

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 14 APRIL 2021

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 14 APRIL 2021 AT 5.30PM.

1. DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS

The Presiding Member opened the meeting at 5.32pm.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Kelly Hick Deputy Mayor
Cr Sue Riccelli
Cr Ross Paine
Cr Kate Cox
Cr Paul Carter
Cr Phill Cronin
Cr Jo Barrett-Lennard
Cr Lyndon Miles

Officers:

Mr Oliver Darby, Acting Chief Executive Officer
Mr Matthew Riordan, Acting Director, Planning and Development Services
Ms Jennifer May, Acting Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Mr Daniell Abrahamse, Acting Director, Engineering and Works Services
Mrs Emma Heys, Governance Coordinator
Ms Melissa Egan, Governance Officer

Apologies:

Mr Mike Archer, Chief Executive Officer

Approved Leave of Absence:

Nil

Media:

“Busselton-Dunsborough Times”

Public:

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3. PRAYER

Nil

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from Cr Kelly Hick in relation to item 13.1 'Draft Lot 4069 Commonage Road, Yallingup, Structure Plan'.

The Mayor advised that, in accordance with regulation 22(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*, this declaration would be read out immediately before Item 13.1 was discussed.

6. ANNOUNCEMENTS WITHOUT DISCUSSION

Announcements by the Presiding Member

Nil

7. QUESTION TIME FOR PUBLIC

Response to Previous Questions Taken on Notice

Nil

7.1 Mr Keith Sims

Question

In relation to resolution C2103/035 (Item No. 16.1 'Response to Motion – General Meeting of Electors 8 February 2021 – Call for Referendum', Ordinary Council Meeting held on 10 March 2021), part two of that resolution says Council will decide whether to proceed with the performing arts and convention centre project on the receipt of construction tenders and in conjunction with considering those tenders. Could you please confirm what the dollar amount would be for the cut-off point when the tenders come in, when a decision will be made to stop going ahead or to modify it?

Response

(Mayor)

There is a breakdown of costs for the project and the total amount is \$28.5 million. Some of that amount has already been expended on professional services and design. The building is currently out for tender and we have three tenderers who are actively preparing tenders, which will be evaluated at a meeting, we are assuming, in May.

I am not entirely sure of what is building and what are other costs in terms of fit-out. I think it is in the vicinity of \$24 million, but that is just a recollection and not to be taken as verbatim, I will take that on notice.

Question

So the \$28.5 million includes fit-out?

Response

It does.

Question

The tenders to come in are only for the building and not for the fit-out?

Response

There are some elements of fit-out, but I will have to take that on notice.

Question

When did the tenders actually go out?

Response

Tenders went out two weeks ago.

Question

There are two business case documents – August 2020 labelled “final” and there is a December 2020 version which is still in draft form. Which document are we working from?

Response

I will take that on notice.

8. CONFIRMATION AND RECEIPT OF MINUTES

Previous Council Meetings

8.1 Minutes of the Council Meeting held 24 March 2021

COUNCIL DECISION

C2104/058

Moved Councillor R Paine, seconded Councillor P Cronin

That the Minutes of the Council Meeting held 24 March 2021 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings

8.2 Minutes of the Meelup Regional Park Committee held 22 March 2021

COUNCIL DECISION

C2104/059

Moved Councillor L Miles, seconded Councillor J Barrett-Lennard

That the Minutes of the Meelup Regional Park Committee held 22 March 2021 be noted.

CARRIED 9/0

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS**Petitions**

Nil

Presentations

Nil

Deputations

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil

11. ITEMS BROUGHT FORWARD**ADOPTION BY EXCEPTION RESOLUTION**

At this juncture, the Mayor advised the meeting that, with the exception of the items identified to be withdrawn for discussion, the remaining reports, including the Officer Recommendations, will be adopted en bloc, i.e. all together.

COUNCIL DECISION

C2104/060

Moved Councillor P Carter, seconded Councillor P Cronin

That the Officer Recommendations in relation to the following agenda items be carried en bloc:

15.1 BUSSELTON JETTY UNDERSEA SCULPTURES PROJECT


16.1 ADOPTION OF DRAFT STRATEGIC COMMUNITY PLAN FOR ADVERTISING

17.1 COUNCILLORS' INFORMATION BULLETIN:

CARRIED 9/0

EN BLOC

15.1 BUSSELTON JETTY UNDERSEA SCULPTURES PROJECT

STRATEGIC GOAL	4. ECONOMY Diverse, resilient, prosperous
STRATEGIC OBJECTIVE	4.3 Events and unique tourism experiences that attract visitors and investment.
SUBJECT INDEX	Busselton Jetty
BUSINESS UNIT	Community and Commercial Services
REPORTING OFFICER	Director, Community and Commercial Services - Naomi Searle
AUTHORISING OFFICER	Director, Community and Commercial Services - Naomi Searle
NATURE OF DECISION	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Project location 

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2104/061 Moved Councillor P Carter, seconded Councillor P Cronin

That the Council resolves to:

1. **Support the proposed Busselton Jetty Undersea Sculptures Project (Project) as outlined in this report.**
2. **Formalise the use by Busselton Jetty Inc. of the Busselton Jetty and Lot 350 for the Project by way of a licence agreement on the terms and conditions as outlined in this report subject to the approval of the Minister for Lands and Department of Transport.**

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

In November 2020, the Commonwealth Department of Environment issued Busselton Jetty Inc. (BJI) a permit for the placement of the *SS Pericles* Replica and 12 sculptural models offshore at the Busselton Jetty (Project). Following community consultation and a briefing to Council, BJI is now seeking to undertake the Project. This report outlines the Project and recommends that the Chief Executive Officer be authorised to enter into a licence agreement with BJI to enable the Project to proceed, subject to certain terms and conditions.

BACKGROUND

BJI, formerly known as “BJECA” (the Busselton Jetty Environment and Conservation Association Incorporated), is a Busselton based voluntary incorporated association with, among other things, the following objectives:

- Raising funds to protect and preserve the Busselton Jetty and the environment around it; and
- Being resourceful, financially viable and economically sustainable to ensure it meets its obligation to provide funds for the preservation and maintenance of the Busselton Jetty.

BJI has for many years been raising funds and actively worked towards restoration of the Busselton Jetty. In 2008, the City obtained grant funding of \$24 million from the South West Development Commission (SWDC) for purposes of refurbishing the Busselton Jetty.

