estate is on the opposite side of the Bussell Hwy with the non-road intervening distance being native vegetation. In addition, the land throughout this area is flat.

Considering the nature of the proposed operations, the main environmental impacts associated with the crushing and screening of C&D wastes are noise and dust. Through the implementation of the noise and dust management measures proposed, BCP will be able to manage all potential impacts of their operations such that the existing separation distance is sufficient.



BCP\_C&D Recycling Plant\_EAMP\_June 15

The City of Busselton undertook a SWIS C&D crushing trial at their Rendezvous Road site in 2008 where residences are in a closer situation to those in the Reinscourt area. The report to the Waste Authority at the conclusion of this project indicated no resident concerns with noise or dust. The City of Busselton is currently undertaking C&D screening at the Rendezvous Road site.

## 3.8 Summary of Environmental and Social Attributes

A summary of the environmental and social attributes of the site is shown in Table 3.

Table 3: Summary of Environmental and Social Attributes

Table	5. Summary of Environmental and Social Attributes
Attribute	Site Summary
Climate	<ul><li>Cool, wet winters</li><li>Hot, dry summers</li></ul>
Topography & Geology	<ul><li>Flat</li><li>Sandy silty soils.</li></ul>
Flora and Fauna	<ul> <li>No clearing of vegetation required</li> <li>No rare and endangered vegetation on or around the site</li> </ul>
Hydrogeology & Hydrology	<ul> <li>No streams or surface water bodies</li> <li>Winter superficial groundwater ~ 1 – 1.5m bgsl</li> <li>Superficial groundwater is brackish in quality (500 – 1000 mg/L TDS)</li> </ul>
Cultural Heritage	<ul> <li>No known sites of Aboriginal heritage</li> <li>No known Australian Heritage significance</li> </ul>
Contaminated Sites Information	The site is not a contaminated site
Sensitive Landuses	<ul> <li>No residences within 200m of the boundary of the site</li> <li>Nearest residences, site 500m north from the crushing site</li> </ul>



# 4. Current Site Activities

Currently, the site is predominantly used as the main operational office and workshop for BCP. The site is used for storage of vehicles and equipment, materials and their maintenance. There are parking areas for light vehicles, trucks and trailers and earthmoving / road construction equipment. There is also a large workshop that provides vehicle and machinery maintenance and repairs.

An aerial photograph of the site and proposed development area is shown in Attachment 3. As part of this proposal the site will be cleaned and neatened up.

The proposed location of the stockpile area and C&D recycling plant is located in the old timber storage area for the mill. This area is currently used to store materials used by BCP in their various operations. The area is cleared and partially reshaped for site drainage purposes.

A caretaker resides on the premises.



# Description of Proposed Development

220

The site layout and operations outlined in the following section have been prepared in accordance with relevant legislative and guidance documents. This section has been grouped into the following sub-sections:

- Site design
- C&D source material
- Material acceptance
- Storage of recycled building products
- · Infrastructure, equipment and machinery
- Operational hours, staffing and security
- Traffic movements

## 5.1 Site Design

The location of the recycling area has been developed to ensure that it is functional, efficient and designed to best suit the site and surrounding areas especially in relation to noise, dust and visual impact.

The existing vehicle access routes will be used but will be modified to have a dedicated entry and exit and a one-way route for access to the crushing and storage area. As part of the development the existing hardstand will be upgraded so the quality of the hardstand is consistent. At this time it is not proposed to seal access to and from the crushing area or the entry and exit as the vehicles on Cable Sands Road are those principally associated with BCP.

The location of the storage and crushing facility at the rear of the workshop will provide both visual and wind protection. It may also assist in providing some noise protection. No vegetation will need to be disturbed. The existing vegetation will act also as a barrier to wind (dust generation) and noise.

#### 5.2 C&D Source Material

In the first instance the building material will come from the demolition of the old Busselton hospital that is being undertaken by BCP. Going forward, BCP intends that source material will be provided from other BCP demolition projects as well as from other source separated C&D projects. BCP will also focus on developing strong working relationships with private and public companies in order to obtain further quantities of clean source separated inert materials suitable for recycling, such as concreters, earthmoving companies, civil construction and demolition companies and landscapers.

## 5.3 Materials Acceptance



BCP\_C&D Recycling Plant\_EAMP\_June 15

In the first instance, the Busselton Hospital demolition waste will have been tested and sorted on site by BCP prior to receival at the Cable Sands Road premises. BCP proposes that any other C&D waste received for recycling will only be accepted if it is clean uncontaminated inert waste material. Targeting clean waste streams will minimise processing difficulties and increase the quality of the recycled product.

The C&D waste accepted at the site will include concrete, asphalt, tiles, bricks, sands, gravels, soils and roadbase. Stockpiling of material received will enable a visual inspection for any contaminants to the crushing and screening process. This may include missed asbestos, pipework, steel and timber. All contaminants will be removed and placed into bins for removal for recycling and or disposal (to an appropriately licensed disposal site).

The inert waste materials can also be referred to as construction and demolition (C&D) waste based on their source of origin. These materials include concrete, asphalt, tiles, bricks, sands, gravels and soils. BCP aims to accept these materials in source-separated loads, which minimises processing times and improves product quality. However, undesired materials may occasionally be found within loads accepted on site. These include non-recyclable inert materials, timber, metal, plastics and small volumes of greenwaste. These materials will be separated from the inert waste stream and held prior to be taken off site for disposal to an appropriately licensed disposal site.

BCP will employ strict waste material acceptance policies to ensure contaminated loads are not accepted. Of particular importance is asbestos identification and management. If asbestos is identified, BCP will take all necessary actions to remove the asbestos from the site in accordance with an approved Asbestos Management Plan (Appendix B).

Asbestos was utilised extensively in the construction of buildings and structures until 1990. There is therefore a risk that asbestos may be received at C&D recycling facilities presenting health risks to staff and the wider community. BCP has developed the Asbestos Management Plan pursuant with DER's *Guidelines for Managing Asbestos at Construction and Demolition Waste Recycling Facilities (2012)* (Asbestos Guidelines), which describes the minimum requirements for operational procedures, monitoring, testing and general management at C&D recycling facilities with the aim to minimise the risk of:

- Asbestos being received and processed at inert recycling facilities;
- Asbestos emissions being generated within and from inert recycling facilities; and
- Asbestos contamination of the Recycled Building Products generated at the facilities.

As BCP is proposing that it will be recycling mostly its own C&D waste, its internal material acceptance policies will ensure that contaminated loads are not received. BCP is also confident that its material acceptance procedures and Asbestos Management Plan will ensure that asbestos does not adversely affect staff, the wider community or the quality of its Recycled Building Products.

All loads received will have been inspected, data collected and directions given for unloading. The visual inspection will occur on the ground for each load. Any contamination will be reported to the Site Manager and removed prior to the load being included in the main



## Attachment B - Development Proposal

BCP\_C&D Recycling Plant\_EAMP\_June 15

stockpile. All contamination, including any loads refused, will be recorded and, where required, reported.

## 5.4 Material Processing

## 5.4.1 Sorting

The need for separate stockpiling is not considered necessary at this time. There is enough space available to enable stockpiles of sands/soils and oversize concrete for further breaking down. The stockpiled materials are processed via screening, sorting and crushing to produce a range of recycled waste derived products

## 5.4.2 Inert Processing

From the stockpile(s), the waste will be loaded by an excavator or Front-end loader (FEL) into a hopper feeding a nominally 100 tph jaw crusher for primary crushing. The excavator or FEL will operate from an ~ 3-metre high ramp. The crushed material will then pass to a secondary impact crusher before being conveyed to a series of vibrating screens to enable a variety of recyclable products for use by BCP or sale. A schematic of the processing setup is shown below:

Feed Material: C&DiClean Demolition Concrete
Bulk Desnity: 2.3mt/m\*3
SG: 2.65

120 mlph

Prementrial R400
64 CSS
49%

XH320 SR
20 Gap
95%
139 r0

## 5.5 Storage of Recycled Building Products

Through the inert recycling operations on site, BCP proposes to generate valuable Recycled Building Products and in doing so divert materials from landfill. The inert materials are processed via sorting and crushing to produce a range of recycled products including recycled sands, road base and drainage aggregates.



BCP\_C&D Recycling Plant\_EAMP\_June 15

The recycled building product will be stored in designated stockpiles that meet the specifications outlined in the WDM Guidelines (for drainage and roadbase). BCP aims to achieve Main Roads WA specifications for its roadbase product to prove its commitment to providing quality recycled building products.

## 5.6 Material Transport

The recycled building products generated will be taken off-site at regular intervals using 25-tonne semi-trailers and 24-tonne truck and trailer combinations. Based on an annual throughput of 70 000 tonnes, BCP on average would take ten to twelve loads on site per day. Therefore, BCP has the capacity to take around 300-tonnes of recycled product on site per day. The maximum capacity of the crusher is 120 tonnes per hour (tph), which shows that BCP will have excessive treatment capacity in comparison to the amount of inert materials being received on a daily basis.

All undesired material will be taken offsite to an appropriately licensed landfill facility.

The outgoing recycled building products will loaded using a weight-cell on the front-end loader (FEL) to confirm that correct loads are taken off site. This also ensures that Main Roads WA Regulations mass limits for trucks are not exceeded and the type of vehicle is suitable to transport specific type of materials.

## 5.7 Operational Hours

BCP is proposing that the inert recycling plant will operate between the hours of 7:00am to 5:00pm Monday to Saturday. No crushing and screening will occur on Sundays or Public Holidays.

The hours of operation are considered to be standard for a business in an industrial area and BCP are committed to maintaining the amenity of the area and have adopted these recycling operational hours that align with Local and State Government guidelines associated with noise regulation.

## 5.8 Staffing

BCP is proposing to use its existing staff members to manage the materials storage area and the crushing and screening plant.

Site staff will be suitably qualified and additional training will be provided to familiarise staff with the day-to-day operations of an inert recycling facility and quality management system.

Proposed staffing is detailed in Table 4 along with specific responsibilities.

Table 4: Site Staff and Responsibilities



BCP\_C&D Recycling Plant\_EAMP\_June 15

Position	Responsibilities
Site Manager	<ul> <li>Ensuring implementation of this EAMP, Environmental Management System (EMS) and associated management plans;</li> <li>Taking direct action in the event of any incident that causes, or has the potential to cause adverse effects on local air quality;</li> <li>In the event of a community compliant, ensure that each is recorded and addressed within an appropriate timeframe;</li> <li>Conduct daily monitoring or conditions and reporting on dust management measures carried out;</li> <li>Ensuring all staff are capable of carrying out dust management measures; and</li> <li>Keeping open lines of communication with all staff to gain feedback on dust management across the site.</li> </ul>
General Operators	<ul> <li>Inspection of incoming loads;</li> <li>Refusing loads;</li> <li>Record keeping;</li> <li>Undertaking waste inspection and processing;</li> <li>Managing stockpiles;</li> <li>Isolating and storing asbestos;</li> <li>Labelling;</li> <li>Safe transportation of asbestos;</li> <li>Carrying out general site operations as defined by their role;</li> <li>Assisting to mitigate the potential dust emissions from their task by undertaking all reasonable dust management measures available to them; and</li> <li>Providing feedback to Site Manager regarding potential sources of dust emission and success of dust management measures.</li> </ul>
Quality and Systems Manager	<ul> <li>Conducting sampling;</li> <li>Managing product testing process and results;</li> <li>Managing record keeping;</li> <li>Ensuring compliance with legislative requirements;</li> <li>Ensuring implementation of the EMS and associated management plans;</li> <li>Occupational Health &amp; Safety;</li> <li>Maintaining open lines of communication with site Management regarding compliance; and</li> <li>Updating induction training as part of review of EMS and associated management plans.</li> </ul>

## 5.9 Infrastructure, Equipment and Machinery

The following **Table 5** outlines the infrastructure, equipment and machinery associated with the recycling activities that are anticipated to be utilised at the site.

Table 5 Infrastructure, Equipment and Machinery to be utilised on site



BCP\_C&D Recycling Plant\_EAMP\_June 15

Туре	Amount	Comments
Office	1	Utilised for waste data gathering and management.
Water / Reticulation systems	1	Used for dust control within the material handling, processing and storage areas.
Jaw Crusher	1	Primary crushing, portable unit. Consists of:  100 tph jaw crusher  feed hopper;  conveyor belts; and  built-in dust suppression system for crusher mouth, product conveyor feed and discharge points.
Horizontal Impactor	1	Secondary crushing, portable unit. Consists of:  100 tph impact crusher; feed hopper; pan feeder; conveyor belts; built-in screens; and built-in dust suppression system for product conveyor feed and discharge points.
Vibrating Screen	1 1	Screening of products, portable unit.  Consists of:  120 tph (two) vibrating screens;  conveyor belts; and  built-in dust suppression system for product conveyor feed and discharge points.
Front-end Loader (FEL)	1	Permanently on site
Tracked excavator	1	Noise reduced Permanently on site
Semi-trailers	7	25-tonne semi-trailers used for haulage of materials to and from site.
Truck and Trailer combinations	6	12-tonne truck and 12-tonne trailer combination used for haulage of material to and from site.
Water Cart	3	Not permanently onsite. Utilised on site if required.

## 5.10 Traffic Movements

Access to the site is via a combined light and heavy vehicle entrance located mid-way down the western boundary of the site, adjoining Cable Sands Road. This entry provides access for heavy vehicles to the Office and the inert recycling facility to the rear of the site. Heavy vehicles travel in a clockwise direction around the perimeter of the recycling area. Travelling in one direction



## Attachment B - Development Proposal

226

BCP\_C&D Recycling Plant\_EAMP\_June 15

minimises conflicts between vehicles. Heavy vehicles exit the site via the heavy vehicle exit located towards the south western corner of the site, adjacent to Cable Sands Road.

Light vehicles enter and exit through the main entrance located mid-way down Cable Sands Road. This entrance also provides access to visitor and employee parking. The design of the road network should minimise potential conflicts and operational inefficiencies associated with combining the heavy and light vehicles.

It is anticipated that a total of 83 vehicles will enter and exit the site daily. This equates to 50 light and 33 heavy vehicles as described in Table 6 below. Undesired materials obtained from sorting processes will be stored in designated hardstand areas prior to being transported offsite for recycling or disposal. For the purpose of traffic assessment, this has been assumed to occur on a daily basis.

The Bussell Highway, according to Main Roads WA traffic count data for the section of the highway nearest the site, has daily vehicle movements, Monday to Saturday, of 10,790 vehicles of which approximately 10% are heavy vehicles. BCP's daily traffic movements make up ~ 0.5% of these vehicles.

Traffic movements on site have been estimated based on the following assumptions:

- capacity of semi-trailers is 25-tonnes;
- capacity of truck and trailer combinations is 24-tonnes;
- site is operational 10 12 hours per day (crushing facility 8-hours); and
- the anticipated capacity of the recycling operations is 70 000 tonnes per year.

No of traffic movements to and from site Light Staff / Visitors 50 300 1200 14,400 120 5760 BCP non-recycling 20 552 72 288 3456 Heavy BCP recycling 12 Residue to landfill 1 5 21 250 Total 83 497 2061 23,866

Table 6: Traffic Movements to and from site daily, weekly and annually

Access to Cable Sands Road is from the dual lane Bussell Highway. A right-turn and left-turn slip lane are already in place on Bussell Highway, as well as truck warning signage, as shown in Attachment 4.

It is not expected that traffic movements will materially change at the site. The only difference being that some heavy vehicles will bring inert C&D waste to site or take recycled building products rather than arriving and leaving empty as they currently do.



BCP\_C&D Recycling Plant\_EAMP\_June 15

Attachment B

## 5.11 Landscaping

The site has vegetation on most boundary fences, providing a visual barrier. Infill plantings may be considered.

## 5.12 Security

BCP will endeavour to provide a safe and secure inert recycling facility for staff and the wider community. Fencing, lockable gates and an on-site caretaker will deter vandals and criminals. However, if security difficulties occur, security alarms, security patrols and CCTV cameras may be utilised. In addition, daily closing procedures are in place that specify that all buildings, offices, machinery and equipment will be locked and secured to unauthorised entry, use or theft is prevented.



BCP\_C&D Recycling Plant\_EAMP\_June 15

# Justification / Benefits of the Proposed Development

There are a number of benefits associated with BCP's proposed inert C&D waste recycling facility. These can be categorised as benefits to the Shire, the local community and the environment.

The construction, demolition and maintenance works undertaken by BCP in the South West generate tens of thousands of tonnes per year of inert recyclable materials that currently are sent to landfill. BCP considers the installation of an inert recycling facility to be a natural progression for the company to reduce its natural resource use. The proposed site already has much of the infrastructure needed as well as good access to the Bussell Highway. The use of portable crushing and screening equipment enables BCP to relocate its inert recycling facility once the deferred development of Provenance Residential Estate occurs in five or more year's time. In this regard, BCP will only be requesting a 5-year development approval and DER Licence.

In 2010, C&D waste accounted for over 55% of all materials landfilled in WA. In addition, only 29% of C&D waste materials were recycled. However, this recovery rate is extremely low in comparison to the other States of Australia and developed international countries. The Western Australian Waste Strategy *Creating the Right Environment* (March 2012) has set a State-wide landfill diversion target for C&D materials of 60% by 2015, further increasing to 75% by 2020. These diversion targets represent a considerable improvement on the current recycling rate of 29% and will only be achieved with inert recycling facilities and appropriate waste collections systems. BCP is contributing to this target by proposing to establish a C&D recycling facility and diverting this waste from landfill. Consequently, BCP will also recover valuable resources and minimise the mount of virgin materials to be excavated.



BCP\_C&D Recycling Plant\_EAMP\_June 15

# Environmental Aspects

To ensure that appropriate management measures are devised, BCP has identified all key potential environmental aspects associated with the proposed operations at the site. These include:

- Noise;
- Dust
- Asbestos;
- Odour;
- Stormwater;
- Traffic;
- Litter; and
- Vermin.

The source and potential impacts associated with these aspects are described in the following sections.

## 7.1 Noise

Noise emissions have the potential to affect amenity at the site and surrounding areas. Noise will be generated on site as a result of:

- · The operation of equipment such as the crusher and screening plant;
- · Vehicle movements on the site; and
- On site movement of materials such as tipping onto the tipping pad and loading the feed conveyor.

The Environmental Protection (Noise) Regulations 1997 contain the allowable assigned noise levels at premises receiving such emission, as shown in **Table 7**. Under the Regulations, noise sensitive premises include residences and education facilities.



BCP\_C&D Recycling Plant\_EAMP\_June 15

Table 7: Assigned Noise Levels

Premises Receiving Noise		Assigned Level (dB)		
	Time Of Day	LAIO	L <sub>A1</sub>	L <sub>Amax</sub>
Noise sensitive premises: highly sensitive use	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80

The nearest noise sensitive premises are located north of the site in the Reinscourt area. These premises are located on land parcels generally greater than 5-acres in size. The nearest of these residents is approximately 450-metres from the proposed crushing and screening area (Image 1 below). Between these residents lies the dual carriageway, seperated Bussell Highway. In addition, mature native vegetation is located along the road reserve and median strips providing a visual barrier for both residents and travellers.



BCP\_C&D Recycling Plant\_EAMP\_June 15

Attachment B

The area to the southeast, excluding the adjacent non-operating timber mill premises, is the deferred Satterley Provence residential area. Currently, residential development is more than 1 000-metres from the premises boundary. It is BCP's understanding that further residential development in this area is not expected to occur for at least five-years.



Image 1: Location of nearest sensitive premises to the 19 Cable Sands Road, Yalyalup.

The noise modelling assessment has shown that the compliance line for noise sensitive premises would still enable residential development to advance very close to the crushing plant without any need for additional noise mitigation measures to be put in place.

Noise modelling was undertaken to determine a feasible and practical noise mitigation strategy for crushing and screening operations on site. A series of noise mitigation options were investigated and the final preferred selected noise mitigation comprises the use of soil bund and sea-containers to form a 5.0-metre, four-sided enclosure with entry/exit points. The plant will be feed from a 2-metre high earth ramp via excavator.

The generation of noise can impact the welfare and amenity of the surrounding areas, if not appropriately managed. The noise management measures that will be adopted at the site are



described in Section 9.1. The Environmental Noise Assessment Report is provided in Appendix D.

#### 7.2 Dust

The proposed development has the potential to generate dust during a number of operational stages, including:

- Unloading of C&D waste material;
- · Processing of C&D waste material;
- · Movement of materials around the site;
- Storage of recycled building products and undesired materials; and
- Vehicle movements.

Access to the site is via a bitumen road. Existing movement of vehicles at the site generates little dust and as the number of truck movements is not expected to increase substantially an increase in dust generation is not expected to occur at the site. The unloading of waste material is likely to be the major component of dust generation at the site as the crushing and screening plant and associated stockpiles include water sprays to prevent / manage dust generation. Currently, dusty loads are wetted down before transport and this will continue to be the case. A water cart and road sprinkler system is currently in place to manage dust at the site.

The generation of dust may impact the welfare and amenity of the surrounding areas and cause health problems to workers at the site and surrounding land users if transported off site. The dust management measures that will be adopted at the site are described in Section 9.2.

## 7.3 Asbestos

Asbestos is a hazardous material utilised in construction works up to 1990 in WA. In respirable form it represents a serious risk to human health. As the site will accept inert waste materials there is the potential for asbestos containing material (ACM) to be brought on site within contaminated loads. There is also a risk that asbestos may contaminate the recycled building products generated at the site. Asbestos therefore represents a hazard to both personnel and contractors at the site, surrounding land users and the wider community.

The asbestos management measures that will be adopted at the site are described within Section 9.3.

## 7.4 Stormwater

Stormwater is generated as a result of precipitation onto buildings and uncovered area of the site. Rainwater is collected from the office buildings for ablutions and gardens. Stormwater runoff is currently directed to the low points of the site where it infiltrates into the ground. No stormwater leaves the premises. There is a sump on the premises that is used to provide



Attachment B

water for ablutions, fire and dust suppression around the site (set up for the operation of the timber mill).

The proposed crushing and screening and handling area will be upgraded to include a properly compacted hardstand that will be graded to enable the collection of stormwater into a plastic-lined sump to collect any suspended solids and to enable this water to be re-used as dust suppression water. Any excess water will overflow into the existing stormwater drainage system. The existing stormwater drainage will not be impacted by this proposal. The sump has been designed to contain a 1 in 50 year, 24-hour rainfall event. Any collected solids in the sump will be removed during the summer months for recycling, to maintain winter storage capacity.

## 7.5 Traffic

Traffic movements on site will include:

- Entry and exit of delivery vehicles;
- · FEL managing waste and recycle materials stockpiles;
- Collection vehicles for transportation of undesired materials off site; and
- Staff movements.

On site traffic movement has the potential to generate noise, dust and create an occupational health and safety risk to workers at the site. The number of traffic movements is not anticipated to increase significantly from current levels as the primary difference is that trucks currently arriving back at site empty will return with the clean C&D waste for recycling and or leave with the waste derived product.

The management measures that will be adopted to ensure that any impacts resulting from traffic movements at the site are appropriately managed are described in Section 9.5.

#### 7.6 Litter

Litter may be generated at the site as a result of the movement of waste and poor housekeeping practices, especially during windy conditions. As well as reducing visual amenity, litter can attract vermin to the site and may affect surround land uses if allowed to migrate off site. BCP's proposal only involves the receival and processing of inert C&D wastes, therefore the likelihood of litter is low.

The management measures that will be utilised to control the generation of litter at the site are described in Section 9.6.

#### 7.7 Odour

Odour may be generated from the storage of odorous putrescible wastes at the site. Significant odour emissions may reduce amenity values for site workers and surrounding land users as



well as attracting vermin. As no putrescible wastes will be accepted at the site, the likelihood for odour emissions is considered to be negligible.

Despite this, the management measures that will be implemented to ensure that potential odour impacts are appropriately managed on site are outlined in Section 9.7.

## 7.8 Vermin

Vermin such as rats, mice, birds and insects may be attracted to waste management facilities. If uncontrolled, vermin can present a health risk to site workers and surrounding land users. As the site will not accept food or other putrescible wastes, the potential for vermin to be attracted is negligible. Vehicle movements and use of machinery are also likely to deter vermin from the site.

The management measures that will be implemented to control vermin are outlined in Section 9.8.

## 7.9 Storage of Hazardous Materials

A workshop exists at the site for vehicle and plant maintenance. To enable these activities, hydrocarbons and other chemicals are used. Hydrocarbons at the site consist of lubricants (oils, greases), fuel for generators, paint spray packs and some sealants. Other chemicals at the site include cleansers and degreasers. In addition, waste oils are stored at the site for recycling. The quantity of hazardous materials is less than the prescribed quantity required for a dangerous goods licence.

Typically engine and hydraulic oil is received on site in 200-litre drums with other lubricants and fuel in 20-litre drums or smaller containers. Cleansing fluids and degreasers also typically come in 20-litres containers. These are all stored within the workshop area. 20L and 200L containers are stored on bunded pallets or a bunded area so that any spillage is contained for cleaning up using spill kits. In addition, there is a bunded 2 000-litre tank used to store waste oil for recycling.

Table 8 outlines typical types and quantities of Hazardous materials stored at the site.

Table 8: Summary of Hazardous Materials held on Site

Туре	Typical Container Size	Typical Quantity Held	Comments
Engine Oils	200L drums	1 000 Litres	Held on bunded pallets
Hydraulic Oils	200L drums	1 000 Litres	Held on bunded pallets
Brake fluid	5L bottles	10 Litres	



BCP\_C&D Recycling Plant\_EAMP\_June 15

Gearbox Oils	20L buckets	60 Litres	
Greases	20L buckets	60 Litres	
Petrol	20L Jerry Cans	60 Litres	For portable generators
Oxygen & Acetylene	Tanks	4 tanks	
LPG	9 Kg		
LPG	25 Kg		For forklift
Spray Paint	375 gm cans		
Waste Oil	200	2 000 Litre Tank	Bunded
Herbicide	5L	5L	Weed & grass control

The management measures that will be implemented to manage hazardous materials are outlined in Section 9.

## 7.10 Environmental Risk Assessment of Environmental Aspects

Environmental risk assessments are undertaken to determine the level of risk the environmental aspects may have on site workers and surrounding land users. The accompanying risk rating can then be used to determine the level of management measures needed to minimise or negate that level of risk.

The environmental risk assessment for BCP's proposed C&D recycling proposal, construction and operation is shown in Tables 8 and 9. The environmental management measures to be employed are outlined in **Section 9**.

BCP believes that its environmental management measures will ensure that all environmental risks can be appropriately managed to a risk rating of Low.



Table 9: Construction Environmental Risk Assessment Summary

Risk Factor	Significance of Emissions	Potential Risk	Management Measures / Regulatory Control	Actual Risk
Air Emissions	1 – insignificant	Low	Site speed limited to 10 km/h Water cart available at all times	Low
Dust Emissions	1 – insignificant	Low	Site speed limited to 10 km/h Water cart available at all times	Low
Odour Emissions	N/A		S49 Environmental Protection Act 1986	Low
			Only construct during daylight hours – 7AM – 5PM	Low
Noise Emissions	1 – insignificant	Low	Environmental Protection (Noise) Regulations 1997	
Light Emissions	N/A		S49 Environmental Protection Act 1986	
Discharges to Water	N/A		Environmental Protection (Unauthorised discharge) Regulations 2004	
			Collection of site stormwater in Stormwater sumps	
Discharges to Land	N/A		Environmental Protection (Unauthorised discharge) Regulations 2004	
Solid / Liquid Waste & Hydrocarbon / Chemical Storage	1 – insignificant	Low	Spill management plan, equipment and training;	Low
Native Vegetation	N/A		No vegetation clearing required	



BCP\_C&D Recycling Plant\_EAMP\_June 15

Table 10: Operations Environmental Risk Assessment Summary

Risk Factor	Significance of Emissions	Potential Risk	Management Measures / Regulatory Control	Actual Risk
Air Emissions (Asbestos)	1 – insignificant	Low	<ul> <li>Site speed limited to 10 km/h</li> <li>Water cart available at all times</li> </ul>	Low
Dust Emissions	1 – insignificant	Low	Site speed limited to 10 km/h Water cart available at all times	Low
Odour Emissions	1 – insignificant	Low	<ul> <li>S49 Environmental Protection Act 1986</li> </ul>	Low
Noise Emissions	1 – insignificant	Low	<ul> <li>Environmental Protection (Noise) Regulations 1997</li> </ul>	Low
Discharges to Water	1 – insignificant	Low	Environmental Protection (Unauthorised discharge) Regulations 2004     Collection of site stormwater in a stormwater sump	Low
Discharges to Land	N/A		Environmental Protection (Unauthorised discharge) Regulations 2004	
Solid / Liquid Waste & Hydrocarbon / Chemical Storage	1 – insignificant	Low	<ul> <li>Spill management plan, equipment and training;</li> <li>Used of bunded pallets.</li> <li>Ablution waste to an approved septic system.</li> </ul>	Low



BCP\_C&D Recycling Plant\_EAMP\_June 15

# 8. Community Consultation

Community consultation is an important part of BCP's vision for setting up an inert recycling facility at this site. BCP has been in regular contact with the City of Busselton, the Lot owner and adjacent landowners.

## 8.1 Community Consultation Programme

No formal community consultation has taken place during the preparation of this EAMP as it is anticipated that consultation will occur during the various advertising requirements through the Local and State Government approval processes.

BCP has been liaising closely with the City of Busselton over this proposal and will take further advice on the need for additional consultation, such as a stakeholder information session.

## 8.2 Community Consultation Feedback

The key issues that have been raised by the City of Busselton are summarised below:

- The deferred development zoning means that operations would need to have a defined duration so as not to impact the longer-term Provence residential development;
- Traffic impacts on Bussell Highway from increased traffic, notwithstanding that the proposed recycling facility is unlikely to see any marked increase in traffic using Cable Sands Road; and
- Ensuring noise does not detract from Reinscourt residences.

## 8.3 Further Consultation

BCP is proposing to utilise the advertising requirements under Local and State Government approval processes to determine the need for any additional consultation.



# Environmental Management Measures

## 9.1 Noise Management

There are several sources of noise associated with the proposed development including operation of equipment and machinery, vehicle movements and the movement of materials. Currently, the most significant source of noise is the movement of vehicles at the site.

To ensure that noise emissions are minimised, the following measures will be implemented on site:

- Noise emissions from site operations will be controlled to ensure compliance with the Noise Regulations including:
- Crushing and screening is undertaken within a 5.0-metre high three-sided structure; and
- Excavator is operating from a 2.0-metre high earth ramp and feeds material into the crusher inside the enclosure.
- Waste receival and operation of equipment and machinery on site will be restricted to operational hours only;
- Vehicles will be restricted to a maximum speed of 10 km/h at the site;
- Noise reducing workplace procedures will be adopted such as tipping waste onto the tipping and storage areas slowly and from the lowest high possible;
- · Vegetation screens will be maintained; and
- · All equipment and machinery will be maintained in good working condition.

Noise modelling conducted for the site demonstrates that the management measures listed above will be sufficient to appropriately manage noise emissions at the site and ensure compliance with the *Environmental Protection (Noise) Regulations* 1997. The Noise Assessment Report is provided in **Appendix D**.

#### 9.2 Dust Management

To manage the generation of dust on site, BCP will implement the following management measures:

- The crushing and screening system will include an in-built dust suppression system consisting of sprinklers over the hopper, end of conveyor and other discharge points;
- A sprinkler system will be incorporated within the material acceptance, processing and storage areas;
- Vehicles will be restricted to a maximum speed of 10 km/h at the site;
- Site operations will be stopped during periods of high winds;
- All inert waste materials will be confined within the designated storage area;



BCP\_C&D Recycling Plant\_EAMP\_June 15

- Undesired materials such as non-recyclable inert materials, timber, metal and plastics will be stored in designated hardstand areas prior to being transported offsite for recycling or disposal;
- Vegetation screens will be maintained;
- Materials will be dampened before processing; and
- A water cart will be used on site as required (mainly on internal roads).

During the dry summer months, additional water for dust suppression will be supplied from BCP water carts.

It is anticipated that the implementation of the engineering and management measures list above will be sufficient to manage dust at the site. A Dust Management Plan for the site is provided in **Appendix C**.

## 9.3 Asbestos Management

To minimise the potential for asbestos or ACM to be received at the site, generation of asbestos emissions and the contamination of the recycled building products, the following management measures will be put in place:

- The requirement for no asbestos to be contained in incoming loads is clearly communicated to BCP customers;
- All loads will be inspected at the tipping area where the risk of each load containing asbestos
  will be assessed. Once a risk classification has been allocated, the load will be removed to
  the designated low or high risk stockpile;
- If suspect ACM is identified during the waste inspection but is not able to be easily removed by hand, the load will be assumed to be contaminated, reloaded and directed off site to an appropriate disposal facility;
- If suspect material is able to be removed by hand it will either be assumed to be ACM, put into an appropriate container or wrapped and transported to an appropriate disposal site, or it will be further tested on site;
- Staff will continue to inspect materials for asbestos or ACM during processing and, if suspect
  material is identified, BCP will stop operations and handle material according to the product
  testing procedure; and
- Dust management procedures will be implemented to reduce the potential for asbestos fibres to be released.

An Asbestos Management Plan is attached at **Appendix B**. The Asbestos Management Plan has been prepared in accordance with DER's *Guidelines for managing asbestos at construction and demolition waste recycling facilities*. The Asbestos Management Plan will be implemented as soon as stockpiling at the site commences.



#### Attachment B - Development Proposal

BCP\_C&D Recycling Plant\_EAMP\_June 15

## 9.4 Stormwater Management

To ensure that stormwater on site is appropriately managed, the following management measures will be adopted:

- Rainfall onto offices will be stored for ablution and garden use;
- Rainfall onto other buildings will flow into existing drainage system;
- Stormwater from traffic areas and other parts of the site will be collected in the existing drainage system; and
- Stormwater from the recycling area will be directed to a plastic lined sump with the water reused for dust suppression and solids placed back in stockpiles for recycling.

The recycling area sump has been designed to cater for a 1:50 year 24 hour rainfall event. The recycling area has been constructed on an elevated part of the site so that all stormwater from the proposed crushing and screening and storage facility can be managed separately.

## 9.5 Traffic Management

To minimise any potential impacts of traffic movements at the site, the following management measures will be implemented:

- A maximum speed of 10 km/h will be applied to all vehicles on site and clearly displayed at the entry to the site;
- · All vehicles will be maintained in good working condition; and
- · All vehicles will be required to comply with the traffic management system at the site.

Initially the number of vehicle movements is not expected to increase as a result of this development. However, it is envisaged that other businesses may wish to use the services of this site, thereby increasing traffic movements on site. However, it is anticipated that these measures will be sufficient to manage traffic at this site in the future.

The existing access from Bussell Highway is adequate to support any additional vehicle movements to and from the site.

BCP will monitor the number of traffic movements at the site to ensure that any potential impacts of increased traffic movement are appropriately managed using current measures.

## 9.6 Litter Management

Due to the nature of the proposed BCP operations, the generation of litter is anticipated to be minimal.

To ensure that the generation of litter is minimised and appropriately managed at the site, the following management measures will be implemented:

 Undesired materials will be stored in designated hardstand areas prior to be ing transported off-site for recycling or disposal;



BCP\_C&D Recycling Plant\_EAMP\_June 15

- The security fence around the perimeter of the premises will be maintained to ensure that any litter generated is not able to migrate to neighbouring premises; and
- Any litter generated around the site and along the fence lines will be collected on a daily basis as part of routine housekeeping procedures.

These management measures are anticipated to enable BCP to appropriately manage litter at the site.

## 9.7 Odour Management

To ensure that the generation of odour at the site is appropriately minimised and managed, the following management measures will be implemented:

- · Customers will be informed that only inert materials will be accepted;
- Loads from BCP sites will be inspected upon collection and not removed to site until free of undesired materials;
- · All loads will be inspected when unloading;
- Undesired materials will be stored in designated hardstand areas prior to be transported off site for recycling or disposal;
- If any odorous materials are found these will be scheduled to be removed from the site as soon as practicable; and
- Staff will observe odour levels at the site during their day-to-day activities and action taken
  if required.

It is anticipated that these management measures will enable BCP to appropriately manage potential odour impacts at the site.

## 9.8 Vermin Control

To control vermin at the site, the following management measures will be implemented:

- · Customers will be informed that only inert materials will be accepted;
- Loads from BCP sites will be inspected upon collection and not removed to site until free of undesired materials;
- · All loads will be inspected when unloading;
- Undesired materials will be stored in designated hardstand areas prior to be transported off site for recycling or disposal;
- The generation of odour and litter will be minimised through the implementation of appropriate management measures including waste inspection; and
- Should any significant vermin issues be experienced, BCP will utilise professional services to eradicated vermin at the site.



BCP\_C&D Recycling Plant\_EAMP\_June 15

Attachment B

These management measures are anticipated to adequately manage vermin at the site.

## 9.9 Hazardous Materials Management

To manage hazardous materials at the site, the following management measures will be implemented:

- All hazardous materials will be stored in the maintenance shed area;
- Bunded pallets will be used to stored 200L and 20L containers of hazardous materials;
- · Waste oil will be stored in a bunded container:
- · Spill kits will be located in readily accessible locations; and
- All spills and leaks will be reported in a Site Incident Register.

#### 9.10 Vehicle Washdown

A vehicle washdown will be installed near the maintenance area to enable the cleaning down of vehicles and plant. To manage the vehicle washdown, the following management measures will be implemented:

- All washwater will be collected in a plastic lined sump to enable removal of solids for disposal;
- . The use of a low volume, high pressure cleaner; and
- · Use of biodegradeable cleansers (if required).

## 9.11 Security

The site is surrounded by a 1.8-metre high chain wire fence and there is also an on site caretaker. The entrance gate to the site is closed outside operational hours to ensure access for unauthorised vehicles and persons is restricted. To ensure the security of the site is not compromised, the following practises will be adhered to:

- · The perimeter fence will be inspected and maintained on a regular basis;
- The entrance gate will be locked securely outside of operational hours; and
- Should security issues be experienced, BCP will investigate installing an onsite alarm system and internal and external CCTV system.

#### 9.12 Community Liaison

BCP will maintain a register for complaints relating to their operations at the site. The complaints register will be maintained to provide surrounding land users and members of the community an opportunity to record any concerns regarding operations at the site. Any comments will be given due consideration by BCP and responded to if required.



BCP\_C&D Recycling Plant\_EAMP\_June 15

## 9.13 Summary of Proposed Management Measures

A summary of the proposed management measures to be implemented at the site is shown in **Table 11**.

Table 11: Summary of Proposed Management Measures

Aspect	Management Measures
	<ul> <li>Noise emissions from site operations will be controlled to ensure compliance with the Noise Regulations including:</li> </ul>
	<ul> <li>Crushing and screening will occur within a 5.0-metre high three-sided structure; and</li> </ul>
	<ul> <li>Excavator is operating from a 2.0-metre high earth ramp and feeds material into the crusher inside the enclosure.</li> </ul>
Noise	<ul> <li>Waste receival and the operation of the equipment and machinery on site will be restricted to operational hours – 7am to 5pm, Monday to Saturday.</li> </ul>
	<ul> <li>Vehicles will be restricted to a maximum speed of 10 km/h at the site;</li> </ul>
	<ul> <li>Noise reducing workplace procedures will be adopted such as tipping waste onto the tipping and storage areas slowly and from the lowest height possible;</li> </ul>
	<ul> <li>The use of reverse beepers as a safety strategy will be replaced with alternative safety devices (where practical and appropriate);</li> </ul>
	<ul> <li>Vegetation screens will maintained; and</li> </ul>
	<ul> <li>All equipment and machinery will be maintained in good working order.</li> </ul>
	<ul> <li>The crushing and screening system will include an in-built dust suppression system consisting of sprinklers over the hopper, end of conveyor and other discharge points;</li> </ul>
	<ul> <li>A sprinkler system will be incorporated within the material acceptance, processing and storage areas;</li> </ul>
	<ul> <li>Vehicles will be restricted to a maximum speed of 10 km/h at the site;</li> </ul>
Dust	<ul> <li>Site operations will be stopped during periods of high winds;</li> </ul>
Dust	<ul> <li>All inert waste materials will be confined within the designated storage area;</li> </ul>
	<ul> <li>Undesired materials such as non-recyclable inert materials, timber, metal and plastics will be stored in designated hardstand areas prior to being transported offsite for recycling or disposal;</li> </ul>
NOT NO	<ul> <li>Vegetation screens will be maintained;</li> </ul>
	<ul> <li>Materials will be dampened before processing; and</li> </ul>
	<ul> <li>A water cart will be used on site as required (mainly on internal roads).</li> </ul>



BCP\_C&D Recycling Plant\_EAMP\_June 15

Aspect	Management Measures
Odour	<ul> <li>Customers will be informed that only inert materials will be accepted;</li> <li>Loads from BCP sites will be inspected upon collection and not removed to site until free of undesired materials;</li> <li>All loads will be inspected when unloading;</li> <li>Undesired materials will be stored in designated hardstand areas prior to be transported off site for recycling or disposal;</li> <li>If any odorous materials are found, these will be scheduled to be removed from the site as soon as practicable; and</li> <li>Staff will observe odour levels at the site during their day-to-day activities and action taken if required.</li> </ul>
Stormwater	<ul> <li>Rainfall onto offices will be stored for ablution and garden use;</li> <li>Rainfall onto other buildings will be collected in the existing drainage system.</li> <li>Stormwater from traffic areas and other parts of the site will be collected in the existing drainage system; and</li> <li>Stormwater from the recycling area will be directed to a lined sump with the water reused for dust suppression and solids placed back in stockpiles for disposal.</li> </ul>
Traffic	<ul> <li>A maximum speed of 10 km/h will be applied to all vehicles on site and clearly displayed at the entry to the site;</li> <li>All vehicles will be maintained in good working condition; and</li> <li>All vehicles will be required to comply with the traffic management system at the site.</li> </ul>
Litter	<ul> <li>Undesired materials will be stored in designated hardstand areas prior to being transported off-site for recycling or disposal;</li> <li>The security fence around the perimeter of the premises will be maintained to ensure that any litter generated is not able to migrate to neighbouring premises; and</li> <li>Any litter generated around the site and along the fence lines will be collected on a daily basis as part of routine housekeeping procedures.</li> </ul>
Vermin	<ul> <li>Customers will be informed that only inert materials will be accepted;</li> <li>Loads from BCP sites will be inspected upon collection and not removed to site until free of undesired materials;</li> <li>All loads will be inspected when unloading;</li> <li>Undesired materials will be stored in designated hardstand areas prior to be transported off site for recycling or disposal;</li> <li>The generation of odour and litter will be minimised through the implementation of appropriate management measures including waste inspection; and</li> <li>Should any significant vermin issues be experienced, BCP will utilise professional services to eradicate vermin at the site.</li> </ul>
Hazardous Materials	<ul> <li>All hazardous materials will be stored in the maintenance shed area;</li> <li>Bunded pallets will be used to stored 200L and 20L containers of hazardous materials;</li> </ul>



## Attachment B - Development Proposal

246

BCP\_C&D Recycling Plant\_EAMP\_June 15

Aspect	Management Measures
VICE INCIDE	<ul> <li>Waste oil will be stored in a bunded container;</li> </ul>
	<ul> <li>Spill kits will be located in readily accessible locations; and</li> </ul>
	<ul> <li>All spills and leaks will be reported in a Site Incident Register.</li> </ul>
Vehicle	<ul> <li>All washwater will be collected in a 2-stage lined sump to enable removal of solids for disposal;</li> </ul>
Washdown	<ul> <li>The use of a low volume, high pressure cleaner; and</li> </ul>
	<ul> <li>Use of biodegradeable cleansers (if required).</li> </ul>
CENTED THE	The perimeter fence will be inspected and maintained on a regular basis;
Security	The entrance gate will be locked securely outside of operational hours; and
	<ul> <li>Onsite alarm system and internal and external CCTV system will be utilised if security on site becomes a concern.</li> </ul>
Community Liaison	<ul> <li>A register for community and surrounding land users to raise concerns will be maintained and responded to as required.</li> </ul>



BCP\_C&D Recycling Plant\_EAMP\_June 15

# 10. Conclusion

BCP wishes to develop a C&D waste recycling facility to complement its civil construction and demolition activities by reducing recyclable waste to landfill and reducing their need for basic raw materials.

This Environmental Assessment and Management Plan (EAMP) forms part of the documentation required to progress the Local and State Government approvals. The current process being pursued by BCP involves an application for Development Approval through the City of Busselton and a works approval (and subsequent licence) under Part V of the Environmental Protection Act 1986 through the Department of Environment Regulation.

BCP currently generates a range of source separated materials including concrete, bricks, asphalt, gravel and soils through its civil construction and demolition works. These materials can be processed at inert recycling facilities to generate a range of Recycled Building Products, including recycled roadbase and drainage rock, aggregates and soil. This proposal will divert up to 70,000 tonnes of inert recyclable waste from landfill a year to enable its reuse. This will assist the City of Busselton and the State reduce waste volumes to landfill, increase waste recovery and improve resource efficiency by avoiding natural resource consumption.

This EAMP provides the site design of BCP's proposed C&D recycling facility. The design has been developed to ensure that it is functional, efficient and is designed to best suit the site constraints and ensure no unacceptable impacts to the environment or amenity for the surrounding area. The site design incorporates best practice design solutions to achieve BCP's strategic objective of providing quality recycled building products. To ensure the potential environmental impacts identified in this EAMP will be appropriately minimised and managed, BCP will implement the engineering and management measures described in Section 9. These measures cover noise, dust, asbestos, stormwater, traffic, litter and vermin management, security and community liaison.

The main environmental impacts associated with recycling operations include noise and dust. A number of dust management measures will be implemented to control dust from the operations including; water suppressions systems, sprinklers and operational restrictions during windy periods. Noise modelling for the site has been conducted to demonstrate compliance with the Noise Regulations. As a result of this work, the operations will include a 5.0-metre high threesided enclosure and the excavator will operate from a 2.0-metre high earth ramp. The proposed plan for the site will also maximise the distance of operations to the nearest receptors. These measures will ensure compliance with the requirements of the Environmental Protection (Noise) Regulations 1997.

Dust and noise management measures (as well as the range of other proposed measures) will be implemented to ensure that any potential emissions from the area can be appropriately managed and controlled. In summary, it is demonstrated that this proposal can be progressed without any unacceptable impact to the environment and the surrounding land users.