The grant agreement between the City and SWDC required the City, among other things, to:

- Enter into a performance based operator agreement with BJI in respect of “*Jetty related activities*” for a “*renewable 5 year term*”; and
- Establish a “*Jetty maintenance account*” and contribute to that account a minimum of \$650,000 per year from “*operating revenues associated with jetty-related activities*”.

In accordance with the SWDC grant agreement:

- The City established the Jetty Maintenance Reserve Account (established and administered under Section 6.11 of the *Local Government Act 1995*) for the purposes of maintenance and repair of the Busselton Jetty; and
- The City and BJI entered on 30 October 2009 into a licence agreement (Busselton Jetty Licence) in terms of which BJI was granted the right to conduct certain commercial activities at/on the Busselton Jetty in consideration for payment of an annual licence fee, and also assumed certain maintenance obligations (Licensed Activities).

The Licensed Activities include collecting entrance fees (from persons entering the Busselton Jetty from its land side) and operating the Busselton Jetty train, the Underwater Observatory (located near the northern end of the Busselton Jetty) (UWO) and the Interpretive Centre (IC) – that is the ticket office/retail outlet at the Jetty entrance. The Licensed Activities constitute BJI’s main business and is BJI’s main source of revenue.

In 2016, following a review of the Busselton Jetty Licence, the City and BJI agreed to extend the term of the BJI Jetty Licence for a further 42 years (the initial term now expiring in 2038 with BJI having an option to extend the initial term for 3 further terms of 7 years each). As part of this review, the Busselton Jetty Licence was also amended to redefine the way the licence fee payable by BJI is calculated. Further detail about the licence fee is provided in the Financial Implications section of this report.

The Busselton Jetty is a highly successful tourist attraction. The UWO is the main attraction on the Busselton Jetty, with tours for visiting the UWO (most of which include a trip on the Busselton Jetty train) generating the most income. Despite increasing operating hours of the UWO during peak seasons, visitors are turned away from UWO tours due to the building’s size constraints.

A feasibility study commissioned by BJI in 2016 found that it is imperative to implement new income generating activities at and on the Busselton Jetty in order to ensure its financial sustainability over the long term. Through this feasibility study, the Busselton Jetty Village concept evolved. The proposed Village Project forms part of a two-stage development proposed by BJI, with the second stage being a proposed Australian Underwater Discovery Centre (AUDC). The AUDC Project, currently in its planning stage, proposes a new UWO as a key strategy for increasing revenue from Busselton Jetty operations.

The Busselton Jetty Undersea Sculptures Project has been developed as a result of feedback over a period of time from a number of visitors to the Busselton Jetty that the provision of reef structures and artistic elements at the end of the Jetty would enhance marine life and visitor experience from the UWO the planned AUDC, and snorkelling and diving activities.

The Project proposes the deployment and ongoing maintenance of 13 objects (Sea Dumping Works) onto the seabed beneath sections 7, 9 and 10 of the Busselton Jetty in an area of approximately 200m x 20m (see Attachment A). Resting at a maximum depth of 8 metres, rising to a height of about 5 metres deep, the sculptures will be fabricated from reinforced concrete and unpainted steel. The first object BJI proposes to be deployed is the *SS Pericles* Replica. The further 12 sculptures will be deployed as they are constructed over a period of time.

The Project is set to achieve both tourism and environmental outcomes. The goals and performance measures include the following:

No.	Performance Goal	Performance Measure
1	Appropriately design and manage the installation of undersea objects beneath Busselton Jetty in such a manner to minimise any risks or impacts to the existing jetty structure or user groups, such as divers, swimmers or recreation vessels.	Structural integrity and stability: each individual object remains intact, in original position and structurally sound throughout its life (30 years).
2	Minimise identified impacts to existing ecological sustainability and marine biodiversity, whilst improving the existing anthropogenic habitat to support increased diversity and abundance of species while improving the knowledge base of the environmental role of artificial structures in the marine environment.	Fish and benthic community development residing and colonising the objects: public viewing of marine life which has colonised the objects will connect people with the marine environment. It is expected that community development on and immediately nearby will be very similar to the existing marine community which has colonised the Busselton Jetty structure.
3	Enhance visitor connection to the marine environment by providing a unique facilitation through object installation and point of contact in the UWO to achieve a personal nature-based experience.	Community and visitor experience: the deployment of undersea objects will result in public satisfaction reflected by increased marine education and knowledge, higher visitation rates and ongoing positive feedback.

In mid-2018, BJI applied to the Commonwealth Department of Environment for a permit to undertake the Project. This was subsequently issued for a term of 30 years commencing 25 November 2020, subject to a number of conditions including, in broad terms:

- the development and implementation of approved Environmental Management and Monitoring Plans for each installation;
- mitigation measures for the protection of marine species;
- environmental risk and incident reporting;
- compliance with the permit and requirements of the *Environmental Protection (Sea Dumping) Act 1981*;
- access for observers to witness, inspect, examine or audit the operations, placement and monitoring activities, deployment vessel and other equipment, or any documented records;
- project reporting and auditing.

BJI have provided City officers with the permit conditions, along with an Environmental Management and Monitoring Plan for the *SS Pericles* Replica and an Environmental Impact Statement.

Following BJI's presentation to Council in February 2021, BJI and City officers have negotiated the terms and conditions of a proposed licence agreement. This report is now presented to Council for consideration and formal endorsement of the Project in the form of the proposed licence.