BCP\_C&D Recycling Plant\_EAMP\_June 15

# 11. References

DER Guidelines for Managing Asbestos at Construction and Demolition Waste Recycling Facilities, 2012

DER Environmental Guidelines for Construction and Demolition Waste Recycling Facilities, 2009

DER Guidance Statement: Regulating the Use of Waste-derived Materials, 2014

DER Material Guideline: Construction Products, 2014

DoW WIR Database

**Environmental Protection Act 1986** 

Environmental Protection Regulations 1987

Environmental Protection (Controlled waste) Regulations 2004

Environmental Protection (Noise) Regulations 1997

EPA Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses, 2005

Landfill Waste Classification and Waste Definitions 1996 (as amended December 2009)

The City of Busselton Local Planning Scheme No. 21, 2014



Attachment B

## **ATTACHMENT 2:**

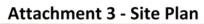
## Aerial Image of Site in relation to surrounding uses





#### 250 Attachment B - Development Proposal Attachment B

BCP\_C&D Recycling Plant\_EAMP\_June 15







## **ATTACHMENT 4:**

Dual carriageway, separated Bussell Highway with Slip Lanes







# **C&D Recycling Plant**

# ASBESTOS MANAGEMENT PLAN

Lot 6, 19 Cable Sands Road, Yalyalup June 2015

BCP\_C&D Recycling Plant\_EAMP\_June15

Attachment B

## **Table of Contents**

GIO	ssary		<b>5</b> 2
1.	Introduc	ction	53
	1.1 Bus	selton Civil & Plant Hire	53
	1.2 C&E	D Recycling Facilities	53
	1.3 Sco	pe of AMP	54
2.	Backgro	ound	55
	2.1 Loc	ation and Description	55
	2.2 Sur	rounding Land Uses	55
	2.3 Sep	paration Distances	55
	2.4 Clim	nate Information	56
	2.5 Prop	posed Operations	56
	2.6 Site	Procedures	56
	2.7 Pre-	-Acceptance	56
	2.8 Mat	erials Acceptance	56
	2.9 Mat	erials Handling	57
	2.3 Dus	t Management	58
3.	Respons	sibilities and Training	59
	3.1 Res	ponsibilities	59



BCP\_C&D Recycling Plant\_EAMP\_June15

## Glossary

#### Asbestos Containing Material (ACM)

Products or materials (including fragments) that contain asbestos in an inert bound matrix such as cement or resin in a sound condition and in a form that cannot pass through a 7mm × 7mm sieve.

#### Asbestos Fines/Fibres (AF)

Small asbestos fibre bundles, free asbestos fibres an also ACM fragments that can pass through a  $7 \text{mm} \times 7 \text{mm}$  sieve.

#### Asbestos Management Plan (AMP)

A specific asbestos management plan required by the Department of Environment Regulation to be provided as part of any works approval and licensing approval of a prescribed premises where asbestos contamination could possibly be received. The plan for C&D is to be prepared in accordance with the Guidelines for managing asbestos at construction and demolition waste recycling facilities, December 2012.

#### Construction and Demolition (C&D) Waste

Materials in the waste stream which arise from construction, refurbishment or demolition activities.

#### Fibrous Asbestos (FA)

Friable asbestos material, such as severely weathered ACM and asbestos in the form of loose fibrous material such as insulation products. Friable asbestos is material that is in a degraded condition such that it can be broken or crumbled to a powder form by hand pressure.

#### Waste-derived Material (WDM)

Means a material that has been produced wholly or partly from waste.



BCP\_C&D Recycling Plant\_EAMP\_June15

Attachment B

## 1. Introduction

#### 1.1 Busselton Civil & Plant Hire

Busselton Civil & Plant Hire (BCP) is a local Busselton business that has been conducting sand and gravel, civil engineering, demolition and liquid waste collection for the last 18 years. Due to the rising cost of landfill disposal and a desire to reuse the clean demolition waste currently sent to landfill, BCP is setting up a C&D recycling facility at its Cable Sands Road site at Yalyalup ~ 5-km east of Busselton.

Under the Environmental Protection Regulations 1987 this activity is classified as a Prescribed Premises Category 13 – Crushing of Building Material.

BCP has prepared supporting information including a Dust Management Plan and Noise Modelling and Management Plan. This information was complied and summarised within an Environmental Assessment & Management Plan (EAMP), which demonstrated that the proposed operations were unlikely to have any significant impact on the environment or amenity or the surrounding land-uses.

As part of the licensing process the DER requires an Asbestos Management Plan be prepared for the operations.

#### 1.2 C&D Recycling Facilities

Inert materials storage facilities generally store or stockpile a range of products on site including those derived from construction and demolition (C&D) waste which predominantly consists of inert materials such as bricks, concrete, paving slabs, tiles, sand and gravel. These materials can be processed at inert recycling facilities to generate a range of recycled building products including road bases, drainage medium, sand and aggregates (generally referred to as waste-derived material (WDM's)). Asbestos is a hazardous material utilised extensively in the construction of buildings and structures until 1990. Therefore there is a risk that asbestos, asbestos containing material (ACM), fibrous asbestos (FA) or asbestos fines/fibres (AF) may be received at C&D recycling facilities presenting health risks to staff and the wider community.

In recognition of this, the DER is in the process of improving the management of asbestos at such facilities (including Category 13 and Category 62 Prescribed Premises facilities) through amendments to their Licences under part V of the *Environmental Protection Act 1986*.

To assist facilities to improve the management of asbestos and comply with the new Licence conditions, in December 2012 the DER released *Guidelines for managing asbestos at construction and demolition waste recycling facilities*.



BCP\_C&D Recycling Plant\_EAMP\_June15

#### 1.3 Scope of AMP

The AMP will provide a systematic approach to be adopted by BCP to further minimise the unlikely risk of asbestos being brought to site and to provide management in the event that asbestos is identified onsite.

The AMP has been developed to minimise the potential for:

- · Asbestos or ACM to be received and processed at the Site; and
- · Asbestos emissions to be generated within and from the Site.



BCP\_C&D Recycling Plant\_EAMP\_June15

## Background

The following Section provides an outline of the key characteristics on and surrounding the Site that are relevant to the monitoring to be undertaken prior to and during commissioning.

#### 2.1 Location and Description

The Site is located at Lot 6 (19) Cable Sands Road, Yalyalup and covers an area of 7.75 hectares. The site is within the City of Busselton and was originally a timber mill. The site is zoned "Special Zoning – Deferred Development". The deferred (residential) development is not expected to occur for at least 5 years.

Access is provided from Bussell Highway directly onto Cable Sands Road.

#### 2.2 Surrounding Land Uses

The Bussell Highway runs along the northern boundary. Immediately to the west is an abandoned timber mill, then farming land before meeting the Provenance residential estate. Farming land is also to the south and east of the Site. On the north side of the Bussell Highway is the Reins Court bushland estate, and then the Wonnerup wetland.

#### 2.3 Separation Distances

The Environmental Protection Authority's (EPA) Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses (2005) contains recommended minimum separation distances between these two landuse categories to ensure that the potential environmental impacts of the industrial land use are maintained within appropriate levels. Sensitive land-uses are defined as those that are sensitive to industrial or associated emissions and include residential developments, schools, hospitals, shopping centres and other public areas and buildings. The nearest residential development is the Provenance residential estate ≥ 1 000-mtres to the west and southwest of the site. The Georgiana Molloy School located on the eastern edge of Provenance is ~ 1 500-metres away. The nearest dwelling is located in the Reinscourt bushland estate ~ 350-metres north of the proposed processing facility and Bussell Highway. The next two closest dwellings are located ~ 430-metres away.

The recommended separation distance for a Category 13 – Crushing of Building Material is 1 000-metres. The Georgiana Molloy School and Provence residential estate meet the recommended minimum separation distance. Although some dwellings in the Reinscourt estate do not meet the recommended separation distance the environmental management measures proposed in the EAMP will ensure that there are no unacceptable impacts on these properties.



BCP\_C&D Recycling Plant\_EAMP\_June15

#### 2.4 Climate Information

To understand the potential impact, climatic conditions data was obtained from the Bureau of Meteorology (BOM). The Busselton Airport is the nearest station to the Site (~ 4-km to the south).

#### 2.5 Proposed Operations

This AMP covers the proposed storage of inert materials at the site. This will involve vehicle movements along existing roads with the site in order to drop off materials within a designated storage area as shown in Attachment 3.

#### 2.6 Site Procedures

This section describes the procedures that will be undertaken at the Site in relation to the management of asbestos and ACM. A full description of the Site's operational procedures is contained within the EAMP.

#### 2.7 Pre-Acceptance

To minimise the potential for asbestos or ACM to be brought to Site, BCP will ensure that the requirement for no asbestos to be contained in incoming loads is clearly communicated to customers through:

- Information provided on BCP's website and price lists;
- · Responses to telephone and email enquires; and
- · Signage at the entrance to the Site.

As well as accepting material from its own operations, BCP may form agreements with regular commercial contractors for the receipt of source separated inert materials at the Site. BCP will generate a written agreement with these contractors specifying:

- · Criteria for loads such as acceptable and unacceptable materials;
- Rates;
- Payment and administration procedures; and
- Compliance with the EAMP.

BCP anticipates that these agreements will ensure that the quality of the materials received at the Site will be high, a well as improving understanding and compliance with its EAMP.

#### 2.8 Materials Acceptance



BCP\_C&D Recycling Plant\_EAMP\_June15

Attachment B

All loads brought to Site will be subject to inspection. Contractors will be required to sign a customer warranty form for each vehicle to confirm that the load does not contain asbestos. If any loads are identified to contain asbestos or ACM, or if the contractor declines to sign the warranty form, entry to the Site will be reused.

In circumstances where asbestos or ACM is identified within the loads, contractors will be charged a monetary penalty and directed to an appropriate (licensed) disposal facility.

BCP will maintain records of all refused loads, as well as those found to contain asbestos or ACM at any stage during inspection or processing. These records will include:

- Source of materials;
- Materials carrier:
- · Vehicle registration number; and
- Date of rejection.

#### 2.9 Materials Handling

All loads will be visually inspected for asbestos and ACM while being unloaded prior to stockpiling. If suspect ACM is identified, the load will be reclassified as "high risk" and treated according to the procedure below. If suspect FA or AF is identified, the load will be isolated, kept wet and contained and transported according to the *Environmental Protection (Controlled waste) Regulations 2004* to an appropriate disposal facility.

For loads in which no suspect material is identified, the material will be stockpiled in accordance with normal operating procedures.

#### 2.9.1 High Risk Loads

Loads classified as high risk will be unloaded and spread to allow a visual inspection to be conducted.

For load in which suspect ACM is identified and the suspect material is able to be removed by hand, it will either be:

- Assumed to be ACM, isolated, triple bagged and sealed and then transported to an appropriated disposal facility;
- Isolated and samples removed for potential testing. BCP will consider the potential value of the material to assist in determining whether further investigation would be worthwhile, if testing identifies that:
  - The material does contain asbestos, it will be transported to an appropriate disposal facility; or
  - The material does not contain asbestos, it will be returned to the appropriate stockpile prior to processing.



260

Attachment B - Deve

BCP\_C&D Recycling Plant\_EAMP\_June15

If suspect ACM is identified but is not able to be easily removed by hand, the load will be assumed to be contaminated, isolated and taken to an appropriate disposal facility.

#### 2.9.2. Interpretation of Results

Based on the information contained within the laboratory analysis, BCP will determine the appropriate method for further handling of the material. If asbestos is not identified above the acceptable level in the materials, the material will be stockpiled as part of the normal operations. If asbestos is identified within a soil sample at concentrations greater than the 0.001%w/w minimum level, there are several options for further handling of the stockpile including:

- Considered as potentially contaminated and taken off-site for appropriate disposal;
- Subject to procedures to remediate the contamination; or
- Subject to further analysis to demonstrate that it meets the relevant criteria.

BCP will select one of these options on a case by case basis in according to the results and circumstances specific to that stockpile.

In all instances, BCP will investigate the likely cause of the contamination and implement measures to prevent reoccurrence. Details of this process will be retained as part of BCP's commitment to records keeping outlined within its EMS.

#### 2.3 Dust Management

BCP recognises that managing dust emissions at the Site will assist in reducing the potential for asbestos fibres to be released. As part of the implementation of the EMS and to satisfy the requirements of the Asbestos Guidelines, BCP has prepared a Dust Management Plan for the Site. The Dust Management Plan include identification of potential sources of dust emissions as well as the engineering and management measures that will be implemented at the Site to ensure that dust emissions are managed appropriately.



BCP\_C&D Recycling Plant\_EAMP\_June15

## 3. Responsibilities and Training

It is the responsibility of <u>all</u> BCP personnel to ensure that this AMP is implemented and asbestos is managed appropriately at the Site. This section outlines the specific responsibilities of BCP personnel and the training that will be provided to ensure that these responsibilities are carried out.

#### 3.1 Responsibilities

The responsibilities of each BCP staff member in relation to asbestos management are shown in Table 1.

Table 1: Personnel Roles and Responsibilities

	Table 1. Tersoniter Notes and Nesponsibilities
Position	Responsibilities
Site Manager	<ul> <li>Ensuring implementation of the EMS and associated management plans;</li> <li>Inspection of incoming loads;</li> <li>Refusing loads and imposing penalties as required;</li> <li>Record keeping</li> </ul>
General Operators	<ul> <li>Undertaking waste inspection and processing;</li> <li>Managing stockpiles;</li> <li>Isolating and storing asbestos;</li> <li>Labelling;</li> <li>Ensuring safe transportation of asbestos</li> </ul>
Quality & Systems Manager	<ul> <li>Conducting sampling (where necessary);</li> <li>Managing testing process and results;</li> <li>Managing record keeping;</li> <li>Ensuring compliance with legislative requirements;</li> <li>Ensuring implementation of the EMS and associated management plans;</li> <li>Occupational Health and Safety</li> </ul>

In addition to the BCP staff, external personnel have responsibilities as part of the implementation of the AMP including:

#### Contractors:

- Ensure no asbestos or ACM is delivered to the Site;
- Sign the Customer warranty form;
- Implement BCP's EMS



BCP\_C&D Recycling Plant\_EAMP\_June15

Attachment B

#### Laboratory Staff

- · undertake analysis according to the requirements of the Asbestos Guidelines; and
- provide results and analytical reports in a timely manner.

BCP will communicate these responsibilities to the relevant personnel and, where possible, incorporate these into agreements with these parties. In the event that external personnel are not able to fulfil these responsibilities, BCP will terminate their involvement in operations at the Site.

#### 3.2 Training

To ensure that all personnel have the knowledge and understanding to fulfil their responsibilities in relation to asbestos management, BCP will conduct staff training.

As part of the initial implementation of their AMP and as part of the staff induction process in the future, BCP will provide training to all personnel in the following aspects of asbestos management at the Site:

- Risks associated with asbestos including
  - Health hazards:
  - Environmental risks;
  - Risks to the business in relation to compliance;
- · Use of personal protective equipment;
- Identification of asbestos;
- · Overview of site operating procedures; and
- Relevant legislation, guidelines and site specific documentation including this AMP, EMS and DER Licence.

In addition staff will receive detailed training on the site operating procedures relevant to their particular roles and responsibilities such as:

- Material Acceptance:
  - Visual inspection;
  - Rejection of loads;
- Material Inspection:
  - Unloading low and high risk loads;
  - Inspection of lowa and high risk loads;
  - Separating potential asbestos or ACM;
  - Storage pending disposal of potential asbestos or ACM;
  - Transportation and disposal of potential asbestos or ACM;



263

10.6 Attachme

BCP\_C&D Recycling Plant\_EAMP\_June15

- Waste Handling:
  - Visual inspection;
  - Stockpile management; and
- Record keeping.

To ensure that the required level of knowledge and understanding is maintained, BCP personnel will receive refresher training every two years.



BCP\_C&D Recycling Plant\_EAMP\_June15



## **C&D** Recycling Plant

# DUST MANAGEMENT PLAN

Lot 6, 19 Cable Sands Road, Yalyalup

June 2015



BCP\_C&D Recycling Plant\_EAMP\_June15

#### 1.1 Overview

Busselton Civil & Plant Hire (BCP) propose to install a construction and demolition (C&D) crushing and screening facility at Lot 6 (19) Cable Sands Road, Yalyalup. This site is the main office, parking and maintenance site for BCP's operations. Access to the site is from Bussell Highway onto the bitumen sealed Cable Sands Road.

BCP will utilise the old timber stockpiling area for the proposed crushing and screening and stockpiling. This entails the cleaning up of the area then reshaping followed by upgrading the hardstand surface and installing a stormwater sump.

The crushing and screening facility will receive clean C&D wastes that will be stockpiled prior to crushing and screening and re-stockpiling. The recycled products will be removed as required.

The proposed operation is unlikely to see any substantial increase in truck movements to the site. Crushing and screening activity will occur between 7AM and 5PM Monday to Saturday.

#### 1.2 Nature of Site

Lot 6 (19) Cable Sands Road, Yalyalup is a flat block of land adjacent to the Bussell Highway.

The site retains limited natural vegetation. The crushing and screening proposal requires no additional clearing of this vegetation, as the proposal will use the old, cleared, stockpiling area. The existing vegetation provides visual protection from all directions with the exception of a small area facing onto Cable Sands Road.

The area needed for the crushing and screening plant is approximately 0.5 Ha. With the exception of existing roadways, parking and laydown areas the soil is covered by grasses and weeds. The nuisance potential of the soil when disturbed is considered low to medium.

#### 1.3 Proximity of Site to Other Land Uses

The nearest residences (Reincourt) are located ~ 450-metres to the north of the proposed site and on the other side of the Bussell Highway. The nearest Provence residences are located more than 1 000-metres to the southeast. Opposite Lot 6 is an abandoned timber mill. An adjacent property at the end of Cable Sands road is used for plant and machinery storage by LD Developments

The Site Classification Score for the proposed crushing and screening plant using DER's Guidelines for Managing the Impacts of Dust & Associated Contaminants from Land Development Sites, Contaminated sites, Remediation and Other Related Activities (January 2011) is 144. This equates to a site classification of 1, which equates to a negligible risk.



BCP\_C&D Recycling Plant\_EAMP\_June15

Notwithstanding the low dust risk likely associated with the development and operation of the crushing and screening operation at Lot 6, the following dust management measures will be in place to prevent dust becoming a nuisance or an issue.

#### Construction Management

- A water cart will be available at all times during grading and reshaping activities;
- · A water cart will be available at all times when hardstand upgrading occurs;
- Topsoil material will be windrowed less than 1-metre high around the edge of the hardstand area; and
- Machinery speed will be restricted to 10 km/h.

#### Traffic Management

Site speed limited restricted to 10 km/h;

- One way traffic route;
- · Internal roads will be kept moist; and
- Internal roads will be kept maintained.

#### Stockpile Management

- All stockpiles will be kept moist
- · All material will be wetted prior to stockpiling from the screening plant;
- · Dusty loads will be wetted down prior to unloading onto the stockpile; and
- · A sprinkler system will be installed for each stockpile.

#### Crushing & Screening Management

- The crushing plant will include an active sprinkler system at the loading screen, jaw crusher and outlet conveyor;
- The screening plant will include an active sprinkler system at the screens and outlet conveyor;
- · All conveyors will include water sprays; and
- All crushing and screening equipment will be maintained such that all dust emission points are closed off or have a wetting down system in place.



267

BCP\_C&D Recycling Plant\_EAMP\_June15

#### **Extreme Weather Conditions**

Extreme weather conditions may occur from time to time typically associated with vigorous cold fronts (winter months) or summer thunderstorms associated with northern cyclone events. Extreme weather conditions have the potential to pickup and carry dust from stockpiles and trafficked areas. Such events are likely to have severe weather warnings issued by the Bureau of Meteorology well before such an event occurs.

In the event of extreme weather conditions occurring, BCP will cease operations of the crushing and screening plant and ensure that all stockpile and operational areas are well wetted down.

#### Complaints Handling Procedure

Where a complaint has been received by BCP of dust nuisance the following procedure will apply:

- The complaint will be recorded in the Incident Record System (Book) date, time and location;
- The complaint will be investigated within 60-mins of receival of the complaint;
- The wind direction will be recorded;
- · An assessment of the complaint made; and
- · Implementation of any required actions.





## Lloyd George Acoustics

PO 8ox 717 Hillarys WA 6923 T: 9300 4188 F:9300 4199

## Environmental Noise Assessment

Proposed Concrete Crushing Plant 19 Cable Sands Road, Yalyalup

Reference: 15043161-01A

Prepared for: BCP Civil & Plant Hire



Attachment B

Report: 15043161-01A

269

Lloyd George Acoustics Pty Ltd
ABN: 79 125 812 544

PO Box 717 Hillarys WA 6923

T: 9300 4188 / 9401 7770 F: 9300 4199

Contacts	Daniel Lloyd	Terry George	Mike Cake	Matt Moyle
£:	daniel@lgacoustics.com.au	terry@lgacoustics.com.au	mike@lgacoustics.com.au	matt@lgacoustics.com.au
M:	0439 032 844	0400 414 197	0438 201 071	0412 611 330

This report has been prepared in accordance with the scope of services described in the contract or agreement between Lloyd George Acoustics Pty Ltd and the Client. The report relies upon data, surveys, measurements and results taken at or under the particular times and conditions specified herein. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client, and Lloyd George Acoustics Pty Ltd accepts no responsibility for its use by other parties.

Prepared By:	Daniel Lloyd	Dlleyb
Position:	Project Director	
Verified	Terry George	B-7
Date:	5 June 2015	

## **Table of Contents**

1	INTRODUCTION	1
2	CRITERIA	2
3	METHODOLOGY	4
3.1	Meteorological Information	4
3.2	Topographical Data	4
3.3	Ground Absorption	5
3.4	Sound Power Levels	5
4	RESULTS	6
5	DISCUSSION	9
6	CONCLUSION	11
List	of Tables	
Table 2	2-1 Adjustments for Intrusive Characteristics	3
Table 2	2-2 Baseline Assigned Noise Levels	3
Table 3	3-1 Modelling Meteorological Conditions	4
Table 3	3-2 Source Sound Power Levels dB(A)	5
Table 4	4-1 Predicted Noise Levels from Crushing Operations	6
Table 5	5-1 Predicted L <sub>A10</sub> Noise Levels from Crushing Operations With Mitigation	9
List	of Figures	
Figure	1-1 Project Locality and Sensitive Receivers	1
Figure	1-2 Crushing Facility Layout	2
Figure	4-1 Predicted L <sub>A1</sub> Noise Level Contours	7
Figure	4-2 Predicted L <sub>A10</sub> Noise Level Contours	8
Figure	5-1 Location of Noise Barrier	9
Figure	5-2 Predicted L <sub>A10</sub> Noise Level Contours Assuming the Noise Barrier	10

## **Appendices**

A Terminology

Lloyd George Acoustics

#### 1 INTRODUCTION

This report has been prepared following an assessment of the noise impacts associated with a proposed concrete crushing plant to be located at 19 Cable Sands Road, Yalyalup, to noise sensitive receivers. The proposed facility would crush approximately 70,000 tonnes of concrete per annum and would operate Monday to Saturday, between 7.00am and 5.00 pm.

The general locality of the proposed facility together with the closest noise sensitive receivers is shown in *Figure 1-1*.



Figure 1-1 Project Locality and Sensitive Receivers

The operation would involve the delivery of concrete building products by truck. The load will be dumped and then fed into the crusher using a 30 tonne excavator. The crushed material will be loaded into stockpiles using the front-end loader and from there the finished product would be loaded onto trucks as required. It is expected that 12 trucks per day will access the site. The proposed site layout is shown in *Figure 1-2*.

Appendix A contains a description of some of the terminology used throughout this report.

Lloyd George Acoustics



Figure 1-2 Crushing Facility Layout

#### 2 CRITERIA

Environmental noise in Western Australia is governed by the *Environmental Protection Act 1986*, through the *Environmental Protection (Noise) Regulations 1997* (the Regulations).

Regulation 7 defines the prescribed standard for noise emissions as follows:

- "7. (1) Noise emitted from any premises or public place when received at other premises -
  - (a) Must not cause or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind; and
  - (b) Must be free of
    - i. Tonality;
    - ii. Impulsiveness; and
    - iii. Modulation".

A "...noise emission is taken to significantly contribute to a level of noise if the noise emission exceeds a value which is 5 dB below the assigned level..."

Tonality, impulsiveness and modulation are defined in Regulation 9. Noise is to be taken to be free of these characteristics if:

- (a) The characteristics cannot be reasonably and practicably removed by techniques other than attenuating the overall level of noise emission; and
- (b) The noise emission complies with the standard after the adjustments of Table 2-1 are made to the noise emission as measured at the point of reception.

Lloyd George Acoustics

Table 2-1 Adjustments for Intrusive Characteristics

Tonality	Modulation	Impulsiveness		
+ 5dB	+ 5dB	+ 10dB		

Note: The above are cumulative to a maximum of 15dB.

The relevant baseline assigned levels (prescribed standards) are specified in Regulation 8 and are shown in *Table 2-2*.

As it is proposed to only operate the facility between 7.00 am and 7.00 pm Mondays to Saturdays and therefore only the "Day" assigned levels apply.

Table 2-2 Baseline Assigned Noise Levels

Premises Receiving	The 010-	Assigned Level (dB)			
Noise	Time Of Day	L <sub>A10</sub>	LAI	L <sub>Amax</sub>	
	0700 to 1900 hours Monday to Saturday (Day)	45 + influencing factor	55 + influencing factor	65 + influencing factor	
Noise sensitive	0900 to 1900 hours Sunday and public holidays (Sunday)	40 + influencing factor	50 + influencing factor	65 + influencing factor	
premises: highly sensitive use	1900 to 2200 hours all days (Evening)	40 + influencing factor	50 + influencing factor	55 + influencing factor	
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays (Night)	35 + influencing factor	45 + influencing factor	55 + influencing factor	
Noise sensitive premises: any area other than highly sensitive area	All hours	60	75	80	

In calculating the influencing factor (described in Appendix A) the following assumptions have been made:

- Bussell Highway is considered to be a secondary road (between 6,000 and 15,000 vehicles per day). However, the majority of sensitive receivers are greater than 100m from the road reserve and therefore a transport factor is not considered.
- The area is generally a noise sensitive land use and as a result, the influencing factor at all sensitive premises is assumed to be 0 dB.

Therefore it is the baseline assigned noise levels of Table 2-2 that apply.

Lloyd George Acoustics

#### 3 METHODOLOGY

Attachment B

Computer modelling has been used to predict the noise levels, under worst-case conditions, to each of the receiver locations. The software used was SoundPLAN 7.3 with the CONCAWE algorithms selected as they include the influence of wind and atmospheric stability. Input data required in the model are:

- Meteorological Information;
- Topographical data;
- Ground Absorption; and
- Source sound power levels.

#### Meteorological Information

Meteorological conditions utilised are shown in Table 3-1 and reflect those specified in the draft EPA Guidance for the Assessment of Environmental Factors No.8 Environmental Noise. These conditions are considered the worst-case for noise propagation. At wind speeds greater than those shown, sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

Table 3-1 Modelling Meteorological Conditions

Parameter	Day (0700-1900)	
Temperature (°C)	20	
Humidity (%)	50	
Wind Speed (m/s)	4	
Wind Direction*	All	
Pasquil Stability Factor	E	

<sup>\*</sup> Note that the modelling package used allows for all wind directions to be modelled simultaneously.

The EPA policy is that compliance with the assigned noise levels needs to be demonstrated for 98% of the time, during the day and night periods, for the month of the year in which the worst-case weather conditions prevail. In most cases, the above conditions occur for more than 2% of the time and therefore must be satisfied.

#### 3.2 Topographical Data

Digital topographical data was provided in 1-metre intervals and covered the site and surrounding sensitive receivers.

Lloyd George Acoustics

#### 3.3 Ground Absorption

Ground absorption varies from a value of 0 to 1, with 0 being for an acoustically reflective ground (e.g. water or bitumen) and 1 for acoustically absorbent ground (e.g. grass). In this instance, the surrounding ground has been assumed to be acoustically absorptive, which is representative of a rural location.

#### 3.4 Sound Power Levels

The sound power data used for this assessment are shown below in Table 3-2. They are based on manufacturer's data, or if not available, measurements undertaken by Lloyd George Acoustics on similar equipment.

Table 3-2 Source Sound Power Levels dB(A)

Description		Octave or 1/3 Octave Band Centre Frequency (Hz)						Overall	
	31.5	63	125	250	500	1k	2k	4k	dB(A)
30 Tonne Excavator	56	79	91	98	100	102	102	96	107
	45	65	93	91	100	103	101	96	
CAT 966 Front-End Loader	54	70	97	89	105	103	98	95	112
	60	76	99	94	99	102	97	96	
	57	67	96	100	102	102	102	97	
Mobile Crusher	60	70	88	95	102	104	101	95	113
	61	80	91	100	104	104	99	94	
Truck moving at 25 km/h	67	77	86	94	95	94	92	86	100

The noise from the crushing plant, excavator and front-end loader would be present for more than 10% of the representative time period (assumed to be 4 hours) and would therefore be assessed under the  $L_{A10}$  criteria. As the trucks (12 per day) would be on site for more than 1% and less than 10% of the representative time period, this noise source, together with the noise from the other plant would be assessed against the LA1 criteria.

For the purposes of modelling, it has been assumed that all of the above equipment will be operating simultaneously. This, coinciding with worst-case wind conditions, is likely to be a rare occurrence and therefore the predictions are considered to be conservative.

Lloyd George Acoustics

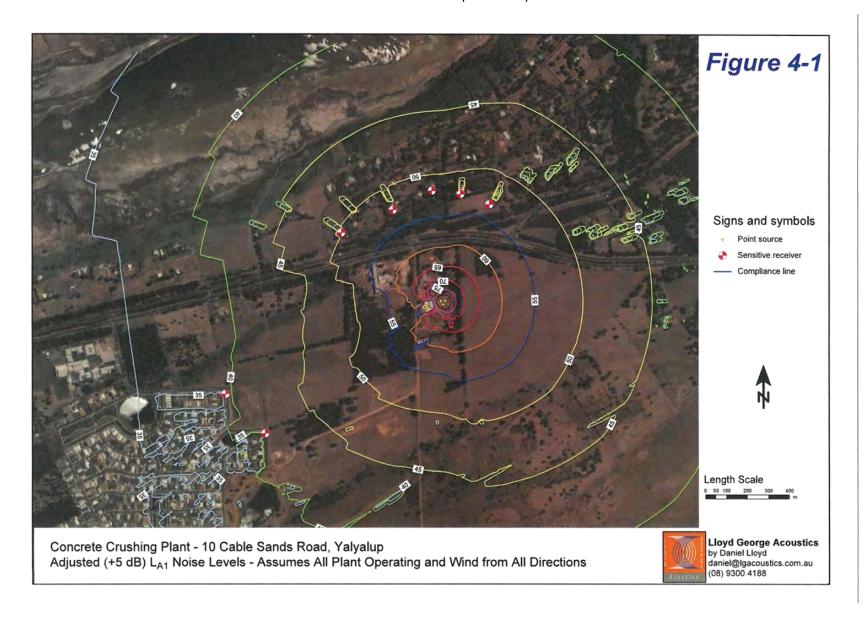
#### 4 RESULTS

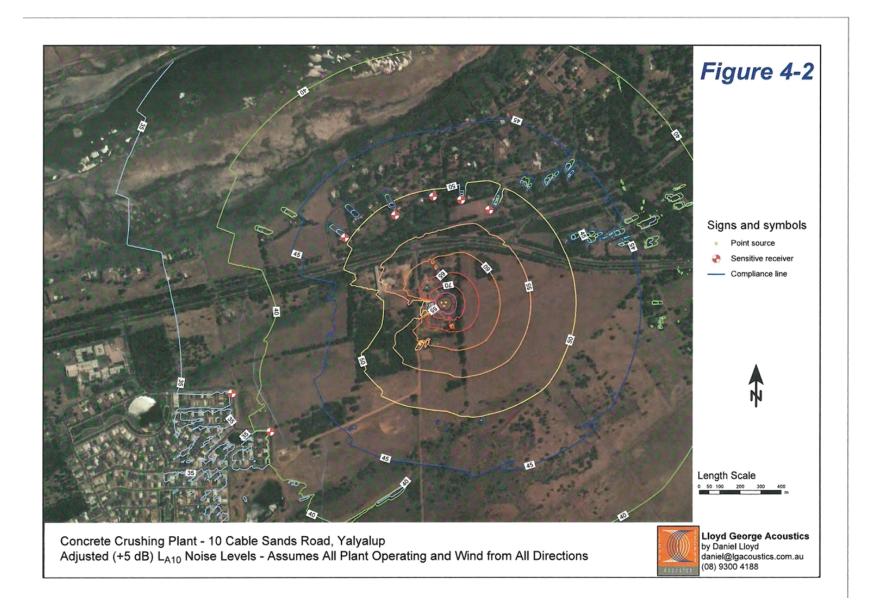
The predicted noise levels to Receivers 1 to 7, as shown in Figure 1-1, are provided below in Table 4-1. The predicted noise levels, adjusted for tonality (Table 2-1) where applicable, are also shown as contour lines in Figures 4-1 and 4-2.

Table 4-1 Predicted Noise Levels from Crushing Operations

No.	Predicted	Noise Level	Comments		
Location	L <sub>A1</sub> dB	L <sub>A10</sub> dB			
1	39	38	Complies with daytime assigned levels.		
2	36	35	Complies with daytime assigned levels		
3	45	45	FEL dominant, so may contain tonal noise characteristics requiring a + 5 dB adjustment. Exceeds L <sub>A10</sub> daytime assigned levels		
4	47	46	FEL dominant, so may contain tonal noise characteristics requiring a + 5 dB adjustment. Exceeds L <sub>A10</sub> daytime assigned levels		
5	47	46	FEL dominant, so may contain tonal noise characteristics requiring a + 5 dB adjustment. Exceeds L <sub>A10</sub> daytime assigned levels		
6	48	47	FEL dominant, so may contain tonal noise characteristics requiring a + 5 dB adjustment. Exceeds L <sub>A10</sub> daytime assigned levels		
7	48	48	Crusher dominant, so may contain tonal noise characteristics requiring a + 5 dB adjustment. Exceeds L <sub>A10</sub> daytime assigned levels		

277





Lloyd George Acoustics

#### 5 DISCUSSION

Attachment B

The results show that the proposed operations would exceed the  $L_{A10}$  assigned levels under the Regulations at some noise sensitive receivers during the times 7.00 am to 7.00 pm Monday to Saturday. Therefore, noise mitigation would be needed to achieve compliance.

It is proposed to construct a noise bund around the crushing operations. The height of the bund would need to be at least 5 metres above ground level and all plant would need to operate on the behind and as close as practicable to the bund. *Figure 5-1* shows the barrier location and *Figure 5-2* shows the predicted noise levels assuming the barrier.

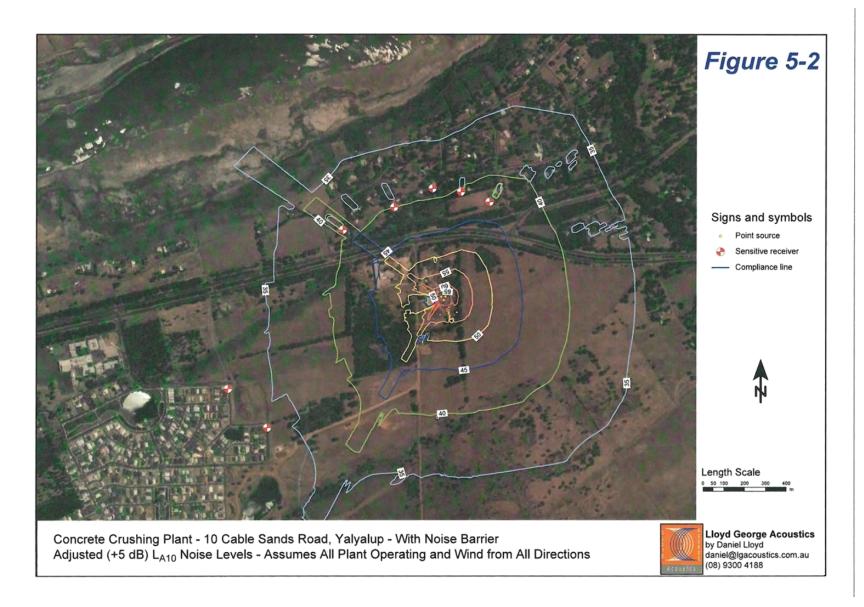
Table 5-1 provides the predicted L<sub>A10</sub> noise levels at each of the sensitive receivers considered assuming the barrier.

Table 5-1 Predic	ted Lass Noise	Levels from Crushin	a Operations Wi	th Mitigation
Tuble 3*1 Fleuic	EU LAN IVUISE	revela il Otti Ciuatiili	a Obelalions wi	III WIIIIGGIIGII

Location	Predicted L <sub>A10</sub> Noise Level dB	Comments
1	31	Complies with daytime assigned levels.
2	29	Complies with daytime assigned levels
3	39	Complies with daytime assigned levels
4	36	Complies with daytime assigned levels
5	35	Complies with daytime assigned levels
6	36	Complies with daytime assigned levels
7	38	Complies with daytime assigned levels



Figure 5-1 Location of Noise Barrier



Lloyd George Acoustics

#### 6 CONCLUSION

The results show that with the noise mitigation proposed, the crushing operations would comply with the assigned levels under the Regulations 7.00 am to 7.00 pm Monday to Saturday.

Appendix A

**Terminology** 

Lloyd George Acoustics

The following is an explanation of the terminology used throughout this report.

#### Decibel (dB)

The decibel is the unit that describes the sound pressure and sound power levels of a noise source. It is a logarithmic scale referenced to the threshold of hearing.

#### A-Weighting

An A-weighted noise level has been filtered in such a way as to represent the way in which the human ear perceives sound. This weighting reflects the fact that the human ear is not as sensitive to lower frequencies as it is to higher frequencies. An A-weighted sound level is described as  $L_A$  dB.

#### Sound Power Level (Lw)

Under normal conditions, a given sound source will radiate the same amount of energy, irrespective of its surroundings, being the sound power level. This is similar to a 1kW electric heater always radiating 1kW of heat. The sound power level of a noise source cannot be directly measured using a sound level meter but is calculated based on measured sound pressure levels at known distances. Noise modelling incorporates source sound power levels as part of the input data.

#### Sound Pressure Level (LD)

The sound pressure level of a noise source is dependent upon its surroundings, being influenced by distance, ground absorption, topography, meteorological conditions etc and is what the human ear actually hears. Using the electric heater analogy above, the heat will vary depending upon where the heater is located, just as the sound pressure level will vary depending on the surroundings. Noise modelling predicts the sound pressure level from the sound power levels taking into account ground absorption, barrier effects, distance etc.

#### LASION

This is the noise level in decibels, obtained using the A frequency weighting and the S time weighting as specified in AS1259.1-1990. Unless assessing modulation, all measurements use the slow time weighting characteristic.

#### LAFast

This is the noise level in decibels, obtained using the A frequency weighting and the F time weighting as specified in AS1259.1-1990. This is used when assessing the presence of modulation only.

#### LAPeak

This is the maximum reading in decibels using the A frequency weighting and P time weighting AS1259.1-1990.

#### Lama

An L<sub>Amax</sub> level is the maximum A-weighted noise level during a particular measurement.

#### LAI

An L<sub>A1</sub> level is the A-weighted noise level which is exceeded for one percent of the measurement period and is considered to represent the average of the maximum noise levels measured.

#### LA10

An L<sub>A10</sub> level is the A-weighted noise level which is exceeded for 10 percent of the measurement period and is considered to represent the "intrusive" noise level.

Lloyd George Acoustics

#### LAeq

The equivalent steady state A-weighted sound level ("equal energy") in decibels which, in a specified time period, contains the same acoustic energy as the time-varying level during the same period. It is considered to represent the "average" noise level.

#### LAGO

An  $L_{A90}$  level is the A-weighted noise level which is exceeded for 90 percent of the measurement period and is considered to represent the "background" noise level.

#### One-Third-Octave Band

Means a band of frequencies spanning one-third of an octave and having a centre frequency between 25 Hz and 20 000 Hz inclusive.

#### L<sub>Amax</sub> assigned level

Means an assigned level which, measured as a LA Slow value, is not to be exceeded at any time.

#### L<sub>A1</sub> assigned level

Means an assigned level which, measured as a  $L_{A Slow}$  value, is not to be exceeded for more than 1% of the representative assessment period.

#### L<sub>A10</sub> assigned level

Means an assigned level which, measured as a  $L_{A Slow}$  value, is not to be exceeded for more than 10% of the representative assessment period.

#### Tonal Noise

A tonal noise source can be described as a source that has a distinctive noise emission in one or more frequencies. An example would be whining or droning. The quantitative definition of tonality is:

the presence in the noise emission of tonal characteristics where the difference between -

- (a) the A-weighted sound pressure level in any one-third octave band; and
- the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as  $L_{Aeq,T}$  levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as  $L_{ASlow}$  levels.

This is relatively common in most noise sources.

#### **Modulating Noise**

A modulating source is regular, cyclic and audible and is present for at least 10% of the measurement period. The quantitative definition of modulation is:

a variation in the emission of noise that -

- (a) is more than 3 dB L<sub>A Fast</sub> or is more than 3 dB L<sub>A Fast</sub> in any one-third octave band;
- (b) is present for at least 10% of the representative.

Lloyd George Acoustics

#### Impulsive Noise

An impulsive noise source has a short-term banging, clunking or explosive sound. The quantitative definition of impulsiveness is:

285

a variation in the emission of a noise where the difference between  $L_{A\,peak}$  and  $L_{A\,Max\,slow}$  is more than 15 dB when determined for a single representative event;

#### Major Road

Is a road with an estimated average daily traffic count of more than 15,000 vehicles.

#### Secondary / Minor Road

Is a road with an estimated average daily traffic count of between 6,000 and 15,000 vehicles.

#### Influencing Factor (IF)

= 
$$\frac{1}{10}$$
 (% Type A<sub>100</sub> + % Type A<sub>450</sub>) +  $\frac{1}{20}$  (% Type B<sub>100</sub> + % Type B<sub>450</sub>)

where

% Type A  $_{100}$  = the percentage of industrial land within

a100m radius of the premises receiving the noise

%TypeA<sub>450</sub> = the percentage of industrial land within

a 450m radius of the premises receiving the noise

% Type  $B_{100}$  = the percentage of commercial land within

a100m radius of the premises receiving the noise

%TypeB<sub>450</sub> = the percentage of commercial land within

a 450m radius of the premises receiving the noise

- + Traffic Factor (maximum of 6 dB)
- = 2 for each secondary road within 100m
- = 2 for each major road within 450m
- = 6 for each major road within 100m

#### Representative Assessment Period

Means a period of time not less than 15 minutes, and not exceeding four hours, determined by an inspector or authorised person to be appropriate for the assessment of a noise emission, having regard to the type and nature of the noise emission.

#### **Background Noise**

Background noise or residual noise is the noise level from sources other than the source of concern. When measuring environmental noise, residual sound is often a problem. One reason is that regulations often require that the noise from different types of sources be dealt with separately. This separation, e.g. of traffic noise from industrial noise, is often difficult to accomplish in practice. Another reason is that the measurements are normally carried out outdoors. Wind-induced noise, directly on the microphone and indirectly on trees, buildings, etc., may also affect the result. The character of these noise sources can make it difficult or even impossible to carry out any corrections.

#### **Ambient Noise**

Means the level of noise from all sources, including background noise from near and far and the source of interest.

#### Specific Noise

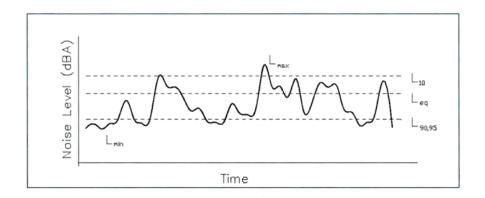
Relates to the component of the ambient noise that is of interest. This can be referred to as the noise of concern or the noise of interest.

Page A 4

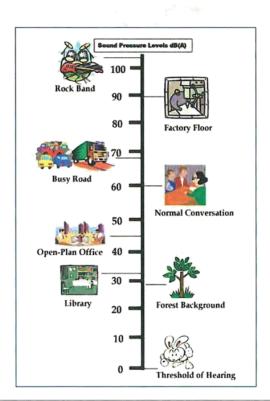
286

Lloyd George Acoustics

#### **Chart of Noise Level Descriptors**



#### Typical Noise Levels



Reference: 15043161-01A.docx



Busselton Civil Pty Ltd 19 Cable Sands Road Yalyalup WA 6280 P. O Box 1876 Busselton WA 6280

City of Busselton Locked Bag 1 BUSSELTON WA 6280

Attention: Mr Paul Needham

Dear Sir,

RE: PROPOSED RECYCLING FACILITY - LOT 6 CABLE SANDS ROAD, YALYALUP

#### 1. Introduction

Established in 1997, Busselton Civil & Plant Hire is a local Busselton based company with approximately 50 employees and considerable experience in civil contracting, demolition, plant hire, liquid waste and sand supplies. The business has been providing services to the City of Busselton (**CoB**) for many years and is a preferred supplier to the CoB.

Busselton Civil Pty Ltd (**BCP**) is committed to ensuring that its business activities are conducted in a responsible manner with a view to minimising its impact on the environment. BCP undertakes demolition activities in the CoB, with these activities creating various waste products including timber, concrete, bricks and tiles. In the absence of alternative economical recycling options, these products end up in the CoB's landfill sites.

This letter relates to BCP's proposal to establish, for a limited duration, a concrete recycling facility (an 'inert material recycling facility') at the above property.

#### 2. Engagement with CoB

BCP engaged with the CoB in January through March 2015 in an effort to cooperatively seek a commercial agreement to recycle the building materials from the upcoming demolition of the old Busselton Hospital, at the CoB's Rendezvous Road recycling facility where concrete crushing/recycling is currently being undertaken. This was proposed to be a short term arrangement, with BCP separately indicating a desire to engage with relevant individuals from the CoB to progress a longer term solution to reduce the amount of

construction waste entering CoB's landfill. A copy of BCP's letter to CoB dated 16 February 2015 is attached as Appendix A.

Unfortunately, CoB advised in writing that it was unwilling to deal with the sorted construction waste on any terms other than standard landfill rates (refer Appendix B). BCP subsequently met with Mr Oliver Darby and Mr Vitor Martins on 10 March 2015 where BCP was advised that CoB would require a substantial bond in addition to the standard building waste rates of \$54/tonne. By way of reference, the amount of CoB's proposal would be more than double the entire amount BCP is contracted to undertake the demolition for. Clearly, this is uneconomic.

At this meeting, BCP requested advice as to where in the CoB it could undertake concrete recycling. Mr Darby advised that he was unaware of any location within the CoB that BCP could undertake concrete recycling activities and advised BCP to contact Mr Paul Needham to explore the potential planning implications of recycling concrete at BCP's business premises, located at Lot 6 Cable Sands Road, Yalyalup.

I subsequently called CoB requesting to speak with you and was advised that you were out of the office, and after several phone calls with Ms Joy Reading, a meeting with Mr Rowe and Mr Watts was arranged.

#### 3. Concrete Recycling Proposal

BCP are seeking to establish, for a limited duration, a recycling facility on the site as part of its business operations.

The facility would recycle concrete, brick and tile material to create road base, drainage material and sand. BCP proposes that in order for BCP to effectively manage the risk of contaminants, only material from BCP demolitions would be taken to BCP's facility.

The facility proposed by BCP is smaller than the concrete crushing operations currently being undertaken by CoB at the Rendezvous Road facility, though it will operate in a similar manner.

BCP considers that its premises are located greater distance from sensitive land uses, and have more appropriate road access, than the CoB's facility.

A Department of Environmental Regulation (**DER**) licence for this type of facility is typically granted for 5 years. BCP would be comfortable in providing an undertaking to CoB that the proposed operation would be limited to a duration of 5 years.

BCP is willing to consult with key stakeholders pre-lodgement of planning documentation.

#### 4. Planning Considerations

The subject land is zoned "Special Purpose (Yalyalup Deferred Development Area)" pursuant to the CoB Local Planning Scheme N0. 21 (the Scheme) and is currently used as a storage and administration site for BCP operations.

The Property is owned by Silverbay Enterprises Pty Ltd, the owners of the Busselton Civil and Plant Hire business prior to 9 December 2014 when the business was acquired by

BCP. Silverbay Enterprises Pty Ltd had been using the land for storage and administration purposes relating to the Busselton Civil & Plant Hire business purposes since 2005. Prior to this time it is understood the site was used as a "timber yard".