OFFICER COMMENT

BJI have developed the Undersea Sculptures Project over a period of time and have supplied City officers with relevant documentation that indicates BJI has the capacity and resources to deliver the first stage of the Project in the form of the installation of the *SS Pericles* Replica. Officers have also consulted with the Department of Planning, Lands and Heritage (DPLH) and Department of Transport, as outlined in the Statutory Environment section of this report, who seem generally supportive of the Project. As such, officers have negotiated the essential terms of a proposed licence agreement with BJI, which are now presented to Council for consideration and approval:

- **Licensed Activities**
Undertaking, completing, maintaining and removing the Sea Dumping Works, commencing with the installation of the *SS Pericles* Replica ship hull subsequently commissioned and attached fixtures and fittings and sea sculpture modules in accordance with the Installation and Maintenance Plan.
- **Licensed Area**
The seabed beneath sections 7, 9 and 10 of the Busselton Jetty in an area of approximately 200m x 20m (see Attachment A).
- **Licence Non-Exclusive**
The licence is non-exclusive and will not create in or confer or grant BJI any tenancy, estate or interest in the Busselton Jetty or Lot 350, other than a contractual right for BJI to use the designated licensed area for the licensed activities.
- **Approvals Required**
The licence is granted subject to BJI and the City obtaining all approvals and consent required for the Sea Dumping Works which includes the approval of the Minister for Transport and/or the Chief Executive Officer of the Department of Transport, Minister for Lands and any other authorisation required under any Law.
- **Structural Integrity**
BJI is responsible for the Sea Dumping Works and liable for any damage caused to the Busselton Jetty through or by the Works.
- **Term**
The term will commence on the date the licence is entered into and will expire on 5 April 2038 (the date of expiry of the first term of the Busselton Jetty Licence) or upon earlier termination of the Licence Agreement.
- **Licence Fee**
The proposed licence fee payable by BJI to the City is outlined in the Financial Implications section of this report.
- **Public access**
BJI must ensure that the licensed activities do not restrict public access to the licensed area or any other section of Lot 350 or the Adjacent Reserve.
- **Licensee to undertake and complete Sea Dumping Works**
As BJI will be undertaking the Sea Dumping Works on Crown land, the licence agreement will include a number of terms and conditions detailing BJI's obligations and liabilities during the deployment, maintenance and removal phases of the Project. Primarily BJI must undertake the Project in accordance with the Sea Dumping Permit, the Installation and Maintenance Plan and any other authorisations, at their cost and risk.

- **Variation of Installation and Maintenance Plan**
BJI must not vary the design, dimensions and/or location of the *SS Pericles* Replica and subsequent installations once approved. Any change to the construction methodology or departure from the works program requires the prior written consent of the City. The Installation and Maintenance Plan will be subject to annual review and updates as necessary to accommodate the staging of the Project.
- **Contamination and Pollution**
As BJI will be undertaking the Sea Dumping Works in an environmentally sensitive area, the licence agreement will include a number of terms and conditions detailing BJI's obligations with regards to environmental contamination reporting and remediation, including an end of term environmental report.
- **Relocation of Sea Dumping Works to Allow Jetty Maintenance**
BJI must, at their cost, make arrangements for the removal or repositioning of the Sea Dumping Works if required by the City for the purpose of maintenance of the Busselton Jetty and/or the Reserve.
- **Insurances**
BJI will be required to effect and maintain, at its cost, adequate building, public liability and workers compensation insurance.
- **General Conditions**
The proposed licence agreement will include "general" conditions similar to those contained in the existing Busselton Jetty Licence, e.g. no additions or alterations to the Busselton Jetty or to Lot 350 will be allowed without the City's prior approval. Terms and conditions dealing with default, damage to or destruction of the Sea Dumping Works and Busselton Jetty, holding over and surrender and reinstatement of the licensed area (if appropriate) upon termination of the licence agreement will also be included.

It is considered that a licence agreement based on the above terms and conditions is the most effective way of providing BJI with a formal operating framework encompassing the legal and commercial arrangement between the City and BJI in relation to the Project. Subject to Council's endorsement of the Project and licence agreement terms and conditions, BJI will be required to submit a Development Application for the *SS Pericles* Replica deployment which will be assessed by officers as delegated by Council.

Statutory Environment

Land Administration Act 1997 (WA) (LAA)

The Busselton Jetty is constructed on Reserve 46715, which is Crown land reserved under section 41 of the LAA for the purpose of "Recreation, Tourism, Heritage, Education and Marine Research" and for purposes ancillary or beneficial to that designated purpose only. Pursuant to section 46 of the LAA, the Minister for Lands may by order vest care, control and management of a reserve for its designated purpose with a person (including a local government).

Care, control and management of Reserve 46715 has been vested in the City on conditions set out in the Management Order. Pursuant to conditions 3.1 and 3.2 of the Management Order, the City has the power to grant, subject to obtaining the Minister's prior approval, "a lease, sublease or licence over any part of the Reserve". Under the Management Order the City may, subject to the other conditions of the Management Order, grant a lease or licence for a term that is not to exceed in total 49 years and which may comprise an initial term of not more than 25 years, with an option to renew for a further term not exceeding 24 years.

Jetties Act 1926 (WA) (Jetties Act)

The Busselton Jetty is managed and operated under a jetty licence granted to the City by the Department of Transport under the section 7 of the Jetties Act. In terms of this licence, the City:

- May only use the Busselton Jetty for the use permitted under this licence (which includes operation of the existing Underwater Observatory, Interpretive Centre and a portion of the Railway);
- May appoint a person or entity to undertake its management obligations (or some of them) in respect to the Busselton Jetty;
- Must maintain the Busselton Jetty in accordance with a pre-approved maintenance plan;
- Must not undertake, and must not permit, any structural changes or additions to the Busselton Jetty without the Department's prior approval; and
- When seeking approval for structural changes or additions, must submit detailed plans of and reasons for the proposed changes and a maintenance plan for ongoing maintenance of any new structural addition.

The Department of Transport has advised that, since the objects associated with the Sea Dumping Works are to be placed on the ocean floor within the Jetty Reserve and are not attached or have any effect on the Jetty's integrity, it will not require a variation to the existing licence agreement, however it will require approval from the Department's Navigational Safety section.

Local Government Act 1995 (WA) (LGA)

Section 3.58 of the LGA regulates the disposal of property by a local government (including "*the whole or any part of the interest of a local government in property*") whether by sale, lease or other means. In terms of section 3.58 a local government is required to give local public notice when disposing of "property", unless the "property" is disposed of by way of a public tender or public auction. However, under regulation 30(2)(b) of the *Local Government (Functions & General) Regulations 1996*, disposition of local government property to an organisation whose objects are charitable or benevolent and preclude members from sharing the profit from transactions is excluded from the requirements under section 3.58. Therefore, to the extent that the proposed licence agreement between the City and BJI could be considered "disposal" of local government "property" as contemplated under section 3.58 of the LGA, the exemption under regulation 30 (2)(b) will apply.

Relevant Plans and Policies

The Undersea Sculptures Project is consistent with the contents of the Busselton Foreshore Master Plan, where activation of the Busselton foreshore is identified as a key priority.

The City's Corporate Business Plan identifies key City led or funded priority actions and projects over the ensuing four years. This project was not identified as a short-term project and as such is not contained within the City's current Corporate Business Plan.

Financial Implications

The licence fee payable by BJI pursuant to the existing Busselton Jetty Licence (that is for collecting entrance fees and operating the Busselton Jetty train, the UWO and the Interpretive Centre) is based on a percentage of BJI's "Gross Revenue" and payable in bi-annual instalments into the Jetty Maintenance Reserve Account. Rental income from commercial sites/operations at the Busselton Foreshore (including the existing Busselton foreshore cafes, the new microbrewery and the proposed hotel development) is paid into the Jetty Maintenance Reserve Account to contribute towards the costs of maintaining the Busselton Jetty. Currently, the annual maintenance costs of the Busselton Jetty (as budgeted for in the Busselton Jetty Long Term Maintenance Plan) exceed the City's income from above-mentioned income streams.

The Undersea Sculptures Project has been developed, amongst other things, on the basis of value-adding to the overall visitor experience with the aim of attracting more visitation over the life of the Project. With additional visitation to the Jetty, there is an opportunity to increase the generation of revenue, thus increasing the licence fee payable to the City. It is therefore proposed that a nominal fee of \$1 only be imposed on BJI for the Project.

As BJI are the Project owner, all associated costs will be the responsibility of BJI.

Stakeholder Consultation

In seeking to reaffirm previous visitor survey responses that indicated installing artificial reefs at Busselton Jetty would enhance marine life viewing, BJI put its current plan for artificial reefs out to the public for feedback. This was undertaken via an online survey (164 responses) and two community presentations at meetings of the BJI members (70 attendees) and the Busselton Naturalists Club (80 attendees).

From the online surveys, 110 respondents were City of Busselton residents and overall (including in person consultation) 71% of responses were from local people. 100% of respondents had visited Busselton Jetty previously so had a keen interest in the artificial reef proposal, with 85% of participants scoring the proposal an 8 or higher out of 10. The overall benefits to the marine environment through providing additional habitat in the form of artificial structures was the most common feedback, with some people also linking this benefit to additional tourism opportunities.

Whilst many respondents are supportive of BJI's artificial reef proposal, the survey also served as a tool for people to voice their concerns, with environmental damage and objects having a lack of meaning being the most common concerns. Concern was also raised around impacts of increased visitation ('over tourism') at the Jetty and around the foreshore precinct.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. The following risks have been identified:

SS <i>Pericles</i> Replica and undersea sculptures infrastructure compromises the structure integrity of Busselton Jetty.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Public Safety / Health	Catastrophic	Rare	High

The proposed terms and conditions, specifically the Installation and Maintenance Plan, serves to mitigate this. The City reserves the right to have independent advice on the Installation and Maintenance Plan for each deployment.

Options

As an alternative to the proposed officer recommendation, the Council could:

- Resolve not to approve the Undersea Sculptures Project; or
- Amend the draft terms and conditions of the proposed licence agreement.

CONCLUSION



The City considers that the Undersea Sculptures Project is mutually beneficial to Western Australia, BJI, the City and the public at large. It is considered that the Project will facilitate additional visitation to the Busselton Jetty and ultimately increase revenue opportunities and therefore licence fees payable to the City to maintain the Jetty. The proposed licence agreement is considered to be the most effective way of providing BJI a platform to undertake the Project and to formalise the legal arrangements and commitments between the City and BJI in relation to the Project.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

BJI will be advised immediately should Council resolve to adopt the officer recommendation. BJI anticipates to undertake the first stage of the Sea Dumping Works, deployment of the *SS Pericles* Replica, prior to the onset of the winter season.



16.1 ADOPTION OF DRAFT STRATEGIC COMMUNITY PLAN FOR ADVERTISING

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.2 Council engages broadly and proactively with the community.
SUBJECT INDEX	Strategic Planning
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson Corporate Planning Officer - Cathy Burton
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Draft Strategic Community Plan 2021 - 2031  

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2104/062 Moved Councillor P Carter, seconded Councillor P Cronin

That the Council adopt the draft City of Busselton Strategic Community Plan 2021-2031 (attached) for the purposes of public advertising and further community consultation over a period of 21 days, to inform the completion of the plan.

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

The draft Strategic Community Plan 2021-2031 (the Plan) (Attachment A) is the outcome of the major (four year) review of City's Strategic Community Plan adopted in 2017 and reviewed (minor review) in 2019. The Plan has been informed by community feedback, by the strategic direction of relevant state agencies, and has both helped to inform, and been informed by, the recently adopted Long Term Financial Plan 2021- 2031. The Plan reflects the Council's strategic direction.

This report seeks Council endorsement for the Plan to be advertised for a period of 21 days, such that community feedback can be sought, with the Plan to be returned to Council for final adoption by the end of June.

BACKGROUND

Section 5.56 of the *Local Government Act 1995* (the Act) requires that a local government plan for the future. Further, the *Local Government (Administration) Regulations 1996* (the Regulations) set out the requirements by which all local governments must do this, including that local governments must develop a strategic community plan for their district, covering a period of at least 10 financial years, and that they review that plan every four years. This plan sits at the top of the Department of Local Government, Sport and Cultural Industries (DLGSC) Integrated Planning and Reporting (IPR) Framework, which also involves the development of a supporting corporate business plan and resourcing strategies, being the long term financial plan, asset management plans and workforce plan.

A strategic community plan documents the community's vision and aspirations, and must be developed through consultation with the community. To meet the basic standard under the DLGSC's Advisory Standard for IPR, engagement with a minimum of 500 people through two documented engagement processes is required.

The City's current Strategic Community Plan 2017 was adopted by Council on 12 April 2017 following a major review of the 2013 plan. Amendments were adopted on 10 April 2019 following a minor two year desktop review.

OFFICER COMMENT

Review of the current strategic community plan was launched on 1 June 2020 with the Catalyse Pty Ltd Community Satisfaction (Scorecard) Survey. This survey is conducted every two to three years to assess the level of community satisfaction with City services and facilities. This year we also asked the community what their ideal City of Busselton looks like in the future and what their priorities are as we look towards 2035. 4,000 community members were randomly selected to complete the survey, with 584 responding to that invitation. A further 247 residents, 121 out of area ratepayers and visitors, and 66 Council-affiliated respondents also completed the scorecard, bringing the total number of responses to 1,018.