We understand current land use activities on the site have been acknowledged by the CoB, as it is in general keeping with the amenity associated with the original timber yard use class attributed to the land. Acknowledgement of its use is also confirmed by CoB's Rate Notice which states a Rating Category of 'Improved Commercial' and a Land Status rating as "noxious/hazardous industry", which the City has continued to charge the landowner on an annual basis (refer Appendix C).

BCP has engaged environmental and acoustic consultants to undertake assessment in relation to the proposed use, as required by the DER in order to acquire the necessary environmental approvals. This information will also be provided to support formal application the City for planning consent.

Having discussed the proposal with City planning staff (Messer's Rowe and Watts), the issue of its current zoning has been raised and there is a potential view that previous and existing use of the site could be defined as "non-conforming uses". While the Scheme provides ability to consider extension or changes to a non-conforming use, consideration of the proposed use and which use class it sits behind under the current zoning, has also been raised. This raises further questions in relation to land use allowances under its current zoning on the basis that its deferment status is required to be lifted by way of future amendment to the Scheme and therefore does CoB have the discretion/ability to consider to other land uses on the site temporarily?

#### 5. Summary

BCP is of the view that it would not be in the public interest for land in the CoB that is zoned 'Deferred Development Area' to be 'sterilised' from the time the Deferred Development Area zoning is adopted until (or if) such time as zoning is amended to urban development.

There have been a number of meetings and discussions with CoB staff in order to establish a way forward and progress lodgement of a formal development application in respect of the proposed facility on the site.

While initial response from CoB staff in relation to the proposal seems relatively positive, the issue of process and the manner in which to consider the proposal remains uncertain. As you can appreciate BCP is keen to move forward with its proposal in an expedient manner and is prepared to continue to work closely with the City in order to achieve a mutually acceptable way forward. BCP also accepts the prospect of temporary planning consent (i.e. 5 years) being granted over the land, especially given DER approval is only for 5 years and by then lifting its urban deferment status is likely to be a more a feasible or logical outcome in any case.

Accordingly and prior to submitting a final planning application in respect of the proposed use and development of the site, we seek confirmation from City planning staff in relation to the above, including its position regarding the applicable planning steps moving forward.

We request consideration to this matter by City planning staff in order to progress an acceptable planning and assessment process and would be happy to meet and discuss in further detail, should you wish. We look forward to your timely reply and should you have any queries or require further information, please do not hesitate to contact the undersigned.

Yours sincerely

Kyl Tackson

Kyle Jackson

APPENDIX A



Busselton Civil Pty Ltd 19 Cable Sands Road Yalyalup WA 6280 P. O Box 1876 Busselton WA 6280

Mr Vitor Martins City of Busselton 2 Southern Drive Busselton WA 6280

16 February 2015

Dear Mr Martins,

Re: Demolition of Busselton Hospital - Concrete/Brick Crushing & Recycling

#### Background

Established in 1997, Busselton Civil & Plant Hire ("BCP") is a local Busselton based company with approximately 40 employees and considerable experience in civil contracting, demolition, plant hire, liquid waste and sand supplies. BCP has been providing services to the City of Busselton for many years and is a preferred supplier to the City of Busselton.

Doric Group was awarded the contract by the WA State Government for the construction of the new Busselton Health Campus and demolition of the old Busselton Hospital. BCP was awarded a major subcontract by Doric Group for several components of the construction works, including civil works, road works and demolition of the old hospital.

# 2. Demolition of Busselton Hospital

Demolition of the Busselton Hospital is occurring in two stages, to enable the continued provision of health services for the Busselton and surrounding communities. Stage one involved the demolition of the eastern end of the Busselton Hospital to make room for the construction of the new Busselton Health Campus. This was undertaken in 2013.

The second stage entails the demolition of a considerably larger proportion of the building. The timing of the demolition is yet to be confirmed, as it is dependent on the completion of the Busselton Health Campus and transfer of patients and health facilities to this facility, however it is expected to occur in mid March 2015.

292

**Environmental Objectives** 

Attachment B

Both BCP and Doric Group are committed to ensuring that their business activities are conducted in a responsible manner with a view to minimising the impact on the environment. This philosophy aligns with the City of Busselton's Environment Strategy.

Also, there are a number of Federal, State and Local Government initiatives to increase recycling and decrease the amount of waste going into landfill.

The 'Western Australian Waste Strategy: Creating the Right Environment, has landfill diversion targets for municipal solid waste of 65 per cent by 2020; for commercial and industrial waste of 70 per cent by 2020; and for construction and demolition (C&D) waste of 60 per cent by 2015 and 75 per cent by 2020, up from 38 per cent in 2012. Currently half the material being wasted in landfills in Western Australia is C&D waste.

At the Local Government Level, the City of Busselton's Environment Strategy 2004 states:

In the move towards sustainability principles landfill is regarded as the least desirable and there is a need to investigate all possible alternatives and to actively pursue partnerships with other local governments and industry for waste minimisation, collection and disposal.

The demolition of the old Busselton Hospital will create a significant amount of demolition waste. In the absence of any recycling initiatives, all of this waste would ordinarily end up in landfill.

BCP wishes to work with the City of Busselton to maximise the recycling of building materials from the old Busselton Hospital, and minimise the waste going to landfill to the extent reasonably practical. BCP has a strategy to recycle certain components of the building (such as steel and copper), however the recycling of concrete and bricks poses a challenge.

### 4. Concrete/Brick Crushing & Recycling

The volume of concrete and brick material to be produced from the demolition of the hospital is difficult to precisely calculate, however we estimate it is in the order of 5,000-6,000 m3 concrete/bricks.

Crushed concrete and bricks is commonly screened and reused as an aggregate or road base material. This recycling and reuse is actively encouraged by the Waste Authority of WA.

Currently there are no commercial concrete crushing facilities in reasonable proximity to the Busselton Hospital. BCP has previously explored establishing its own concrete crushing facilities (and remains keen to progress this) however, to date the City of Busselton Planning regulations have prevented the establishment of such a facility.

Undertaking crushing and screening activities on the site of the Busselton Hospital would be problematic due to the potential for noise and dust concerns of nearby residences and hospital employees and patients. Transport distances are an important factor in the feasibility of recycling as recycling becomes financially unfeasible if transport distances are too great.

#### 5. Request of City of Busselton

BCP has the expertise and access to the equipment required to undertake the recycling (crushing & screening) of concrete and brick waste from the demolition of the old Busselton Hospital. BCP is also able to transport and store the aggregate material produced from the recycling. However, BCP does not have access to a suitable site to undertake the crushing and screening activities.

BCP would like to work with the City of Busselton to identify a solution that will allow the concrete and brick to be economically recycled. In particular, BCP requests that the City of Busselton consider permitting BCP (or an agreed subcontractor) to undertake crushing and screening activities within a specified area of the City of Busselton's Waste Transfer Facility.

In relation to crushing/screening at the Waste Transfer facility, BCP is open to various commercial arrangements. One such arrangement would be:

#### City of Busselton activities

- City of Busselton nominates a discrete area within the Busselton Waste Transfer Facility for crushing and screening to occur;
- City of Busselton engages a contractor to undertake crushing and/or screening at Busselton Waste Transfer Facility
- City of Busselton charges BCP for undertaking crushing and/or screening activities on a cost plus an agreed margin basis (i.e. pass through of contractor costs plus a margin)
- City of Busselton and BCP agree appropriate Management Plans (Asbestos Management Plan, Transport Management Plan etc);

#### BCP activities

- BCP undertakes concrete/brick breaking on site of Busselton hospital to reduce material to transportable size;
- BCP transports concrete/brick material to Busselton Waste Transfer Facility
- . BCP pays City of Busselton for undertaking crushing activities on its behalf
- Once crushed/screened, BCP transports aggregate material away from Busselton Waste Transfer Facility (within agreed timeframes)

 Waste material could either be left at Busselton Waste Transfer Facility with BCP paying standard waste fees, or BCP could transport waste material to alternative site (e.g. Dunsborough waste facility)

Note that the above arrangement is put forward as one example of a commercial arrangement but BCP is open to discussing alternative commercial arrangements.

#### 6. Desire to Progress Development of Concrete/Brick Recycling Facility

As a separate issue, BCP would like to engage with relevant individuals from the City of Busselton to discuss suitable locations for a concrete crushing & recycling facility within the City of Busselton's boundaries. This facility could be part of a long term solution to reducing landfill within the City of Busselton.

#### 7. Conclusion

Maximising the proportion of material from the demolition of Busselton Hospital that is recycled, and therefore minimising the amount of material that is put to landfill is in the best interests of the City of Busselton, BCP and Doric Group. We look forward to your response and would be pleased to meet with City of Busselton representatives to discuss.

Please contact me should you have any queries in relation to the above.

Sincerely,

Kyle Jackson Director

Kyle Tackson

#### APPENDIX B

From: Vitor Martins [mailto:Vitor.Martins@busselton.wa.gov.au]

Sent: Thursday, 5 March 2015 10:04 AM

To: Kyle Jackson

Cc: Brad Fish; Jason Lauder

Subject: RE: C&D Crushin project Busselton Hospital demolition

Hi Kyle,

We have been discussing your proposal internally in light of the applicable current standard rates, our existing concrete crushing arrangements at the lot adjoining the Busselton transfer station, as well as environmental management requirements imposed by the DER to that license. We were working under the assumption that existing crushing contract could be extended to accommodate the additional quantities, which is not the case.

Unfortunately, therefore, at this point we are not able to commit to accepting BCP's sorted construction waste (from hospital demolition) at that site at any rate other than the standard building waste rate of \$54 per tonne that we use for Dunsborough.

Kind regards,

#### Vitor Martins

Waste Coordinator p: (08) 9781 0425 m: 0407 365 497 Vitor.Martins@busselton.wa.gov.au

#### City of Busselton

Locked Bag 1 - 2 Southern Drive, Busselton WA 6280 p: (08) 9781 0444 f: (08) 9752 4958 www.busselton.wa.gov.au

#### "Events Capital WA"

From: Kyle Jackson [mailto:kyle.jackson@busseltoncivil.com.au]

Sent: Friday, 20 February 2015 10:02 AM

To: Vitor Martins

Cc: Brad Fish; Jason Lauder

Subject: RE: C&D Crushin project Busselton Hospital demolition

Hi Vitor,

Just following up on this letter. Could we please meet early next week to progress.

Best regards,

Kyle



Kyle Jackson

Busselton Civil and Plant Hire

kyle.jackson@busseltoncivil.com.au

M: 0438 792 202 P: 08 9752 1000 F: 08 9754 4338

19 Cable Sands Road, Yalyalup WA 6280

PO Box 1876 Busselton WA 6280

#### Attachment B

#### Attachment B - Development Proposal

From: Kyle Jackson

Sent: Monday, 16 February 2015 4:02 PM

To: 'Vitor Martins'
Cc: Brad Fish; Jason Lauder

Subject: RE: C&D Crushin project Busselton Hospital demolition

Vitor,

Please find attached letter in relation to demolition of the Busselton Hospital.

We would like to meet to discuss so please advise if you are available later this week.

Best regards,

Kyle



Kyle Jackson
Busselton Civil and Plant Hire
kyle.jackson@busseltoncivil.com.au
M: 0438 792 202
P: 08 9752 1000
F: 08 9754 4338

19 Cable Sands Road, Yalyalup WA 6280 PO Box 1876 Busselton WA 6280

From: Vitor Martins [mailto:Vitor.Martins@busselton.wa.gov.au]

Sent: Tuesday, 13 January 2015 3:17 PM

To: Kyle Jackson

Subject: C&D Crushin project Busselton Hospital demolition

Hi Kyle,

Pursuant to our meeting last week, can you please send us a formal letter with the specifics of your enquiry? These shall include reference to the quantity and type of materials, the source, the time frames and the amount (gate fee per tonne) you'd be proposing to pay in exchange of being allowed to tip at Busselton Waste Facility.

Kind regards,

Vitor Martins

Waste Coordinator p: (08) 9781 0425 m: 0407 365 497 Vitor.Martins@busselton.wa.gov.au

City of Busselton

Locked Bag 1 - 2 Southern Drive, Busselton WA 6280 p: (08) 9781 0444 f: (08) 9752 4958 www.busselton.wa.gov.au

# 297 Attachment C - Schedule of Submissions

PROPOSAL: DA15/0340: Extension to a Non-Conforming Use (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials), Lot 6 (Hse 19) Cable Sands Rd, Yalyalup

on. No	NAME	Nature of Submission	Officer Comment
GOVERNMENTSUB	MISSIONS	<u> </u>	<u> </u>
1 Main Roads Western Australia		No objections to the proposal.	Noted
2 Department of Health		No specific comment on the proposal provided that the development complies with the Department of Environment Regulation (DER) requirements and is operated in accordance with plans and documentation submitted	The applicant has applied for DER approval and if DER approval is obtained would be required to comply with its conditional requirements.
3	Department of Water	The site is located within the Busselton-Capel Groundwater Area as proclaimed under the 'Rights in Water and Irrigation Act 1914'.  The subject site has a high watertable, as noted in the application documentation.  DoW identifies the following risks associated with the proposal:-  Contamination of groundwater due to the release of hydrocarbons/chemicals from minor and major spills during vehicle/plant maintenance (and refueling)  Seepage of hydrocarbons/chemicals through the workshop area floor and vehicle wash-down area (if insufficiently impermeable)  Breach of contaminants through the bunded area during major storm events, due to insufficient bund height or poor maintenance  Sufficient water to meet the needs of the operation  To mitigate against the risks, DoW recommends the following measure:	<ul> <li>Contamination of groundwater due to the release of hydrocarbons/chemicals from minor and major spills during vehicle/plant maintenance (and refueling)</li> <li>This risk is common to many industrial facilities and as part of any DER approvals would be required to be managed appropriately by the business.</li> <li>Seepage of hydrocarbons/chemicals through the workshop area floor and vehicle wash-down area (if insufficiently impermeable)</li> <li>This risk is common to many industrial facilities and as part of any DER approvals would be required to be managed appropriately by the business.</li> </ul>

#### Attachment C Attachment C - Schedule of Submissions

PROPOSAL: DA15/0340: Extension to a Non-Conforming Use (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials), Lot 6 (Hse 19) Cable Sands Rd, Yalyalup

#### **OFFICER: Andrew Watts**

- A detailed 'Stormwater Management Plan' should be provided to the satisfaction of the City of Busselton, showing clearly the surface flow directions and infrastructure locations (offices, vehicle wash-down area, workshop area & chemical storage area, location of all bunds, sumps, drains and the waste oil storage tank). The stormwater management measures contained on pg. 31 of the referral documentation should be incorporated into the 'Stormwater Management Plan'.
- In accordance with DoW's Water Quality Protection Note (WQPN) No. 61 - 'Tanks for ground level chemical storage (July 2008)'; spilt chemicals should drain into a contained recovery pit that is capable of containing potential chemical spills, plus any stormwater intrusion, from at least a 24-hour, twoyear average-return-interval, storm event (Appendix A, reference 6 of WQPN 61) (see attachment).
- In accordance to WQPN No.10 'Contaminant spills
   — emergency response (February 2006)', an effective
   Emergency Response Plan (ERP) should be prepared,
   maintained and implemented by anyone who stores,
   transports, handles or uses chemicals or other
   substances that have the potential to contaminate
   water resources (see attachment). Emergencies may
   arise as a result of equipment malfunctions, operating
   accidents, employee malpractice, fires, natural events
   (eg storms, earthquakes), and occasionally as result of
   civil disturbances and unauthorised site access by
   intruders. The most important concern after

 Breach of contaminants through the bunded area during major storm events, due to insufficient bund height or poor maintenance

Page 31 of the referral documentation submitted for the application contains stormwater management measures aimed to satisfy DER approval requirements.

• Sufficient water to meet the needs of the operation

The applicant advises that the site has an existing dam which provides water for existing dust suppression activities. The applicants advises that the dam provided sufficient water for dust suppression activities for previous timber milling activities and is anticipating that this will meet ongoing needs.

 DoW recommends the following measures, in line with the DoW's WQPN No 68 – 'Mechanical equipment wash down (Sept 2013)':-

This risk is common to many industrial facilities. BCP has constructed a concrete washdown bay with concrete collector pit aimed at satisfying City, DoW and DER requirements.

	OFFICER. Allulew Walls	
	making the site safe should be to contain then recover as much of the spilt chemical as practical prior to any escape of residues into the environment.	
	Spill containment compounds should be constructed of waterproof reinforced concrete, or approved equivalent material, that is chemically resistant. For more information, see DoW's WQPN No 27 - 'Liners for containing pollutants using engineered soils' and No. 26 - 'Liners for containing pollutants using synthetic membranes' (attached).	
	All chemical transfer activities (into and out of tanks) should occur on an impervious sealed floor, which is kerbed, graded or bunded to prevent liquid run-off into the environment.	
	DoW recommends the following measures, in line with the DoW's WQPN No 68 – 'Mechanical equipment wash down (Sept 2013)':-	
	Equipment wash down should be contained on an impervious pad, such as reinforced concrete or plastic liner (for temporary facilities), with a perimeter kerb or bund wall (ideally within a weather-proof building). If unroofed, the pad should be kept to the smallest practical surface area to minimise stormwater access and fully contain wash down residue. The wash down pad should drain to a collector pit.	

10 February 2016

_	 	OFFICER: Andrew Watt	5
4	Department of Environment Regulation (DER)	<ul> <li>Water collected from the wash down pad should drain from the collector pit via a pipe or culvert into a sediment basin to settle and allow removal of soil and other solid contaminants. The basin should provide for effective gravity settling of solids with a minimum water detention capacity of one hour under peak flow conditions.</li> <li>Sediment traps, de-emulsification basins and water treatment vessels should have an impervious lining and minimum freeboard to contain wash-water and any captured stormwater from a minimum two-year return frequency, 24-hour storm. Methods to calculate runoff from storms are described in Australian rainfall and run-off (reference 5).</li> <li>All equipment wash down should occur on a contained impervious pad that drains to wastewater detention and treatment facilities.</li> <li>Petroleum hydrocarbons recovered by the oil separator and emulsion break residues should be collected and securely stored in weather-proof containers for recycling, destruction by incineration or disposal at a site approved in accordance with the 'Health Act 1911'</li> <li>The proposal is for facility that is categorised as Prescribed Premises as per the Environmental Protection Regulations 1987 and as such requires works approval from DER to be obtained.</li> <li>The proponent has contacted DER regarding works approval</li> </ul>	The applicant was seeking temporary Planning Consent, for a period of 5 years. Based on concerns raised in submissions in respect to anticipated development timeframes, the applicant has advised City staff that they are willing to reduce the requested term of planning approval from 5 years to 3 years.
4	Environment Regulation	The proposal is for facility that is categorised as Prescribed Premises as per the <i>Environmental Protection Regulations</i> 1987 and as such requires works approval	period of 5 years. Based on concerns raised in submissions in respect to anticipated development timeframes, the applicant has advised City staff that they are willing to reduce the
		The proponent has contacted DER regarding works approval application requirements.  Works approval may not be issued until such time as planning approval has been granted.  The referral application indicates that DER issues licences for a period of 5 years, however	Advice has been received by City staff that DER has provided a Draft Works Approval to the applicant which they are prepared to issue subject to advice from the City that Development Approval has been granted for the proposal. DER approval duration would be for the same period of time as any
		licences for a period of 5 years, however	

			OFFICER: Andrew Watt	5
			since November 2014 DER issued guidance that it supports a	
			20yr duration on licences with consideration of a number of	
			other factors including the duration of other statutory	
			approvals.	
	PUBLIC	CSUBMISSIONS		
5.	1.002	Satterley	Objection	
] 5.		Property Group	Objection	
		Property Group	Lot 6 abuts the northern boundary of the currently	The applicant is easing temperature approval for the proposed
			,	The applicant is seeking temporary approval for the proposed
			undeveloped portion of Satterley's Provence Estate and on its	, , , , , , , , , , , , , , , , , , , ,
			eastern boundary Lot 6 abuts Lot 203 which is also controlled	its anticipated development timeframes, the applicant has
			by Satterley.	advised City staff that they are willing to reduce the requested
				term of planning approval from 5 years to 3 years. This
			Satterley is currently reviewing future plans for Provence	timeframe could fit with the submitters anticipated date of
			including Lot 203, which will consider the staging and	commencement (2yrs) plus the time it takes from this date to
			timing of future residential development. At this stage the	undertake civil works and satisfy all WAPC subdivision
			anticipated date for commencement of development of DAP8	requirements prior to issue of future titles.
			and Lot 203 could be as early as two years.	requirements prior to issue or ruture titles.
			and Lot 203 could be as early as two years.	
			Commend of the control of the manner of the manner of the commendation of the commenda	Consequence and the consequence of consequence
			Concerned about the impacts of the proposal on the amenity	Concerns regarding potential impacts on the amenity of current
			of current and future residents of Provence and Lot 203 due	and future residents within the submitters development area
			to noise (plant and truck movements), dust (incl asbestos) and	should be suitably addressed via proposed measures outlined in
			visual intrusion. Whilst recognising measures are proposed	the application and conditions requirements set out by City and
			to put in place by BCP to minimise impacts, not satisfied	DER approvals.
			that the measures proposed will address the potentially	
			adverse impacts of the proposal on Satterley's land.	
			actives impacts of the proposal on successey stalla.	
			<u> </u>	

6.	Georgiana	Strongly object.	
	Molloy Anglican		The Environmental Protection Authority (EPA) recommends
	School	Concerns regarding health, safety and wellbeing of students,	separation distances for waste storage and crushing of building
		staff and parents at the school.	materials at 200m and 1000m respectively. The Georgiana
			Molloy Anglican School is approximately 1500m away.

#### **OFFICER: Andrew Watts**

Concerned with dust, particularly for asthmatics at school. Part of children's curriculum includes playing outside and children, teachers and parents may be put at adverse risk because of emitted dust, reduce the time that students could be outside and have detrimental effect on their learning.

appropriately (including no asbestos on site) are proposed to be implemented in accordance with a Dust Management Plan to be approved and enforced by DER.

Compliance with DER requirements to manage dust

Concerned the site will have some asbestos delivered despite inspections by supervisors. When crushed and in a friable state asbestos is at its most dangerous.

Also concerned about noise levels that will travel to the school and neighbouring Provence estate where a lot of the school's families live. Continuous exposure to noise and vibration is jarring, annoying and leads to increased anxiety and blood pressure.

Details of noise assessment submitted with the proposal concluded that with proposed noise mitigation measures (including 5m high noise barrier around the facility) crushing operations would comply with assigned levels under the *Environmental Protection (Noise) Regulations 1997.* This is an element that is considered and enforced by DER as part of their approvals process and therefore noise will be required to be maintained at acceptable levels in accordance with relevant legislation.

Attachment C

# 304 Attachment C - Schedule of Submissions

PROPOSAL: DA15/0340: Extension to a Non-Conforming Use (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials), Lot 6 (Hse 19) Cable Sands Rd, Yalyalup

_		OFFICER: Allulew Wall	
7.	Dynamic	Objection.	
	Planning &		
	Developments (on behalf of adjoining landowner Dodd & Dodd Pty Ltd)	Outlines the Strategic planning documents of relevance to the site and area e.g. Busselton Airport Structure Plan and Airport North Development Guide Plan and believes the proposal is not in keeping with these Strategic Planning documents, the land uses and zoning that they intend to provide for being future residential developments.	The land is in a deferred development zone and the proposal is an interim use. Due to its temporary nature and anticipated development timeframes, the proposal if approved is not likely to compromise the intended land use as per referred strategic planning documents for the future or undermine planned development of the surrounding land.
		<ul> <li>Questions if the proposal complies with LPS No.21 clause 4.11 'Extensions and Changes to a Non- conforming Use' as the proposed use is more detrimental to the amenity of the locality than the current uses.</li> </ul>	That the proposed use is more detrimental to the amenity of the locality than current use of the site is subjective and it could be suggested that the previous timber mill use had the same level of impact. Mitigation measures to address impacts if development approval is granted will be required to be implemented and reinforced by imposed conditions administered by both Council and DER approvals.
		Does not comply with environmental guidelines for this type of development including not meeting the 1000m separation distance.	The recommended separation distance by the EPA is a default position. If measures and/or circumstances support recommended separation distances to be varied, consideration to a proposed use at a reduced distance can be considered by the local government and/or DER

305

		OFFICER: Andrew Wa	its
		Do not believe the proposed use is of a temporary nature such can be approved in accordance with TPS No.21 clause 11.6 'Temporary Planning Approval'.	
		Proposal does not comply with TPS No.21 Cl 11.2 ' Matters to be considered'	Clause 11.2 of the Scheme refers to Council having "due regard" to the various 'Matters to be Considered'. It therefore not an issue of compliance rather consideration of matters in context with a proposed use. Accordingly Council will have due regard to such matters and make a rational decision with regard to the proposed use consistent Clause 1.6 (d) of the Scheme.