The results of the Catalyse survey were further explored and supported through a second round of community engagement, taking place between 1 October 2020 and 7 November 2020, badged "***Your City in 2035 - What matters to you?***"

During this stage of engagement, community members could complete a survey on the City's Your Say Busselton website, telling us how they would describe their perfect City of Busselton, what they enjoy about living here, what they'd like to see more of, and what one thing they would prioritise to make the City of Busselton an even better place to live. Flyers seeking information about community priorities, and hard copy surveys were also promoted and available at the City's libraries and a range of community events.

In addition, three random invite community workshops were held, a dedicated youth survey was distributed to students at St Mary MacKillop College, and through the City's youth facility, Councillor connect appointments were available for members of the community to attend, and City officers engaged with patrons of Cliff's Kitchen, St Mary's Anglican Church and St George's Anglican Church Community Care, and met with representatives of the Undalup Association to explain the review process and request input.

Throughout the total engagement process, the City registered 1,658 engagements, being the number of attendees at workshops and appointments, in addition to the number of separate submissions received.

More information about the various engagement mechanisms is outlined under the Stakeholder Consultation section of this report.

Community Engagement Outcomes

The engagement outcomes overall reflect the vision and aspirations of our current Strategic Community Plan – that is, a place ***Where Environment, Lifestyle and Opportunity Meet***.

We again heard that our environment is regarded by the community as our most valuable asset and is, for a lot of us, the reason we live here. People enjoy the relaxed country feel and the lifestyle the City offers, with the provision of recreational and leisure facilities seen as important. People are also seeking opportunities, through industry diversification and employment growth, through improved road, air and future rail connections, and through the development of vibrant and active town centres.

Overall the matters most frequently raised throughout the engagement included:

- Diversification of industry and promotion of employment opportunities, while recognising and supporting the importance of tourism.
- Activation of town centres - during the day through the activation and opening of businesses, and at night with increased vibrancy and local events.
- A desire for well managed and authentic development that allows us to preserve our country feel, and maintains green corridors and public open space.
- Improved community consultation, and a demonstration of listening, with increased attention to resident and ratepayer needs across the whole district.
- Conservation of the City's natural environment, with management and protection of our coastlines a particular priority. Restoration and maintenance of the Vasse River was also seen as very important.
- Provision of sporting and recreation infrastructure, including more basketball courts, improved football ovals, an upgrade to Bovell Park and increased aquatic facilities.
- Ongoing rural road maintenance, improved road design to relieve traffic congestion and completion of the dual carriageway highway between Capel and Busselton.
- A desire for more policing, less crime and drug prevention programs that help people to feel safe.
- Improved recycling options.
- More things for youth to do and more indoor activities.

The matters raised were considered and workshopped by Council for the purpose of reviewing and determining Council's strategic direction and priorities.

Draft Strategic Community Plan 2021- 2031

The result is a draft plan shaped around four key themes aligned to the overall vision - **Environment**, **Lifestyle**, and **Opportunity**, with these underpinned by collaborative and accountable **Leadership**. These four key themes serve to activate the vision, and reflect the priority aspirations of the community.

Within each key theme, the community's aspiration is set out, based on the collective feedback. A synopsis of that feedback is provided in the "we heard you want" section, in addition to the "how we put the plan together" section of the Plan.

In response to the community aspiration Council has identified key strategic priorities. In most instances, these build on Council's current strategic direction, and are informed not only by community feedback but also by the strategic direction of relevant State agencies and taking into account our capacity to resource the priorities, in addition to deliver core services.

The City's recently adopted Long Term Financial Plan 2021 - 2031 (LTFP) outlines the City's resourcing capacity, and was informed by this major review process as well as helping to guide the development of the Plan. For instance, the provision of a range of sporting and recreation facilities had already been factored into the LTFP as a result of the strategic direction set in the City's current Strategic Community Plan 2017 and furthered by the Sport and Recreation Strategy 2020 – 2030. This ongoing strategic direction has been reflected in the Plan. Increased funding for coastal management on the other hand was factored into the LTFP given the community feedback received about its importance and based on development of a Coastal Hazard Risk Management and Adaptation Plan.

Delivery of our services are also critical to the achievement of community aspirations. While services often support the achievement of multiple key themes, they are aligned in the Plan to a key theme on a best fit basis. Finally, in each key theme a range of supporting plans and strategies are listed. A brief overview of each key theme is provided below.

Key Theme 1 - Environment

Community Aspiration - An environment that is valued, conserved and enjoyed by current and future generations.

This theme focuses on the City's natural environmental attributes. The strategic priorities reflect the need to consider environmental values as part of development, and to work collectively with the community and other key partners in conserving our environment. There is an ongoing focus on the health of our waterways including the Vasse River, along with an increasing priority on managing the impacts of climate change on the City's coastlines. Effective waste management and the promotion of environmentally responsible practices are also important.

Key Theme 2 - Lifestyle

Community Aspiration - A place that is relaxed, safe and friendly, with services and facilities that support a sense of lifestyle and wellbeing.

This theme focuses on the services and infrastructure that help to enhance people's daily lives and contribute to the enjoyment of their lifestyle. It is the theme where, as a City, we provide the broadest range of City services. In accordance with the Sport and Recreation Strategy 2020-2030 and the LTFP there is a focus on the provision of sport and recreation facilities to support healthy and active lifestyles. There is also a commitment to a performing arts facility, improved road, path and cycle ways, youth development, and continued support and advocacy in relation to the building of a safe, healthy and capable community.

Key Theme 3 - Opportunity

Community Aspiration - A vibrant City with diverse opportunities and a prosperous economy.

The opportunity theme is largely focused on economic growth, diversification, and activation, and the opportunities that brings in terms of employment and business investment. It also addresses the opportunity to activate our town centres so they offer consumer choice, and add vibrancy and a sense of place. The continued progression of aviation opportunities and planning for future road and rail infrastructure is also noted.

Key Theme 4 - Leadership

Community Aspiration - A Council that connects with the community and is accountable in its decision making.

The final key theme, Leadership, underpins delivery of all of the other themes. It addresses Council accountability and engagement with the community, good financial management and good organisational governance. The community were clear around their desire for improved Council engagement and transparency and this is a key strategic priority.