Attachment C

# 306 Attachment C - Schedule of Submissions

PROPOSAL: DA15/0340: Extension to a Non-Conforming Use (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials), Lot 6 (Hse 19) Cable Sands Rd, Yalyalup

		OT FIGURE VIAL	
8.	14 submission from	14 x Objections making the following comments:	
	surrounding landowners	Support the principles of recycling and reduction of waste material going to landfill.	Noted
	raising a variety of concerns	Questions the accuracy of some aspects of the DA report e.g distance of development site to Busselton Town Centre	The distance of the development site to the Busselton town Centre as stated in the DA report is approximate
		<ul> <li>Properties will be devalued due to the destruction by industry of the lifestyle chosen by owners in the area.</li> </ul>	The use is proposed to be temporary for a period of three years and located in an area which currently experiences use of heavy vehicles and adjacent to a major highway.
		<ul> <li>Concerned about operation being proposed 6 days per week from 7am – 5pm. If approved operating on Saturdays, Sundays and public holidays should not be permitted.</li> <li>If approved operation should be restricted to 8:30am – 3:30pm, 5 days per week only.</li> </ul>	The hours of operation proposed are between 7.00am and 5.00pm Monday – Saturday. The applicant advises that it is expected crushing will only be carried out approximately 5 days a week and anticipate that only 15,000 tonnes per annum will be crushed in the first year of operation with potentially moderate increases thereafter and if crushing 100 tonnes in a day, then 15,000 tonnes per annum equates to approximately 15 days crushing per annum (3 weeks assuming 5 days per week). The application submitted does however state a throughput of 70,000 tonnes per annum. Consideration could be made by Council to limiting the hours of operation and the total volume of waste put through.
		Believe proposal should be located further away from residential areas, preferably in an Industrial or Rural area.	Proposal is for a temporary use that if environmental approval is granted by DER will be required to achieve acceptable environmental assessment outcomes.
		Why is the Rendezvous Rd site not being used for this proposal.	The City needs to assess the application that has been lodged, and the potential or otherwise of alternative sites is not a question that can or should be addressed unless and until it has first been determined that the application site is not appropriate (if this were a strategic planning process, the scope of considerations would be broader and could include the consideration of potential alternatives).
		Proposal is less than the 1000m from sensitive premises specified by the EPA Guidance Statement No.3. The proposal is approximately half of this distance this variation is too great.	The recommended separation distance by the EPA is a default position. If measures and/or circumstances support recommended separation distances to be varied, consideration

Attachment C

# Attachment C - Schedule of Submissions

307

PROPOSAL: DA15/0340: Extension to a Non-Conforming Use (Offensive or Hazardous Industry – Crushing and Recycling of Building Materials), Lot 6 (Hse 19) Cable Sands Rd, Yalyalup

	13) Cable Salius Nu, Talyalup							
_		OFFICER: Andrew Watts						
		Concerned about proximity of proposal to Georgiana Molloy School.  The School is approximately 1.5km from the site.						
		Concerned by dust being blown over nearby properties with particular concern for asthmatics and children at local school. Dust settling on rooves and penetrating into homes. Dust will also cause corrosion to buildings.  Compliance with DER requirements to manage dust appropriately (including no asbestos on site) will be required to be implemented in accordance with a Dust Management Plan to be approved and enforced by DER through the environmental approvals processes.						
		Waste accepted will contain asbestos and dust produced by crushing operations will contain asbestos fibres.						
		Dust settling on rooves and water tanks will contaminate the water supplies of nearby properties where no access to scheme water is available.						
		Concerned about water volume needed for dust suppression and that may necessitate excessive abstraction of groundwater with resultant impact on the local aquifer relied upon by other landowners and needed for ecological balance.  Water supply for dust suppression will be obtained from an existing dam on site under an existing water licence.						
		Additional heavy traffic onto Bussell Hwy will increase road safety issues.  It is not expected additional heavy traffic movements onto Bussell Highway or vehicles usage on the site will significantly change from current operations given the estimated crushing of						
		Noise impacts from truck movements, reversing beepers, machinery operation, dumping of materials. Constant vibration and noise causes stress.  15,000 tonnes pa.						

10 February 2016

	OFFICER: Andrew Watt	s
	<ul> <li>Wish for confirmation that if approved the operations at the site will not be for a maximum period of 5 years and that this timeframe will be enforced and not extended.</li> </ul>	The proposed timeframe requested has been revised by the applicant to be 3 years.
	<ul> <li>The timeframe for operation if approved should be limited to that needed to deal with the waste from the hospital demolition.</li> </ul>	The applicant has advised that it is not commercially viable to establish the facility solely to process demolition waste from the Hospital.
	<ul> <li>Confirmation needed that industrial type of activities will not be approved for extension onto adjoining land.</li> </ul>	Noted. The application relates to the subject land only, no request has been made or is being considered for operations on any other land
	<ul> <li>Believes that the proposal represents too significant a change in use from the current activities on the site with too significant impacts.</li> </ul>	That the proposed use is more detrimental to the amenity of the locality than current use of the site is somewhat subjective and it could be suggested that the previous timber mill use had the same level of impact, especially given that the proposal is for a temporary approval timeframe. Mitigation measures to address impacts if development approval is granted will be required to be implemented and reinforced by imposed conditions administered by both Council and DER approvals.
	Concerned about the impact of environmental emissions on local flora and fauna, which are believed to be greater in variety than that mentioned in the application	The area is earmarked for urban development and the proposed temporary land use is needs to meet with all environmental requirements set by the DER as part of the environmental approval process before being able to operate.

#### 11. ENGINEERING AND WORKS SERVICES REPORT

Nil

#### 12. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

### 13. FINANCE AND CORPORATE SERVICES REPORT

# 13.1 GEOGRAPHE BAY FOOTBALL CLUB LEASE AGREEMENT COMPOUND AREA

**SUBJECT INDEX:** Agreements/Contracts

**STRATEGIC OBJECTIVE:** A City where the community has access to quality cultural, recreation,

leisure facilities and services.

**BUSINESS UNIT:** Corporate Services

**ACTIVITY UNIT:** Property and Compliance Services **REPORTING OFFICER:** Property Coordinator - Ann Strang

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

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Location of Compound Area to be Leased

#### **PRÉCIS**

The Geographe Bay Football Club Inc. ("the GBFC") utilise the soccer playing fields located on Lot 20, Vasse Highway, Bovell also known as Bovell Park. The GBFC submitted an application to the City for funding to construct a small storage compound on the eastern boundary for the purpose of securing their training goals, trailer and other large soccer equipment. The club were successful with their application and have since constructed the compound.

The purpose of this report is to make a recommendation to Council on the future tenure arrangements of the area on which the compound sits.

#### **BACKGROUND**

Lot 20, Vasse Highway, Bovell is freehold land owned by the City. The land consists of playing fields for football, cricket, hockey and soccer, with separate clubroom facilities leased by the Busselton Hockey Stadium Club ("the BHSC") and the Busselton Football and Sportsmen's Club. Additionally, there are a number of storage sheds, compound yards and ablution facilities on the land.

In 2010, the GBFC began utilising the soccer playing fields for their home games and training. They entered into an agreement at the time with the BHSC for use of their clubrooms, change rooms and storage shed. This partnership has been in place since. While the arrangement works well it does not provide covered storage space for the GBFC's training goals and equipment trailer, with these items having been stored in the open along the boundary fence adjacent to the playing fields.

To protect their equipment and to alleviate the need to relocate it during the off season the GBFC submitted a community bids application to the City for funding to construct a secure compound large enough to store the equipment. The club were successful with their application and have constructed the compound.

### STATUTORY ENVIRONMENT

When disposing of property whether by sale, lease or other means, a Local Government is bound by the requirement of section 3.58 of the Local Government Act. However 3.58 (5) (d) provides

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

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

Lot 20 Vasse Highway, Bovell on Diagram 47439 Volume 1390 Folio 368 is freehold land owned by the City.

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

The City's Corporate Business Plan proposes that a feasibility study is undertaken to assess the potential for the future development of a regional active open space facility at Rendezvous Road and / or Bovell Park in the 2016/17 financial year. The recommendation to enter into a short term lease with the GBFC is not likely to impact on this study or its outcomes.

#### FINANCIAL IMPLICATIONS

The rent charged to community and sporting groups for City land and/or building is currently \$205 per annum (inclusive of GST).

If council adopt the officer recommendation, then the GBFC would be liable to maintain the compound. Hence the City would not incur any financial liability.

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

Nil

#### STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation is consistent with the following City of Busselton Strategic Priorities:

2.1 A City where the community has access to quality cultural, recreation, leisure facilities and services.

#### **RISK ASSESSMENT**

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

### **CONSULTATION**

The terms and conditions associated with the lease have been discussed with committee members of the GBFC who wish to enter into a lease of the compound area for a term of 5 years.

#### **OFFICER COMMENT**

The GBFC is a local soccer club established in 2009, becoming incorporated in 2010. Starting with one men's social team, they now compete in both the men and women's South West league competition,

as well as having a master's team and several junior teams. During last season the club had just under 100 registered players.

Bovell Park is their home ground, with both local and South West League competition games played here. The club would like to continue use of Bovell Park as their home ground into the future and the City has acknowledged this by supporting their application to construct a 105m2 compound on the eastern boundary fence adjacent to their playing fields (as shown on attachment 1).

In order to formalise and ensure clarity around obligations such as maintenance and upkeep of the compound area it is recommended that the City enter into a standard community and sporting group lease with the GBFC.

While Council has in recent times generally applied terms of 5 years with a further 5 year option to community and sporting group leases, it is recommended that a shorter term of 5 years be offered in this instance, noting the proposal to undertake a feasibility study of Bovell Park as a future regional active open space facility. The GBFC acknowledge this and are happy to accept the recommendation of a 5 year term.

It is also recommended that a provision is included in the lease requiring the removal of the compound should relocation of it be necessary. This is due to the existing boundary fence, which runs parallel to Vasse Highway, forming part of the compound area. While unlikely to occur during the term of the proposed lease, if for whatever reason Main Roads WA required the boundary fence to be realigned then the compound would need to be removed and if possible an alternative location found. The inclusion of a clause facilitating this is therefore considered appropriate.

#### **CONCLUSION**

The proposal to enter into a lease with the GFSC for the compound area is compatible with their use of the Bovell Park. It is therefore recommended that Council grant a lease on the terms and conditions outlined in the Officer Recommendation.

#### **OPTIONS**

- 1. Council can resolve not to enter into a lease with the GBFC, noting the City would therefore accept the responsibility of ongoing maintenance and insurance.
- Council can resolve to enter into a different term of lease with the GBFC.

#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is anticipated that the lease would be forwarded to the GBFC and executed by all parties no later than 1 March 2016.

# **OFFICER RECOMMENDATION**

That the Council:

- Enter into a lease with the Geographe Bay Football Club Inc. for a portion of Lot 20, Diagram 47439, Volume 1390 Folio 368 Vasse Highway, Bovell, as indicated in Attachment 1 on the following terms;
  - a) The lease is to be consistent with the City's standard community and sporting groups lease with the addition of a clause giving the City the right to terminate the lease if any portion of the boundary fence on or adjoining the leased

- area has to be relocated because of the requirements of Main Roads;
- b) The term of the lease commencing 1 March 2016 and expiring on the 28 February 2021;
- c) The annual rent to be \$205.00 inclusive of GST and is to reviewed annually by CPI; and
- d) All costs associated with the preparation of the lease to be met by the Lessee.

**Location Map** 





### 14. CHIEF EXECUTIVE OFFICER'S REPORT

#### 14.1 COUNCILLORS' INFORMATION BULLETIN

**SUBJECT INDEX:** Councillors' Information

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

decision-making.

**BUSINESS UNIT:** Executive Services **ACTIVITY UNIT:** Executive Services

**REPORTING OFFICER:** Reporting Officers - Various

**AUTHORISING OFFICER:** Chief Executive Officer - Mike Archer

**VOTING REQUIREMENT:** Simple Majority

ATTACHMENTS: Attachment A Planning Applications Received 1 January - 14 January

2016

Attachment B Planning Applications Determined 1 January - 14

January 2016

Attachment C State Administrative Tribunal Appeals as at 28 January

2016

Attachment D Meelup Ragional Park Management Committee

Informal Meeting Minutes 24 November 2015

Attachment E Meelup Ragional Park Management Committee

Informal Meeting Minutes 22 December 2015

Attachment F Busselton Volunteer Fire & Rescue - Letter of

Appreciation

Attachment G Libby Mettam MLA - Member for Vasse – Letter of

Support

Attachment H Busselton Water - Growth Strategy Update

#### **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**

# 14.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 January, 2016 and 14 January, 2016. Thirty one formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 January, 2016 and 14 January, 2016. A total of twenty applications were determined by the City during this period with nineteen approved / supported and one refused.

### 14.1.2 State Administrative Tribunal (SAT) Appeals

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

#### 14.1.3 Meelup Regional Park Management Committee

The minutes from the informal committee meetings of the Meelup Regional Park Management Committee for the 24 November 2015 is included in Attachment D and the 22 December 2015 is included in Attachment E.

#### 14.1.4 Busselton Volunteer Fire & Rescue

Correspondence has been received from Busselton Volunteer Fire & Rescue and is available to view in Attachment F.

### 14.1.5 Libby Mettam MLA - Member for Vasse – Letter of Support

Correspondence has been received from Libby Mettam MLA Member for Vasse regarding the Canal Rocks Boating Facility and is available to view in Attachment G.

### 14.1.6 Busselton Water – Growth Strategy Update

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

### **OFFICER RECOMMENDATION**

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

- 14.1.1 Planning and Development Statistics
- 14.1.2 State Administrative Tribunal (SAT) Appeals
- 14.1.3 Meelup Regional Park Management Committee
- 14.1.4 Busselton Volunteer Fire & Rescue
- 14.1.5 Libby Mettam MLA Member for Vasse Letter of Support
- 14.1.6 Busselton Water Growth Strategy Update

# Attachment A Planning Applications Received 1 January - 14 January 2016

				Date Application				
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Deemed Complete	Estimated Cost	Primary Property Owners	Applicant Name	
Development Applications								
bevelopment Applications						Sheila Macfarlane Edwards & Vincent Alfred		
DA15/0519	Extractive Industry (Sand)	Gale Road~KALOORUP WA 6280	Lot 4205 PLAN 208196	7/01/2016	1	Edwards	BSO Development Consultants Pty Ltd	
		524 Yalyalup Road~HITHERGREEN WA						
DA15/0641	Outbuilding (with reduced setback)	6280	Lot 51 DIAGRAM 92432	6/01/2016	5140	Graeme John Baesjou & Rhonda Mae Baesjou	Graeme John Baesjou, Rhonda Mae Baesjou	
DA15/0645	Single House (Port Geographe Development Precinct)	58 Keel Retreat~GEOGRAPHE WA 6280	Lot 548 PLAN 23874	4/01/2016	675000	Michelle Diane Armstrong & Robert William Armstrong	Pro Living Pty Ltd	
5112070013		43 Cornerstone Way~QUEDJINUP WA	20131012011	-,02,2020	0,000	The state of the s	The same of the sa	
DA15/0656	Display Home (Landscape Value Area)	6281	Lot 9 PLAN 74289	5/01/2016	606416	Shearing Time Pty Ltd	AK Homes Construction Pty Ltd	
D. 1. E. (0.5.5.1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5 Griffin Drive~DUNSBOROUGH WA		4/04/2045	200000	E	et and the first	
DA15/0661	Development Telecommunications Tower & Ancillary	6281	Lot 901 PLAN 54282	4/01/2016	300000	Esmio Pty Ltd	Clayton Lindley	
DA15/0662		Caves Road~YALLINGUP WA 6282	Lot 470 PLAN 128582	7/01/2016	200000	Beth Walker	Daly International Pty Ltd	
				.,,				
DA15/0668		60 Lagoon Drive~YALLINGUP WA 6282	Lot 25 PLAN 21893	8/01/2016	0	Andrew Ian Heaton	Andrew Ian Heaton	
		10 Green Street~DUNSBOROUGH WA		42/04/044	l .			
DA15/0669	Holiday Home (Single Dwelling) 8 people	6281 35 Blue Orchid Court~YALLINGUP WA	Lot 88 PLAN 8951	12/01/2016	0	Cynan Peter Cumming	Cynan Peter Cumming	
DA15/0672		6282	Lot 4 PLAN 24327	13/01/2016		Paula Helen Morgan & Phillip Ian Morgan	Phillip Ian Morgan, Paula Helen Morgan	
	remand remark and a beautiful	1/32 Faure Lane~DUNSBOROUGH WA		25/02/2020		The state of the s	The state of the s	
DA15/0675	Change of Use to Caravan, Car & Boat Storage		Lot 1 STPLN 59674	4/01/2016	0	Hooper Storage Co Pty Ltd	Hooper Storage Co Pty Ltd	
DA15/0678	Mineral Resource Development	109 Sues Road~YALYALUP WA 6280	Lot 100 PLAN 65306	13/01/2016	425000	Cable Sands WA Pty Ltd	Cable Sands WA Pty Ltd	
DA15/0681	Single house (reduced rear setback) Port	445 Marine Terrace~GEOGRAPHE WA 6280	Lot 2 SSPLN 70771	5 (04 (2045	252590	Mark Russell Jacobsen & Toni Lynette Jacobsen	Dale Alcock Homes South West Pty Ltd	
DA15/0681		140 Adelaide Street~BUSSELTON WA	LOT 2 SSPLN 70771	6/01/2016	252590	Mark Russell Jacobsen & Toni Lynette Jacobsen	Dale Alcock Homes South West Pty Ltd	
DA15/0682		6280	Lot 8 PLAN 3202	8/01/2016	0	Sandra Barnes & Lincoln John Day	Sandra Barnes, Lincoln John Day	
21.000,0000		15 Long Island Quays~DUNSBOROUGH		.,,		,	,	
DA15/0693	Holiday Home (Single Residence) 8 people	WA 6281	Lot 695 PLAN 46312	13/01/2016	0	Mark Philip Bailey	Mark Philip Bailey	
		4 Carter Street~WEST BUSSELTON WA						
DA15/0694	Zoned Lot)	6280	Lot 40 DIAGRAM 25356	7/01/2016	120000	June Adrienne Price Andrew Stuart Macliver & Ann Rosemary	Tim Koroveshi	
DA15/0695	Holiday Home (Single House) 6 People	15 Dress Circle~YALLINGUP WA 6282	Lot 26 PLAN 41565	8/01/2016	0	Macliver Macliver	Andrew Stuart Macliver, Ann Rosemary Macliver	
		135 Gifford Road~DUNSBOROUGH WA		0,00,000				
DA15/0698	Holiday Home (Single House) 6 People	6281	Lot 52 PLAN 7393	12/01/2016	0	Scott David Donaldson	Scott David Donaldson	
_		8 Shearwater Place~GEOGRAPHE WA						
DA15/0699	Holiday Home (Single House) 8 Persons	6280	Lot 385 DIAGRAM 88752	13/01/2016	0	Paul Malcolm Ptolomey & Olive Doreen Ptolomey	Paul Malcolm Ptolomey, Olive Doreen Ptolomey	
DA15/0700	Holiday Home (Single House) 8 Persons	47 Harris Road~BUSSELTON WA 6280	Lot 22 DIAGRAM 22385	8/01/2016	0	Dawn Amanda Barron-Williams	Dawn Amanda Barron-Williams	
5712570700		431 Marine Terrace~GEOGRAPHE WA	EUC EE DINGIBANI EESOS	0,01,1010	_	DOWN PRINCIPLE SERVICE PRINCIPLE	Dawn Period Corror Williams	
DA15/0701	Single House (reduced rear setback)	6280	Lot 105 PLAN 20376	6/01/2016	288257.27	Tania Meintanis & Pippa Herbert	Tangent Nominees Pty Ltd	
		1710 Caves Road~DUNSBOROUGH WA						
DA15/0703	Clancy Fish Pub - Markets	6281	Lot 111 PLAN 230892	7/01/2016	1	Santino Nominees Pty Ltd & Crossgold Pty Ltd	Clancys Fish Pub Dunsborough	
DA15/0706	Oversized Outbuilding (cumulative) to include a total area of 240m2	45 Norwood Pass~VASSE WA 6280	Lot 29 PLAN 56807	5/01/2016	14146	Geoffrey Philip Fullston & Rosemary Fullston	Geoffrey Philip Fullston, Rosemary Fullston	
571237 67 65		46 Berwick Place~QUINDALUP_WA	201201000	5,02,2010	21210	dearing range and across many range of	deemey map rangering resembly rangerin	
DA15/0708		6281	Lot 222 PLAN 68461	13/01/2016	540000	David James Lamotte & Franca Antonia Lamotte	Drew Bela Szandtner	
D 4 4 5 /0700		16 Stockyard Lane~GEOGRAPHE WA		42/04/2047				
DA15/0709	Holiday Home (Single House) 8 Persons	6280 114 Marine Terrace~BUSSELTON WA	Lot 57 PLAN 50381	13/01/2016	0	Allan Robert Moore & Wendy Susanne Moore	Brad Moore	
DA15/0715	Holiday Home (Single Residence) 6 Persons	6280	Lot 271 PLAN 222229	13/01/2016		Gayle Patricia Smith	Gayle Patricia Smith	
	, tonight headersely of till solls			25,02,2020		and the second desiration		
	Relocated building envelope (oversized						Michelle Anne Seton-Stewart, Peter Robert Seton-	
DA15/0719	outbuilding including use of "light colours")	MacLaren Drive~YALLINGUP WA 6282	Lot 135 PLAN 39416	6/01/2016	80000	Michelle Anne Seton-Stewart	Stewart	
DA15 (0720	Grouped Durelling	DE Dool Torroscophiccel TON 1974 5300	Lot 2 DIAGDAM 24501	7/01/2016	391500	Payman Suzanna Smith	Southhoused Homes Dty Ltd	
DA15/0720		85 Peel Terrace~BUSSELTON WA 6280 4 Lanyard Boulevard~GEOGRAPHE WA	LOCZ DIAGRAM Z4581	7/01/2016	391500	Rowena Suzanne Smith	Southbound Homes Pty Ltd	
DA15/0728	Jetty in Port Geographe Development Area	6280	Lot 61 PLAN 59251	6/01/2016	18000	Chad James Matthews	West Coast Jetties	
		42 Wardanup Crescent~YALLINGUP						
DA15/0729	Extensions to existing Single House	WA 6282	Lot 158 PLAN 9022	12/01/2016	40000	Timothy Alastair Holmes	Carol Holmes	

Attachment A

	Overheight and Oversized Outbuilding	16 Davies Way~BROADWATER WA				Cheryl Joy Wellstead & Kennith Reginald	
DA16/0001	(cumulative) nil setback	6280	Lot 40 PLAN 9091	7/01/2016	25000	Wellstead	Cheryl Joy Wellstead, Kennith Reginald Wellstead
	Patio Addition to Single House (Port	1/2 Riedle Close~GEOGRAPHE WA					
DA16/0019	Geographe Development Area)	6280	Lot 1 STPLN 38366	13/01/2016	6100	Geoffrey Graham Gardiner	Cape Shades