Overall, the Plan is not new in its strategic direction. Much of the feedback received through this review is consistent with feedback received in previous years, including matters connected with environmental conservation, community safety and security, the provision of sport and recreation facilities, limiting urban sprawl, housing affordability, the need for CBD activation and improved employment opportunities.

The Plan is however intended to be more concise, reducing the key goal areas (now key themes) from six down to four, and setting out a clear aspiration and a set of strategic priorities in each. While the current plan is very comprehensive, there are multiple and sometimes overlapping goal areas, objectives and strategies.

Striking the right balance between progression and opportunity, protecting our natural environment, and retaining our unique character, lifestyle will be challenging. It requires careful thought, planning and collaboration across all stakeholders. The Plan emphasises the need for this collaboration and that there are limits on the City's ability to achieve all of the strategic priorities in isolation. The Plan commits to working with key partners and to advocating where necessary for outcomes that produce positive community impacts.

Advertising of the Plan

While the community has been offered the opportunity to contribute their thoughts and ideas around the future of the district, they have not yet had an opportunity to comment on the Plan and how it has been modified from the current Strategic Community Plan 2017. It is therefore recommended that the Plan is advertised for a period of 21 days, allowing time for the community to provide feedback by way of submissions. During this time staff will promote the Plan through the Your Say Busselton site and through social media and the City's website. Staff will also hold two community information sessions, one in Dunsborough and Busselton. It is hoped that this will help to facilitate community awareness and understanding of the Plan and its purpose.

Feedback will be collated and reported to Council, with possible amendments proposed depending on the feedback received. The Plan (with any amendments) will then be formally presented to Council for adoption by an absolute majority.

Statutory Environment

Section 5.56 of the Act requires local governments to plan for the future, ensuring that plans made are in accordance with any regulations made about planning for the future of the district.

Regulation 19C of the Regulations requires the creation of a strategic community plan in accordance with the following:

1. A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
2. A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
3. A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
4. A local government is to review the current strategic community plan for its district at least once every 4 years.

5. In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
6. Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
7. A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
8. If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
9. A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
10. A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

**Absolute majority required.*

The Regulations also require that a corporate business plan is made for the district covering at least 4 years and setting out, consistent with any relevant priorities set out in the strategic community plan for the district, a local government's medium term priorities.

Relevant Plans and Policies

The DLGSC's Advisory Standard for IPR dated September 2016, requires a strategic community plan to meet a minimum Achieving Standard. The Achieving Standard is satisfied when:

- (i) an adopted strategic community plan meets all regulatory requirements;
- (ii) a local government has a community engagement policy;
- (iii) community engagement involves at least 500 or 10% of community members, whichever is the fewer and is conducted by a least two documented mechanisms; and
- (iv) a strategic review occurs every two years, alternating between a minor and major strategic review.

Following adoption of a final strategic community plan, the key themes and priorities will inform development of the City's Corporate Business Plan 2021-2025. The Corporate Business Plan 2021-2025 will detail the actions designed to achieve the strategic priorities, and will set out a more detailed overview of the City's service delivery.

Both the strategic community plan and the corporate business plan inform and are informed by the City's LTFP, as the City's primary resourcing guide.

Financial Implications

The Plan has been developed cognisant of, and has also helped to inform, the City's LTFP. The LTFP makes provision for new and improved sport and recreation infrastructure, for a performing arts centre, for funding towards the Vasse River and waterway improvements, and for the future management of the City's coastlines. As noted earlier, funding within the LTFP has in some areas been increased and reallocated in response to feedback gathered through the engagement process. Overall, the City is well positioned to fund core services and strategic priorities, with several sources of revenue available, including rates, borrowings, reserves, contributions and grants.

With respect to the proposed advertising of the Plan, this will be conducted in house and is catered for within the City's current budget.

Stakeholder Consultation

Community engagement to inform the review of this Plan began in June 2020 and ran through (in two stages) to early November 2020. A total of 1,658 engagements were registered.

The Catalyse Pty Ltd Community Satisfaction (Scorecard) Survey was sent to 4,000 randomly selected people, with the opportunity for other to opt-in. A total of 1,018 submissions were received, with a statistically valid random sample of 584.

The opportunity for broader community input in stage 2 of the engagement was promoted through:

- advertisements in the Busselton-Dunsborough Times newspaper;
- the City's Council Connect page in the Busselton-Dunsborough Mail newspaper;
- the City's Facebook, LinkedIn and Instagram sites; and
- the September edition of the City's Bay to Bay newsletter.

Flyers and questionnaires were also distributed at community events. All of these promotional channels directed the community to the City's Your Say site at www.yoursay.busselton.wa.gov.au where the online version of the questionnaire could be completed or an idea relevant to the review could be submitted.

Other key community engagement mechanisms are outlined in brief below:

(i) Workshops

2,000 community members randomly selected from the City's electoral role, were invited to participate in one of three independently facilitated community workshops, two being face to face workshops; one in Dunsborough on Monday 26 October 2020 and the other in Busselton Tuesday 27 October 2020. The third workshop was an online session held in the evening of Tuesday 27 October 2020. Workshop participants were asked to identify –

- three words that would describe the perfect City of Busselton,
- what they wanted from a strategic community plan, and
- what changes were required to improve the current strategic direction.

(ii) Youth

A questionnaire specifically designed for year 7 to 9 students was distributed to students at St Mary MacKillop College, while upper school students from the college completed the main questionnaire. Youth attending a joint Rio Tinto/City of Busselton event at the Dunsborough Skate Park also had the opportunity to provide input via the flyer, and surveys were available at the City's Youth facility.

(iii) Councillor Connect Appointments

Using the survey questionnaire as a guide for discussion, Councillors met with individuals and small groups of up to five people in 30 minute appointments, to discuss the City's strategic direction. Appointments at the Naturaliste Community Centre in Dunsborough were available on Friday 9 October 2020, Saturday 10 October 2020 and Thursday 5 November 2020. Appointments at the Community Resource Centre in Busselton were available on Thursday 15 October 2020 and Friday 16 October 2020. 17 people attended one of these appointments.

(iv) Community Kitchens

City Officers engaged with the patrons of Cliff's Kitchen at St Mary's Anglican Church on two occasions in October during which patrons voluntarily completed questionnaires and had the opportunity to explain their response, which was duly recorded by the attending City officer. Officers also attended the community kitchen at St Georges Anglican Church Community Care in Dunsborough on two occasions. In each case the presence of Officers at these events was made possible in cooperation with the respective community kitchen coordinators.

(v) Child Care Centres / Families

Throughout the duration of this engagement period the coordinator of Goodstart Early Learning centres in Busselton and Dunsborough helped the City reach out to the carers by allowing both centres to act as a distribution and collection point for flyers and questionnaires.

(vi) Undalup Association

First Nations residents were encouraged to contribute to the review. A review project team member met with the Vice Chairperson of the Undalup Association to explain the review process and request input from the Association members. Questionnaires were available at the Undalup Association office to encourage member feedback.

(vii) Community Events

A member of the review team attended the City's Early Years Annual Play Day where parents and promoters were invited to complete questionnaires. Officers also handed out questionnaires to patrons of holiday activities at the Dunsborough Lions Park, Mitchell Park and at the Busselton Festival Triathlon.

(viii) Staff Workshop

On 1 December 2020, City staff members had the opportunity to appraise the outcomes of the engagement process and assist with formulating proposed strategic priorities, identifying any gaps that may have been obvious based on their own 'on ground' experience from working with the community.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council could:

1. Decide not to endorse the draft Strategic Community Plan 2021-2031 for advertising and instead choose to adopt the Plan. While consultation has occurred during the development of the Plan, further advertising is recommended to ensure the community is consulted in relation to the detail of the Plan.
2. Request further amendments to the Plan prior to advertising.

CONCLUSION

The City of Busselton has reviewed its strategic community plan in accordance with legislative requirements, and has developed a revised draft Strategic Community Plan 2021-2031. The Plan is provided to Council for endorsement and approval to advertise for further community feedback. It is proposed that the Plan is advertised for a period of 21 days, with feedback being collated and considered. The Strategic Community Plan 2021-2031 (inclusive of any proposed amendments) will then be formally presented to Council for adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Upon Council endorsing the Plan, it will be advertised as soon as possible for a period of 21 days.



2021-2031

Strategic Community Plan

DRAFT APRIL 2021



***Where
environment,
lifestyle and
opportunity
meet!***



Foreword



A major review of the City's Strategic Community Plan is conducted every four years to ensure the Plan remains relevant and responsive to the vision and aspirations of our broad and diverse community. This major review of the City's Strategic Community Plan 2017 (Review 2019) is being rolled out in three stages.

Stage One

8 June 2020 to 7 July 2020

COMPLETED

Release of a community survey (scorecard) to determine community priorities and the level of community satisfaction with Council's performance.

Stage Two

1 October 2020 to 7 November 2020

COMPLETED

Roll out of a community engagement program to verify community aspirations and priorities.

Stage Three

From 15 April 2021 to 7 May 2021

Invitation to the community to comment on the content of a Draft Strategic Community Plan, which strives to reflect community input and sentiment expressed in Stage One and Stage Two.

Why are we asking for feedback?

The draft has been informed by the thoughts and ideas we heard in our engagement processes, in addition to the strategic direction of relevant state agencies and after considering our current strategic priorities, service obligations and resourcing capacity. The invitation for further feedback allows us to communicate Council's strategic direction and allows those who could not participate in earlier review stages to have a say before the final draft is submitted to Council for endorsement.

How to lodge your feedback

You can provide feedback on the draft Strategic Community Plan by—

- Completing the online feedback form at yoursay.busselton.wa.gov.au
- Printing a feedback form found at yoursay.busselton.wa.gov.au and lodging the form at the City's Administration Building.
- Attending one of our information and discussion sessions.

Questions about submissions to this draft plan can be directed to Cathy Burton, Corporate Planning Officer on 9781 0370.

RECEIPT OF SUBMISSIONS CLOSE 5PM 7 MAY 2021.

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ACKNOWLEDGEMENT OF COUNTRY

The City of Busselton acknowledges the Traditional Custodians, the Wadandi Bilbulmun People, on whose land we are living and pay our respects to their Elders, past, present and emerging.



Message from the Mayor

I am proud to present our Strategic Community Plan 2021-2031.

The Strategic Community Plan is the City's overarching strategic planning document. It outlines a clear vision for the District and guides the decisions and direction of Council.

The opportunity to be part of the Plan's review was open to all community members, and on behalf of Council I wish to thank the many people who contributed their thoughts and ideas by taking part in our surveys, workshops and one-on-one discussions with myself and my fellow Councillors.

What is clear from the feedback received is the passion and attachment we have for this place - it really is a special part of the world. Our natural environment, our lifestyle, and the opportunities for personal and professional enrichment continue to be important to our community. The community wants to have confidence that our environment is looked after and that the lifestyle benefits we enjoy can be maintained as our population grows and our popularity as a holiday destination remains strong. There is also a desire to facilitate economic growth through employment and investment opportunities, to add vibrancy to our town centres, and to continue to invest in community services and infrastructure.

The feedback received has helped to shape this Strategic Community Plan, with Council's strategic priorities more closely aligned to the community's vision, as represented by the new Key Themes. The strategic priorities reflect Council's response and are informed not only by community feedback, but also the strategic initiatives of relevant state agencies and our current strategic direction. The Plan also takes into account our capacity to resource the priorities and to service and maintain our current assets, ensuring we remain a strong and financially sustainable City.

Through the implementation of this Plan we will work hard to make the City of Busselton the place *where environment, lifestyle and opportunity meet*.


GRANT HENLEY
MAYOR



City Snapshot

The City of Busselton is widely known for its stunning beaches, tourist attractions, holiday destinations and as a venue for significant events

Situated 223kms from Perth, Western Australia's capital city, and covering an area of 1,454 square kilometres, the City of Busselton is a place where people can enjoy all the experiences that nature has to offer along with the benefits that come with living away from a busy capital City.

The City of Busselton is a progressive and important regional area. The area's population continues to grow, attracting both families and retirees, along with new businesses and investment. The City's estimated resident population sits at just over 40,000 and is projected to be in the vicinity of 60,000 by 2031.* While this growth brings with it many economic and social benefits as well as new services and infrastructure, it also poses challenges as we seek to conserve our environment and maintain a sense of local identity and character.