# Attachment B

	T				Application				
				Applic	Determined				
Application Number	Description	Primary Property Address	Primary Property Legal Desc	Determined Date		Decision	Estimated Cost	Primary Property Owners	Applicant Name
- ppinconon realise	o company	The state of the s	Transfer of Control of Control	Determined butte	riesuit	a control	Estimates cost	Thinally Troperty Clinics	- Approximation
Development Applications	Development Applications								
	Single House with Reduced Setbacks (to replace	132 Geographe Bay Road~QUINDALUP							
DA15/0374	existing house)	WA 6281	Lot 26 DIAGRAM 39912	5/01/2016	Approved	Approved	1040000	Janine Elizabeth Darnell	Hillam Architects
		119 Mewett Road~QUINDALUP WA							
DA15/0503	Ancillary Accommodation	6281	Lot 1 DIAGRAM 78600	6/01/2016	Refused	Refused	200000	Andrew John Lill	Andrew John Lill
		Napoleon Promenade~VASSE WA							
DA15/0544	Medical Centre	6280	Lot 111 PLAN 403620	12/01/2016	Approved	Approved	2500000	Vasse Property Development Pty Ltd	Box Architects
		7 Backhouse Street~WEST BUSSELTON	l		l	l			
DA15/0550	Two Grouped Dwellings on Proposed Lot 2	WA 6280	Lot 23 DIAGRAM 24988	5/01/2016	Approved	Approved	346097.27	Van Doornum Ventures Pty Ltd	Tangent Nominees Pty Ltd
DA15/0605	Professional Consulting Room	359 Bussell Highway~BROADWATER WA 6280	Lot 35 PLAN 8790	8/01/2016		Approved	89000	Jemma Claire Diedrichs & Keith Philip Mowat	Volta Phillip Mount Joseph Claire Diodelaha
DA15/0605 DA15/0607	Holiday Home (Single House) 6 people	28 Averil Street~ABBEY WA 6280	Lot 35 PLAN 8790 Lot 70 DIAGRAM 35653	7/01/2016	Approved	Approved	89000	Christoph Marti & Susan Elizabeth Marti	Christoph Marti, Susan Elizabeth Marti
UA15/0607	Holiday Home (Single House) 6 people	7/3 Dunn Bay Road DUNSBOROUGH	LOT /U DIAGRAM 35053	7/01/2016	Approved	Approved	0	Christoph Marti & Susan Elizabeth Marti	Christoph Marti, Susan Elizabeth Marti
DA15/0608	Holiday Home (Grouped Dwelling) 6 Persons	WA 6281	Lot 7 STPLN 28592	7/01/2016	Approved	Approved	0	Alison Carmel Coffey & Melanie Clare Roberts	Alicen Carmel Coffee Melania Clara Roberts
UA13/0008	Holiday Home (Grouped Dwelling) 6 Persons	2/7 Wilson Avenue~QUINDALUP WA	LUL / STPLN 28392	7/01/2016	Approved	Approved	- 0	Albert Marshall Shannon & Sheila Catherine	Alison Carmer Coney, Melanie Clare Roberts
DA15/0622	Grouped Dwelling - Patio Addition	6281	Lot 1 STPLN 45551	7/01/2016	Approved	Approved	15060	Shannon	CPR Outdoor Centre
D-CES/ DOEE	arouped owening it acorroanion	13 Anthony Road~GEOGRAPHE WA	001231101143332	170252020	уфр.отсо	raprored	15000	STEELING!	ern outdoor centre
DA15/0626	Over-height Outbuilding and Patio	6280	Lot 53 PLAN 12733	12/01/2016	Approved	Approved	16757	Murray John Patterson	Outdoor World Cape to Cape
		46 Harwood Road~GEOGRAPHE WA						Laurence Edward George & Jennifer Anne	
DA15/0632	Patio (Port Geographe Towncentre Precinct)	6280	Lot 44 PLAN 20015	7/01/2016	Approved	Approved	16350	George	Laurence Edward George, Jennifer Anne George
		62 Wardanup Crescent~YALLINGUP							
DA15/0635	Holiday Home (Single House) 8 people	WA 6282	Lot 168 PLAN 9022	7/01/2016	Approved	Approved	0	Leith Bronwyn Moore & Kristian Neil Moore	Leith Bronwyn Moore, Kristian Neil Moore
		2/22-24 Thomas Street~WEST							
DA15/0636	Holiday Home (Grouped Dwelling) 6 people	BUSSELTON WA 6280	Lot 7 SSPLN 45698	7/01/2016	Approved	Approved	0	Christopher Charles Maxwell & Stacey Black	Christopher Charles Maxwell
		84 Seymour Street~WEST BUSSELTON							
DA15/0640	Verandah and Carport (reduced front setback)	WA 6280	Lot 1 SSPLN 58181	13/01/2016	Approved	Approved	9800	Nerilee Jean Boshammer	Rebecca Lennon
		524 Yalyalup Road~HITHERGREEN WA							
DA15/0641	Outbuilding (with reduced setback)	6280	Lot 51 DIAGRAM 92432	12/01/2016	Approved	Approved	5140	Graeme John Baesjou & Rhonda Mae Baesjou	Graeme John Baesjou, Rhonda Mae Baesjou
	Single House (Port Geographe Development	58 Keel Retreat~GEOGRAPHE WA			l	l		Michelle Diane Armstrong & Robert William	
DA15/0645	Precinct)	6280	Lot 548 PLAN 23874	8/01/2016	Approved	Approved	675000	Armstrong	Pro Living Pty Ltd
	Oversized Outbuilding (Cumulative) and	59 Bayfield Court~YALLINGUP WA			l	l		Michael John Braimbridge & Kimberley	
DA15/0651	Zincalume Roof	6282	Lot 9 PLAN 20905	12/01/2016	Approved	Approved	17000	Braimbridge	Michael John Braimbridge
DA15/0652	Holiday Home (Single House) 8 people	1348 Vasse-Yallingup Siding Road~YALLINGUP SIDING WA 6282	Lot 81 PLAN 46639	7/01/2016	Approved	Approved	0	Craig Owen Gemmill & Renee Gemmill	Craig Owen Gemmill, Renee Gemmill
UA13/U63Z	Single House (Quindalup Special Character	20 Wilson Avenue~QUINDALUP WA	LULOI FLAN 40039	7/01/2016	Approved	Approved	, ·	Craig Ower Gemmili & Renee Gemmili	Craig Owen Gemmili, Kenee Gemmili
DA15/0658	Area)	6281	Lot 70 PLAN 53715	8/01/2016	Approved	Approved	275868.18	Helen Beatrice Sheridan	AK Homes Construction Pty Ltd
Drie Jy OU JU	Partial J	1/32 Faure Lane~DUNSBOROUGH_WA	101101133713	0/02/2010	Apploved	Approved	27.3000.10	THE THE PERSON OF THE POPULATION OF THE PERSON OF THE PERS	AN HOUSE CONSTRUCTION FOY LLU
DA15/0675	Change of Use to Caravan, Car & Boat Storage	6281	Lot 1 STPLN 59674	7/01/2016	Approved	Approved	0	Hooper Storage Co Pty Ltd	Hooper Storage Co Pty Ltd
	and a control of the	4 Lanyard Boulevard~GEOGRAPHE WA		1/02/2020	rapproved	rapproved			
DA15/0728	Jetty in Port Geographe Development Area	6280	Lot 61 PLAN 59251	13/01/2016	Approved	Approved	18000	Chad James Matthews	West Coast Jetties
				23,22,2020		14510100	22000		
	-	1							

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

As at 28 January 2016

APPEAL (Name,	DATE	DECISION	RESPONSIBLE	STAGE COMPLETED	NEXT ACTION AND	DATE
No. and Shire File Reference)	COMMENCED	APPEAL IS AGAINST	OFFICER		DATE OF ACTION AS PER SAT ORDERS	/ CLOSED
Eichenberg vs City of Busselton	December 2014	Appeal against Section 214(2) and 214(3) Notices issued on 17 December 2014 for the removal of all illegal structures and cease the use of the land for raves and functions.	Jo Wilson/Cobus Botha	Mediation on 20 November 2015 which resulted in following orders being made:  • Applicant to engage an accredited fire specialist to prepare a Bushfire Fire Management Plan.  • All notices have been stayed pending consideration of the BFMP.	Mediation scheduled for 6 April 2015	
Harmanis Holdings Pty Ltd V city of Busselton	Sept 2014	Appeal against a 204(3) notice to revegetate the fire track.	Anthony Rowe/Cobus Botha	<ul> <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 submitted for creek crossing and amended Fire Management Plan.</li> </ul>	Directions Hearing scheduled for 29 January 2016	

14.1 Attachment C State Administrative Tribunal Appeals as at 28 January 2016

Lee V's City of Busselton	June 2015	Appeal against Demolition Order	James Washbourne/ Cobus Botha	<ul> <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>
DCSC v Southern JDAP	January 2016	Appeal against refusal of Development application	State Solicitors Office/Anthony Rowe/Paul Needham	<ul> <li>Parties to circulate documents categorising the land use within 14 days.</li> <li>Land use to be determined by SAT.</li> <li>Mediation to be scheduled following SAT determination.</li> </ul>

# Meelup Ragional Park Management Committee Informal Meeting Minutes 24 November 2015





### **Meelup Regional Park Management Committee**

CO Locked Bag 1 · Busselton · Western Australia · 6280

Email: Kay.Lehman@busselton.wa.gov.au

Web: www.meeluppark.com
Facebook: Meelup Regional Park

# **Informal Meeting- Minutes**

DATE: Tuesday 24<sup>th</sup> November 2015 VENUE: Eagle Bay Community Hall

#### 1. Attendance and Apologies

#### Attendance:

Members: Dr Bob Jarvis (Presiding Member), Peter Randerson Deputy Presiding Member), Cr John Mc

Callum, Cr Terry Best, Mr Bob Ginbey, Mrs Shirley Fisher, Mr John Lang

Officers: Mr Greg Simpson, Ms Kay Lehman, Mr Paul Needham.

**Apologies:** No Apologies

### 2. Financial Summary

The October 2015 Financial summary include as Attachment A was discussed. Points of discussion:

- The pest and weed control consultancy funding is almost fully allocated.
- Meelup Beach upgrade-total spend \$213,000, Total available \$279,000 leaving \$66,000 remaining, although some costs are still outstanding.
- Gourmet Escape-the \$25,000 from the Gourmet Escape has been invoiced and is included in the Financial Statement in the Revenue item 1629-Other Income.

#### **Proposed Direction:**

1. That the October 2015 financial summary in Attachment A is noted.

#### 3. Meelup Volunteer Update

Bob Ginbey gave an update on volunteer activities:

Meelup Ragional Park Management Committee Informal Meeting Minutes 24 November 2015

- The volunteers have been very busy. There is a need to include volunteer education and community engagement activities into the volunteer program.
  - There should be recognition of volunteer's time and commitment with funding for the occasional coffee as a thank you.
  - Records need to be keep on volunteer hours/works undertaken (including members time at committee meetings) that could be used as in kind contributions when applying for grants.
  - A Sundowner for volunteers in scheduled for December 6 from 4pm onwards at the Meelup Hill which will include other local environment groups such as DCALC, Whale watches and the Toby Inlet Group.
  - Vests and caps required for volunteers

Attachment d

- Box and microphone needed for the Sundowner event.
- The volunteer update will be included in the Agenda for each meeting.

# **Proposed Direction:**

- 1. Formalise recording of volunteer time for in-kind contributions-KL
- 2. Purchase vests and caps for volunteers KL

### 4. ITEMS FROM THE PREVIOUS MEETING- 13 October 2015

#### 4.1 **Appointment of Environment Officer**

Kay Lehman has been appointed to the position and started on 23 November 2015.

#### 4.2 **Formal Appointment of Meelup Regional Park Committee members**

Council has appointed Bob Jarvis, Peter Randerson, Shirley Fisher and Albert Haak as members and Bob Ginbey and John Lang as deputy members. Letters of appointment will be sent to Committee members.

#### 4.3 Meelup Regional Park Management Plan

# **Proposed Direction:**

1. Meeting to be scheduled February 2016 to review progress on the review of the Meelup Regional Park Management Plan - KL

#### **Hooded Plover project** 4.4

It was noted that the camera to be purchased for the Hooded Plover monitoring project is not

Minutes 24 November 2015

warranted. Personal cameras will be used instead.

#### 4.5 **Contaminated Site Remediation**

A report to Council and request for allocation of additional funding to undertake a Detailed Site Investigation of the contaminated area in Zone 6 is scheduled for February 2016.

#### 4.6 **Meelup Coastal Clean-up**

14.1

Bob Ginbey reported on the past Meelup Coastal clean-up in conjunction with Tangaroa Blue. The rubbish sorting associated with the Tangaroa Blue project is considered not worthwhile as it is time consuming and most of the rubbish is not associated with marine debris. Bags and gloves required for volunteers.

#### **Proposed Direction**

- 1. That the Meelup Coastal cleanup be undertaken at a time later in the year, perhaps after the salmon season.
- 2. Advert to be placed in local paper to attract community volunteers to assist cleanup
- 3. PPE such as bags and gloves to be provided to volunteers

#### 4.7 **Gourmet Escape**

The Margaret River Gourmet Beach BBQ took place at Castle Rock Beach from Friday 20<sup>th</sup> November to Sunday November 2015. It was discussed that the event was better run this year, however there was a need for improved coordination with the bobcat driver and organisers in regard to levelling of the beach site. The beach was quite narrow this year with the water very close to the event site set-up.

#### **Proposed Direction:**

Jane Cook and Shane Walsh (from CoB Environmental Health and Event Coordinator) to be invited to next meeting to provide an update on this year's event.

#### 4.8 Weed Control

Bob Jarvis attended the Arum Lily Workshop in Margaret River. It was discussed that Arum Lily control requires chemical treatment which is best left to the certified contractors. The committee would like an increased focus on Arum Lily control. Kay discussed that working with adjoining landholders on weed control, particularly of Arum Lily, may be more effective in reducing the spread of weeds in the Park.

#### **Proposed Direction:**

Meelup Park weed control programme to include future focus on arum Lilly management - KL

#### 4.9 **Firebreak Resurfacing**

Meelup Ragional Park Management Committee Informal Meeting Minutes 24 November 2015

A review of firebreak resurfacing locations needs to be identified for implementation of the 2015/2016 Budget Allocation

#### **Proposed Direction:**

1. Undertake an inspection of firebreaks in the Park to identify the priority resurfacing area BJ,KR and KL.

#### 4.10 Whale Viewing Platform Point Picquet

There was no community comments received following the public advertising period for the Whale viewing platform plan.

#### **Proposed Direction:**

- 1. Seek quotes for the compass rose component of the Whale Viewing Platform including 5mm stainless steel.
- 2. Two slots for umbrellas at the base of the seat structure to be included, to provide temporary shade, as required

### 4.11 Castle Bay BBQ

There was a discussion on using the Gourmet Escape money to upgrade the Castle Bay BBQ and table/ chair facilities. There was also a query from the committee on how often the toilets get emptied/maintained.

# **Proposed Direction:**

1. Follow-up on the cleaning/maintenance of the toilets-KL

#### 4.12 Australia Day Activities/Events in Meelup Regional Park

The Committee wanted to be formally involved in the planning for the event.

# **Proposed Direction:**

1. John Lang was nominated as key contact for Meelup Beach Australia Day matters

#### 4.13 Visitor Survey

A visitor survey is planned to be undertaken during each season of the year to capture visitors recreating in the Park for different purposes. The survey will start in January 2016. The last survey was undertaken in 2010. John Lang has been working with Jackie Nichols (Environment Officer) and they have revised the questionnaire. A training day is scheduled for volunteers who will assist in undertaking the surveys with the public for January 8<sup>th</sup>.

Meelup Ragional Park Management Committee Informal Meeting Minutes 24 November 2015

### **Proposed Direction:**

Information noted

Attachment d

#### 4.15 Meelup spring

14.1

It was discussed that galvanised pipework is required to be removed from the springs area as it is now redundant (as mains water has now been connected for toilets).

#### **Proposed Direction**

1. Contact Engineering Department and determine options for removal of pipework – KL

#### 4.16 Road- Tree Pruning

Committee member Bob Jarvis has previously identified a number of maintenance works that are required at various locations in the park, including repairs to the road seal, pruning if car park entrances and trail repairs. This information has been sent to the City Parks Maintenance Supervisor regarding the pruning of car park entrances to improve sight lines.

#### **Proposed Direction**

 Contact Engineering Department regarding tree pruning that are obstructing views from carpark entrances-KL

#### 4.17 Scenic Road

#### Background:

Driving for pleasure and sightseeing using public roads in areas of outstanding visual landscape is an important recreational pursuit for many natural area visitors. 'Windscreen' visitors are those that have much of their experience and enjoyment of the natural environment derived from scenic driving.

The main roads that dissect the park are Meelup Beach and Eagle Bay-Meelup Roads. This is a single thoroughfare from Cape Naturaliste Road to Eagle Bay, which changes from Meelup Beach Road to Eagle-Bay Meelup Road at the Meelup Beach turnoff. Eagle Bay-Meelup Road is a coastal road between Meelup Beach and Eagle Bay and is one of the few locations in the southwest where a road runs alongside the ocean for any distance. In most cases roads are perpendicular to access visitor nodes and aren't parallel to the ocean.

The road has outstanding scenic values, and as such the Coastal Nodes Master Plan recommends that Eagle Bay-Meelup Road should be regarded as a scenic and recreation road rather than a transport route, with an emphasis on the road's natural values and environs (WJLA 2013). In addition, to minimize confusion associated with having a single roadway separated into two road names, and to assist with the designation of a scenic road, it is recommended that incorporating the two roads into a single name be further investigated. This may concurrently include investigation of a reduction of the current speed limit of 60km/hr, at least for a portion of the road.

Attachment d

With the designation of a scenic road, this can be promoted via means such as the City and Meelup websites, park signage, tourism centres and Tourism WA, RAC website and publications, and Main Roads WA. The future plan for the development of a lookout decking area and the existing lookout car park will provide supporting infrastructure for the scenic road. This recommendation hasn't been progressed since the endorsement of the CNMP in 2013. The Committee agreed that at this point in time, due to other priorities and potential future changes occurring with the Committee's operations, that this could be further investigated at a later date.

#### **Proposed Direction:**

To be further discussed at next meeting

### 5.1 Meelup Park Signage

Background:

Several Signs within the Park require maintenance/replacement due to damage or graffiti including the Castle Bay Car Park and trail markers at Point Picquet.

New signage is also required to indicate dog prohibited and dog exercise areas along the Meelup coast at the Park access point in Dunsborough, Meelup, Point Picquet, Eagle Bay and Bunker Bay. A draft of the proposed signage was viewed by the committee.

#### **Proposed Direction:**

1. The committee supported the proposed signage in Attachment B with the inclusion of a You Are Here label on the sign.

#### 5.2 Annual report

The 2014/15 Annual Report has yet to be presented to Council. It is proposed that the Annual Report be presented to Council by the Presiding Member.

#### **Proposed Direction:**

1. That the Presiding Member presents the Meelup Regional Park Annual Report 2014/15 at a Councillor Briefing session to be held on 20 January (as Bob Jarvis is not available for the December 9 meeting).

#### 5.3 Meelup Regional Park Business Plan 2016/17-2019/20

A draft Meelup Regional Park Business Plan 2016/17 – 2019/20 was included in the agenda. The purpose of this document is to guide the business planning process for each City of Busselton activity unit.

The process includes the review of the activity unit's current business and operating

14.1

Attachment d

environments, and the determination of priority objectives and activities for the forthcoming four financial years. The preparation of business plan is to take into account the need to effectively deliver City services and achieve the actions listed in the organisation's Corporate Business Plan, through the best use of resources.

#### **Proposed Direction:**

- 1. The Meelup committee would like to review the Business Plan and make comments on the document as required.
- 2. That a Business Plan meeting be scheduled for 15 December at Shirley Fishers.

A meeting of the committee has been scheduled to discuss and prioritise projects for the 5 year Business Plan to be held at Shirley's house (208 Yungarra Drive at 11am) on Tuesday 15<sup>th</sup> December. The meeting will also discuss members that are keen to be involved in two Working Groups for the: Establishment and incorporated 'Friends of Meelup Regional Park' group and memorandum of understanding between the groups and the City; and Investigate potential alternative means for securing funds to assist with meeting the costs associated with managing the Park and provide an update to the Council March 2016.

#### 5.4 Leavers Day

Grant funding from the Office of Crime Prevention has been secured by The Royal Life Saving Society WA (Royal Life) to conduct a "Meelup Beach Day" on Wednesday 25 November 2015 at Meelup Beach. This will consist of activities for Leavers including an aqua playground, volleyball, cricket, snorkeling and a BBQ/sausage sizzle. This event was successfully piloted at Meelup Beach during Leavers in 2010 and continued as a highlight and successful event during the Leavers week since then. Over the course of the day it is expected that a maximum of 4,500 Leavers are expected to support Meelup Beach Day. A copy of the site plan was included in the agenda and illustrated the anticipated site plan for Meelup Beach Day 2015.

The committee discussed that the Leavers Beach Day was pretty well organised.

#### **5.5** X Adventure 2016

The organisers of the X-Adventure off road triathlon event in Dunsborough Rapid Ascent Pty Ltd have submitted a preferred course alignment (**Attachment E**) for the X – Adventure event to be held 16 and 17 April 2016. The organisers are seeking the Committees early input to ensure the appropriate alignments.

John Lang discussed that he has had contact with the organisers and was concerned that the trail on their website included bike riding through sections of Zone 6 which have been found to be contaminated with waste including asbestos. He spoke with the organisers to block/revise the website, however this needs to be checked.

#### **Proposed Direction:**

1. That John Lang be the committees nominee for matters relating to the X-adventure 2016.

Meelup Ragional Park Management Committee Informal Meeting Minutes 24 November 2015

#### 5.6 **Contaminated trail**

Attachment d

Trail works undertaken along the first section of the Eagle Bay to Rocky Point trail uncovered traces of asbestos; Bob advised the source is more than likely old beach shacks that used to exist on the foreshore. The movement of soil from trail usage is continually uncovering the material, despite previous efforts to remove it all. It is possible that the trail will have to be closed while a removal operation takes place.

The options that have been discussed include sealing of the trail with bitumen, re-surfacing with limestone and/or digging up the area to completely remove all traces of asbestos.

### **Proposed Direction:**

1. Follow-up and check the location/extent of asbestos-KL

#### 6.0 Late Items

#### 7.0 **Next Meeting Date**

December 22-5pm at the Eagle Bay Hall

#### 8.0 Closure

The meeting closed at 7.15pm

**ACTION TABLE** 

Subject	Action	Date Committee Decided	Progress	Completed
Meelup Volunteers	Formalise recording of volunteer time for in- kind contributions-KL	24/11/15	Kay has discussed the reporting of volunteer time with Bob Gibney. A system of recording volunteer time for in-kind contributions and for individual	
	Purchase vests and caps for volunteers - KL		grant reporting is in progress.  Vests and Hats ordered	Done
	Box and microphone needed for the Sundowner event		Kay has arranged through the PR section.	Done
Meelup Regional Park Management Plan	Meeting to be scheduled February 2016 to review progress on the review of the Meelup Regional Park Management Plan - KL	24/11/15	Scheduled for Feb 2016	Done
Contaminated Site Remediation	A report to Council and request for allocation of additional funding to undertake the Detailed Site Investigation of the contaminated area in Zone 6 is scheduled for Dec/Jan	24/11/15	A Request for Quote (RFQ) for consultants to undertake the work has been completed. Funding is to come from the CoB waste budget.	
Meelup Coastal Clean-up	That the Meelup Coastal cleanup be undertaken at a time later in the year, perhaps after the salmon season.  Advert to be placed in local paper to attract community volunteers to assist cleanup  PPE such as bags and gloves to be provided to volunteers	24/11/15	Planned for next year	

Subject	Action	Date Committee Decided	Progress	Completed
Whale Viewing Platform-Point Picquet	Seek quotes for the compass rose component of the Whale Viewing Platform including 5mm stainless steel.	24/11/15	In progress	
	Two slots for umbrellas at the base of the seat structure to be included, to provide temporary shade, as required			
Castle Bay	Kay to follow up with Shawn Lombard to check the cleaning/maintenance of the toilets	24/11/15	Shawn has arranged a contractor for the week of 21 Dec to fix the hole in the deck, replace the lock and secure the gate underneath the toilets. He said the composting toilets are currently functional, they were able to rotate the drum and it is in good working order.	Done
Australia Day Activities/Event s in Meelup Regional Park	John Lang was nominated to attend Australia  Day working group meeting.	24/11/15	Kay and John Lang will attend the planned meeting 5 January 2016 10.30-11.30 Dunborough Police Station.	Done
Meelup Spring	Contact Engineering Department and determine options for removal of pipework – KL	24/11/15	Kay has followed-up with Matt Twyman (Depot). Lindsey Hagger will contact Kay in mid-January to inspect the site.	
Road- Tree Pruning	Contact Engineering Department regarding tree pruning that are obstructing views from carpark	24/11/15	Bob Jarvis and Kay met with Lindsay Hagger on site 1/12/15 and discuss the maintenance/pruning required around carpark	

	entrances-KL		entrances and generally along the roads. Will be followed up to schedule in the New Year.	
Subject	Action	Date Committee Decided	Progress	Completed
Scenic Road	To be further discussed at next meeting	24/11/15	In progress	
Meelup Park Signage (indicating dog prohibited and dog exercise)	The committee supported the proposed signage in Attachment B with the inclusion of a You Are Here label on the sign	24/11/15	Greg to action	Done
Annual report	That the Presiding Member presents the Meelup Regional Park Annual Report 2014/15 at a Councillor Briefing session to be held on 20 January (as Bob Jarvis is not available for the December 9 meeting).	24/11/15	Scheduled for Wednesday, 20 January 2016 from 12.30pm- 1.45pm.	Done
X Adventure Event 2016	That John Lang be the committees nominee for discussion on matters relating to the X-adventure 2016.	24/11/15	Information and a map of the exclusion zones has been sent to the X Adventure organiser 16/12/15.  CoB requires a plan of the proposed trail, site plan and an Environmental Management Plan from X Adventure organisers.	Done
Contaminated Trail	Follow-up and check the location/extent of asbestos-KL	24/11/15	Kay inspected with Greg-small pieces of asbestos were visible along the track to the fence. An asbestos contractor will be engaged to remove the asbestos from the site.	Done

Attachment E Meelup Ragional Park Management Committee Informal Meeting
Minutes 22 December 2015





### Meelup Regional Park Management Committee

CO Locked Bag 1 · Busselton · Western Australia · 6280

Email: Kay.Lehman@busselton.wa.gov.au

Web: <u>ww.meeluppark.com</u> Facebook: Meelup Regional Park

## **Informal Meeting- Minutes**

DATE: Tuesday 22<sup>th</sup> December 2015 VENUE: Eagle Bay Community Hall

### 1. Attendance and Apologies

#### Attendance:

Members: Dr Bob Jarvis (Presiding Member), Peter Randerson Deputy Presiding Member), Cr John Mc

Callum, Cr Terry Best, Mrs Shirley Fisher, Mr John Lang

Officers: Mr Greg Simpson, Ms Kay Lehman, Mr Paul Needham.

Apologies: Mr Bob Ginbey, Mr Albert Haak

#### 2. Financial Summary

The Financial Statement to December 2015 included as Attachment A, was discussed

- Gourmet escape event revenue (\$25,000) received. Corresponding expenditure needs to be determined. The Committee discussed the allocation of corresponding expenditure for works in Castle Bay carpark including upgrade or removal of gas bottle enclosures.
- Further clarification and explanation requested on the incorrect allocation of \$11,000. This amount should be listed as a contribution for establishment of Meelup Friends Group.

#### **Proposed Direction:**

- 1. Revise Attachment A and resent to Committee members together with an explanation on the contribution for establishment of Meelup Friends Group.
- 2. That the Gourmet escape event revenue (\$25,000) be allocated for upgrade of facilities in Castle Bay carpark.

#### 3. Meelup Volunteer Update

Bob Ginbey gave an update on volunteer activities:

- Bob presented a comprehensive report on the Volunteer activities for 2015. The report was well received and Bob was acknowledged for his efforts coordinating the volunteer program.
- The volunteers require more tools.
- It was discussed that it would be good to have weekend volunteer activities to include kids and other adults that are not available during the week.
- Need to set-up a database of volunteers.

#### **Proposed Direction:**

1. Kay to liaise with Bob Ginbey to set-up a database of volunteer contacts and to make a list of what tools are required to be purchased.

#### 4. **Action Summary Progress Update**

The Action Summary table was discussed with outstanding/ongoing actions to be summarised for the next meeting. Refer to the Action Summary table for details.

#### 5. Reports

#### 5.1 **Gourmet Escape Report**

Jane Cook and Shane Walsh (City Environmental Health Officer and Events Manager) gave a de-brief of the event to assist in improving the event management each year. Brand Events has a 3 year arrangement with the City for the event at Castle Rock beach, with 2 years remaining.

A summary of the running of the event included the following points:

- A Site set-up plan (including site manager, wastewater and electrical compliance) and an Environmental Management Plan were required from the event organizer. Guidelines on the requirements for the EMP were given to the organizer.
- Early planning for the event is crucial with all hard infrastructure required restricted to the carpark with less impact on the beach.
- The beach was narrower this year and the sand dune area required modification (some levelling) for the tents etc. to fit in the beach area while also giving public access to the beach along the shoreline.

14.1 Attachment E

Plans for next years event include the following:

- Key site plan to be approved with conditions;
- The Meelup Regional Park Committee and the City will attend an on-site meeting to review the site plans and set-up;
- Review the impacts of levelling the dunes and the on-ground area required on the beach to minimise impacts;
- The City has received and reviewed John Lang's report on the event to assist in future planning;
- There was one complaint regarding minimal access to the beach;
- There was a free shuttle bus for the public; and
- The City has events policies that require input on specific requirements for the holding of events in Meelup Regional Park.

### **Proposed Direction:**

1. Review Event policies and present to the Committee.

#### 5.2 **Governance Arrangements**

The roles of the key elements of the governance arrangements are described in the 26 August 2015 and 14 October 2015 Council Minutes, a copy of which was tabled for discussion.

The key focus areas in relation to the management of Meelup Regional Park for the balance of the 2015/16 financial year, with progress to be reviewed and reported to the Council by no later than June 2016, are as follows:

- Establish an incorporated 'Friends of Meelup Regional Park' group and memorandum of understanding between that group and the City; and
- Investigate potential alternative means of securing funds to assist with meeting the costs associated with managing the Park and provide an update to the Council by no later than the end of March 2016.

#### **Proposed Direction:**

- 1. The working group for the establishment of a Friends of Meelup Regional Park' group to include Bob Ginbey, Greg Simpson, Kay Lehman and Shirley Fisher, to commence meeting early February 2016.
- 2. The working group to investigate potential alternative means of securing funds to assist with meeting the costs associated with managing the Park to include Paul Needham, Kay Lehman, Cr

14.1

John McCallum and Albert Haak, to commence meeting early February 2016.

#### 5.3 Training Needs for the Meelup Regional Park Committee members

There was a discussion on training requirements and opportunities for training development in the region.

### **Proposed Direction:**

- 1. Arrange training on local government governance and finances (and other relevant training) for all committee members (wait until the new committee members have started).
- 2. Kay to send through any environmental training opportunities to committee members including training offered through local NRM groups.
- 3. Kay to arrange speakers to present to committee members on relevant topics such as experts from Department of Parks and Wildlife.

### 5.4 Meelup Regional Park Business Plan 2016/17-2019/20

The Meelup Park committee held a Business Planning meeting on 15 December 2015 to review the draft Business Plan 2016/17-2019/20.

#### **Proposed Direction:**

1. The amendments noted at the 15 December meeting are incorporated into the business plan.

#### 5.5 X Adventure Event

The organisers of the X Adventure off road triathlon event in Dunsborough, Rapid Ascent Pty Ltd have requested the use of a section of the trail network in zone 6.

The organisers X Adventure, are required to provide a proposed designated trail alignments and site plan for the event. The contaminated exclusion zone will be delineated on the ground using flagging and signage and the asbestos hazard associated with the contamination site will be advertised to the public.

#### **Proposed Direction:**

1. That the proposed designated trail alignments be finalised with the organisers of the event and presented to the Committee.

#### 5.6 Meelup Beach traders

It is noted that the vendor trading areas at Meelup Beach at the top car park have been delineated into 2 parking bays so that it is clearly marked for vendors. Also, bollards have been removed from the designated carpark for the kayaking operator and additional bollard installed to the island in the **c**arpark.

#### 5.6 Visitor Survey

The Meelup Regional Park visitor survey is scheduled for January 2016. A training session for volunteers will be conducted on Friday, January 8th (11 am to 1 pm) at the Eagle Bay Community Hall. The survey will be undertaken on a week day and on the weekend on the following dates:

First survey: Thursday January 14<sup>th</sup>Saturday 16<sup>th</sup> January; and Second Survey: Thursday 28<sup>th</sup> and Saturday 30<sup>th</sup> January.

There are 14 volunteers registered to undertake the surveys. A Call for Volunteers has been placed in the Council Community Page for the next 3 weeks. So, we are hoping for a good response with additional volunteers.

#### 5.7 Complaint from local resident of the use of Meelup Reserve as a Bicycle Area

The City has been liaising with a local resident with a property that borders the Park who has concerns that signage for and control of cycling is not being properly managed. The trail is a gazetted road bordering the Park. The matter was discussed by the Committee.

#### **Proposed Direction:**

- 1. Review the signage at the site.
- 2. Change the Meelup Park trail brochure to not show the road as a dual use trail.
- 3. Exclude organised bike events on the access road adjacent to Norfolk Street, Dunsborough.

#### 5.8 Request for Stand Up Paddle Board Lessons at Bunker Bay

An application was received from an operator for Stand Up Paddle board lessons at Bunker Bay. The business- Sup 4 Fitness will be a new operating business in the region to offer Stand Up Paddle lessons, adventure tours and fitness sessions daily in the summer months (weather permitting).

The business indicated that they wanted to operate from Bunker Bay beach. The Committee discussed the proposal to operate from Bunker Bay. It was concluded that the Stand Up Paddle Board operator at Bunker Bay will not foreseeably have an impact on the Meelup Park, but this will be reviewed annually.

#### **Proposed Direction:**

 That the arrangements with the operator of the Stand Up Paddle boards exclude use of the emergency beach access road. Attachment E

#### **Late Items**

#### 6.1 **Committee Membership Vacancies**

An Expression of Interest has been placed in the Council Community page in the local papers over a 4 week period until 15 January 2016.

#### **Proposed Direction:**

1. That the advertisement to fill the vacant committee membership positions be advertised on Facebook and the Meelup website.

#### 6.2 Seed Collection requirements for the Wildlife Corridor Project

#### **Proposed Direction:**

Volunteers to be engaged in seed collection activities for the Wildlife Corridor Project.

#### **Proposed Direction:**

1. Organise seed collection workshops for volunteers in February 2016.

#### 6.3 Meelup Park Website update

Meelup Park Website update is required.

#### **Proposed Direction:**

That the options for managing the Meelup Regional Park Website be investigated.

#### 7.0 **Next Meeting Date**

January 19- 5pm at the Eagle Bay Hall

#### 8.0 Closure

The meeting closed at 7.10pm

### **ACTION TABLE**

Subject	Action	Date Committee Decided	Progress	Completed
Financial Summary	Revise Attachment A and resent to Committee members together with an explanation on the contribution for establishment of Meelup Friends Group.  That the Gourmet escape event revenue (\$25,000) be allocated for upgrade of facilities in Castle Bay carpark.	22/12/15		
Meelup Volunteers	Kay to liaise with Bob Ginbey to set-up a database of volunteer contacts and to make a list of what tools are required to be purchased.	22/12/15	Bob has sent through the volunteer database for Kay to set up a central database.  Bob Ginbey wants to further discuss the tool requirements for volunteers as part of a discussion on Park priorities for 2016. Kay to follow-up	
Gourmet Escape Report	Review Event policies and present to the Committee.	22/12/15	The policy if still being finalised by City Event staff. Kay to arrange the presentation of the draft to the committee when it is available.	
Governance Arrangements	Working group for the establishment of a Friends of Meelup Regional Park' group to include Bob Ginbey, Greg Simpson, Kay Lehman and Shirley Fisher, to commence meeting early February 2016.	22/12/15		
	Working group to investigate potential alternative means of securing funds to assist with meeting the costs associated with		Discuss at 19 Jan Committee	

	managing the Park to include Paul Needham, Kay Lehman, Cr John McCallum and Albert Haak, to commence meeting early February 2016.		meeting when is a convenient time to meet.	
Subject	Action	Date Committee Decided	Progress	Completed
Training Needs for the Meelup Regional Park Committee members	Arrange training on local government governance and finances (and other relevant training) for all committee members (wait until the new committee members have started).  Kay to send through any environmental training opportunities to committee members including training offered through local NRM groups.  Kay to arrange speakers on relevant topics e.g. experts from DPaW.	22/12/15	Training to commence when new committee members start  Training opportunities will be sent to committee members when available. Members to let Kay know of any particular training requirements.  Kay to arrange speakers (ongoing)	
X Adventure Event	That the proposed designated trail alignments be finalised with the organisers of the event and presented to the Committee.	22/12/15	John Lang and Kay meeting with event organiser Richard Renn on site 21 January to check the trail route.	
Complaint from local resident of the use of Meelup Reserve as a Bicycle Area	Review the signage at the site. Change the Meelup Park trail brochure to not show the road as a dual use trail. Exclude organised bike events on the access road adjacent to Norfolk Street Dunsborough.	22/12/15	Letter sent to resident	
Request for Stand Up Paddle Board	That the arrangements with the operator of the Stand Up	22/12/15		Done

Attachment E

Paddle boards exclude use of the emergency beach access			
road.			
Action	Date Committee Decided	Progress	Completed
That the advertisement to fill the vacant committee membership positions be advertised on Facebook and the Meelup website.	22/12/15		
Organise seed collection workshops for volunteers in February 2016.	22/12/15	In progress. Kay has met with Richard Clark (seed collector) to check what seed may be available in February. Bob Ginbey has sent an email to volunteers to assist with the seed collecting. Two volunteers to date.	
That the options for managing the Meelup Regional Park Website be investigated.	22/12/15		
That the Meelup Coastal cleanup be undertaken at a time later in the year, perhaps after the salmon season.  Advert to be placed in local paper to attract community volunteers to assist cleanup  PPE such as bags and gloves to be provided to volunteers	24/11/15	Kay is waiting to hear back from Tangoroa Blue re equipment and reporting requirements Kay to arrange more bags and gloves	
	Action  That the advertisement to fill the vacant committee membership positions be advertised on Facebook and the Meelup website.  Organise seed collection workshops for volunteers in February 2016.  That the options for managing the Meelup Regional Park Website be investigated.  That the Meelup Coastal cleanup be undertaken at a time later in the year, perhaps after the salmon season.  Advert to be placed in local paper to attract community volunteers to assist cleanup	Action  Date Committee Decided  That the advertisement to fill the vacant committee membership positions be advertised on Facebook and the Meelup website.  Organise seed collection workshops for volunteers in February 2016.  That the options for managing the Meelup Regional Park Website be investigated.  That the Meelup Coastal cleanup be undertaken at a time later in the year, perhaps after the salmon season.  Advert to be placed in local paper to attract community volunteers to assist cleanup	Action  Date Committee Decided  That the advertisement to fill the vacant committee membership positions be advertised on Facebook and the Meelup website.  Organise seed collection workshops for volunteers in February 2016.  Organise seed collection workshops for volunteers in February 2016.  In progress. Kay has met with Richard Clark (seed collector) to check what seed may be available in February. Bob Ginbey has sent an email to volunteers to assist with the seed collecting. Two volunteers to date.  That the options for managing the Meelup Regional Park Website be investigated.  That the Meelup Coastal cleanup be undertaken at a time later in the year, perhaps after the salmon season.  Advert to be placed in local paper to attract community volunteers to assist cleanup

Subject	Action	Date Committee Decided	Progress	Completed
Whale Viewing Platform-Point Picquet	Seek quotes for the compass rose component of the Whale Viewing Platform including 5mm stainless steel.  Two slots for umbrellas at the base of the seat structure to be included, to provide temporary shade, as required	24/11/15	In progress	
Meelup Spring	Contact Engineering Department and determine options for removal of pipework – KL	24/11/15	Kay has followed-up with Matt Twyman (Depot). Lindsey Hagger will contact Kay in mid- January to inspect the site.	
Road-Tree Pruning	Contact Engineering Department regarding tree pruning that are obstructing views from carpark entrances-KL	24/11/15	Bob Jarvis and Kay met with Lindsay Hagger on site 1/12/15 and discuss the maintenance/pruning required around carpark entrances and generally along the roads. Will be followed up to schedule in the New Year.	
Scenic Road	To be further discussed at next meeting	24/11/15		
Meelup Park Signage (indicating dog prohibited and dog exercise)	The committee supported the proposed signage in Attachment B with the inclusion of a <u>You Are Here</u> label on the sign	24/11/15	Greg to action	Done

Subject	Action	Date Committee Decided	Progress	Completed
Annual report	That the Presiding Member presents the Meelup Regional Park Annual Report 2014/15 at a Councillor Briefing session to be held on 20 January (as Bob Jarvis is not available for the December 9 meeting).	24/11/15	Scheduled for Wednesday, 20 January 2016 from 12.30pm- 1.45pm.	Done
X Adventure Event 2016	That John Lang be the committees nominee for discussion on matters relating to the X-adventure 2016.	24/11/15	Information and a map of the exclusion zones has been sent to the X Adventure organiser 16/12/15. City requires a plan of the proposed trail, site plan and an Environmental Management Plan from X Adventure organisers.	Done
Contaminated Trail	Follow-up and check the location/extent of asbestos-KL	24/11/15	Kay inspected with Greg-small pieces of asbestos were visible along the track to the fence. An asbestos contractor will be engaged to remove the asbestos from the site.	Done
Meelup Volunteers	Formalise recording of volunteer time for in-kind contributions-KL  Purchase vests and caps for volunteers - KL  Box and microphone needed for the Sundowner event	24/11/15	Kay has discussed the reporting of volunteer time with Bob Ginbey. A system of recording volunteer time for in-kind contributions and for individual grant reporting is in progress. Vests and Hats ordered	Done Done
			Kay has arranged through the PR section.	

Subject	Action	Date Committee Decided	Progress	Completed
Meelup Regional Park Management Plan	Meeting to be scheduled February 2016 to review progress on the review of the Meelup Regional Park Management Plan - KL	24/11/15	Scheduled for Feb 2016	Done
Castle Bay	Kay to follow up with Shawn Lombard to check the cleaning/maintenance of the toilets	24/11/15	Shawn has arranged a contractor for the week of 21 Dec to fix the hole in the deck, replace the lock and secure the gate underneath the toilets. He said the composting toilets are currently functional, they were able to rotate the drum and it is in good working order.	Done
Australia Day Activities/Events in Meelup Regional Park	John Lang was nominated to attend Australia Day working group meeting.	24/11/15	Kay and John Lang will attend the planned meeting 5 January 2016 10.30-11.30 Dunsborough Police Station.	Done

14.1 Attachment F

# BUSSELTON VOLUNTEER FIRE & RESCUE

PO BOX 286, BUSSELTON WA 6280

CONTACTS

Busselton Volunteer Fire & Rescue - Letter of Appreciation

PHONE

CAPTAIN: WARREN DAY SECRETARY: Brian Davy

0418932845

n Davy 0897542842

The Chief Executive Officer

City of Busselton Locked Bag 1 Busselton... W.A....6280

Your Ref; 51/1516

Attention Lisa Haste

Dear Lisa

On behalf of the Busselton Volunteer Fire and Rescue Service, I wish to thank you for your kind donation of \$850 in sponsorship to replace fire hydrants on the running tracks.

The post on the track have been painted as required.

Your sponsorship is greatly appreciated.

Yours sincerely

Brian Dawy Secretary.

January 11, 2016





19 January 2016

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



Dear Mayor

#### Re: Canal Rocks Boating Facility

Recently I met with constituents, Dick Schonell and Jack Willmott concerning the outcome of the Dunsborough Region Boating Facility Planning Study, which supports a boating facility at Canal Rocks.

Given the local community and visitor demand for additional boating infrastructure in the region, I encourage a Council decision in response to the outcome of the planning study.

Whilst I appreciate there are significant environmental and financial hurdles associated with developing this facility, it is important this matter progresses as soon as possible.

Kind regards

Libby Mettam MLA Member for Vasse

> Unit 2 16 Prince Street Busselton WA 6280 PO Box 516 Busselton WA 6280

> > Telephone: (08) 9752 1949 Facsimile: (08) 9752 3949

Email: Libby.Mettam@mp.wa.gov.au



14.1 Attachment H



protecting busselton's water

po box 57 busselton wa 6280 - p 089781 0500 - f 089754 1075 - abn 79 306 761 565 admin@busseltonwater.wa.gov.au - www.busseltonwater.wa.gov.au

Our ref : D15/9081

Your ref

ref :

Enquiries: Katie Biggs

22 January 2016

Dear Stakeholder.

#### **Busselton Water Growth Strategy update**

Happy New Year!

Firstly, I would like to take this opportunity to thank you for your invaluable input and interest in Busselton Water and our Growth Strategy.

In late 2015, Busselton Water completed the Business Case proposal for our Growth Strategy and submitted it to the Minister for Water for her consideration. The proposal includes Busselton Water's offer to become the long-term manager for both the Dunsborough water scheme and Busselton's rural drainage and flood protection services.

To support the rural drainage component of our Business Case, Busselton Water undertook a pilot project on a selected catchment in the Busselton Drainage District to investigate collaborative, best practice management for rural drainage. Subsequently, a Drainage Management Plan (DMP) was prepared for the Buayanyup catchment, incorporating the needs of farmers, the environment and the broader community.

The DMP was presented to the Vasse Taskforce at its meeting of 8 December 2015 and was very well received, with the Taskforce subsequently endorsing the adoption of best practice management for rural drainage in the Geographe Catchment. This marks the beginning of an exciting new era with a more holistic and sustainable catchment approach to rural drainage.

The report DMP is available for download from our website <a href="www.busseltonwater.wa.gov.au">www.busseltonwater.wa.gov.au</a> or, should you wish to receive a hard copy, please contact Katie Biggs on 9781 0508 or <a href="katie.biggs@busseltonwater.wa.gov.au">katie.biggs@busseltonwater.wa.gov.au</a>.

We look forward to any feedback you have on the DMP and thank you again for your continued interest and support.

Yours faithfully,

Chris Elliott

Chief Executive Officer

n Wellingto

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

Nil

#### 16. **CONFIDENTIAL REPORTS**

The reports listed below are of a confidential nature, in accordance with section 5.23(2) of the Local Government Act 1995. These reports have been provided to Councillors, the Chief Executive Officer and Directors only.

### **RECOMMENDATION**

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

# 16.1 UNAUTHORISED DEVELOPMENT RENTED HOLIDAY HOME 16 STOCKYARD LANE, GEOGRAPHE

This report contains information of a confidential nature in accordance with Section 5.23(2(d) of the Local Government Act 1995, as it contains information relating to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

### 17. QUESTIONS FROM MEMBERS

#### 18. PUBLIC QUESTION TIME

### 19. NEXT MEETING DATE

Wednesday, 24 February 2016

### 20. <u>CLOSURE</u>