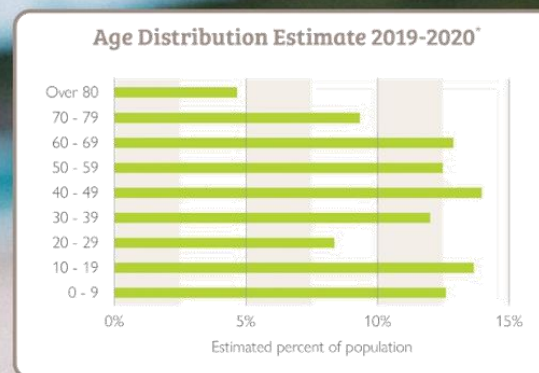
Striking the right balance between the development that is required to cope with growth and retaining our unique character and environment is ongoing work that continues to be given careful thought and planning.



* Western Australia Tomorrow Population Report No 11, Band 11A

City Snapshot

The demographics cited provide a snapshot of our community as at March 2021.



* 32180 Regional population 2019-20 financial year: <https://www.abs.gov.au/statistics/people/population/regional-population>

** <https://www.abs.gov.au/data/byregion> 30 October 2020

***How we put
the plan
together***

Photo: In Sight Photography

How we put the plan together



STAGE 1: EXPLORE

> COMMUNITY SCORECARD SURVEY

The City of Busselton commissioned independent market research organisation CATALYSE® to conduct a MARKYT® Community (Scorecard) Survey to support the review of the strategic community plan. The scorecard survey was designed to –

- assess the City's performance against the community's objectives,
- determine community priorities and
- benchmark the City's performance against other local governments.

4,000 randomly selected households were sent invitations to take part in the survey; with 1,000 sent by mail and 3,000 by email. 584 randomly selected residents completed a survey, reducing the sampling error to $\pm 4.02\%$ at the 95% confidence interval. A further 247 residents, including 121 non-resident ratepayers and visitors and 66 City affiliated respondents, participated in the survey.

Five clear community priorities were identified – value for money from rates, coastal area management, economic development, major transport networks and sport and recreation. The image below outlines the key sentiments conveyed in the survey.

Community Participation

Across stages one and two, 1,658 engagements were achieved, with engagements being the combined number of attendees at workshops and appointments in addition to the number of separate submissions received.

STAGE 2: DISCUSS

> WHAT MATTERS TO YOU?

To encourage further community input and to test the outcomes of the Catalyse survey, we embarked on a further round of consultation.

During Stage Two, the City –

- ✓ Wrote to 2,000 ratepayers randomly selected from the City's electoral role inviting them to take part in the review by attending a workshop.
- ✓ Held three independently facilitated community workshops.
- ✓ Hosted an online ideas forum and questionnaires on Your Say Busselton
- ✓ Distributed hard copy questionnaires and flyers at key events and locations
- ✓ Scheduled appointments for Councillors meetings with individuals and representatives of community
- ✓ Promoted the feedback opportunity on the City's website, social media pages and newsletter and local print media

Community Scorecard Survey



1,018

Community Workshops



82

Community Questionnaires



539

Ideas Forum



19

Community Councillor Appointments



17

Community Priorities

We asked the community what they loved about living here in the City of Busselton, and how they would describe their ideal City as we look towards 2035.



We also asked what the community would like to see prioritised when thinking about the future.

There was a great range of comments reflecting the diversity of our community. Here's a small sample of comments

Better options for teenagers to get to places as well as more activities aimed at teenagers	A City of Busselton Council (and employees) that communicate and listen to the ratepayers of the various areas	A good transport system between suburbs and the CBD
Focus on residents not tourists	Keeping the natural environment as pristine as possible	Improved road networks and safer roads
Increased flights from interstate to connect us for business and tourism. More professional businesses will move to the area with this connectivity, creating jobs and bringing money for growth of critical infrastructure	Time taken and more community say in what is happening to our area	A focus on not making our City like every other popular tourist destination whereby the constant development destroys the original reason for its popularity
Showcase our natural environment	Better sporting facilities	Structured plan for the urban growth (that will occur and must occur) to create quality of design and diversity of lot size options
A substantial sea wall to protect us from storms/climate change sea level rises	Less high density urban sprawl	More support for marginalised community sectors – youth, aged, unemployed
	More music and nightlife - especially music and entertainment	

Community Priorities



Overall the matters most frequently raised throughout the engagement included:

- Diversification of industry and promotion of employment opportunities, while recognising and supporting the importance of tourism.
- Activating town centres, during the day through the activation and opening of businesses, and at night with increased vibrancy and local events.
- Well managed and authentic development that allows us to preserve our country feel, and maintaining green corridors and public open space.
- Improving communication, better listening and increased attention to resident and ratepayer needs across the whole District.
- Conservation of the City's natural environment, including restoration and maintenance of the Vasse River; weed and vermin control, coastal erosion and protection, and facilitating sustainable living.
- Provision of sporting and recreation infrastructure, including more basketball courts, improved football ovals, an upgrade to Bovell Park and improved aquatic facilities.
- Ongoing rural road maintenance, improved road design to relieve traffic congestion and completion of the dual carriageway highway between Capel and Busselton.
- A desire for less crime, more policing and drug prevention programs that help people to feel safe.
- Improved recycling options.
- More things for youth to do and more indoor activities.

Photo: Russell Barton

A woman in a grey tank top and black pants is walking a light-colored dog on a leash along a wooden boardwalk. A council worker in a khaki uniform stands next to her, looking at the dog. The background is a lush green garden.

**Strategic
Community
Plan**

The responses to our review have been distilled into a redefined set of key strategic themes and community aspirations.

ENVIRONMENT
An environment that is valued, conserved and able to be enjoyed by current and future generations.

LIFESTYLE
A place that is relaxed, safe and friendly, with services and facilities that support a sense of lifestyle and wellbeing.

OPPORTUNITY
A vibrant City with diverse opportunities and a prosperous economy.

LEADERSHIP
A Council that connects with the community and is accountable in its decision making.

10

Strategic Community Plan

What has changed from our 2017 strategic community plan

Our current Strategic Community Plan, adopted in 2017 and reviewed in 2019, first set out this vision and has provided a roadmap for Council over the past four years. This new Plan enhances and consolidates our current strategic direction with four clear themes aligned to the vision, each with actionable strategic priorities.

Under each Key Theme is the community aspiration as we heard it through our engagement. Together these key themes and aspirations replace the three word outcome statements in the current plan.

The 2017 plan also contains a range of community objectives supported by Council strategies. Feedback from users identified that the plan, while comprehensive, could be cumbersome to navigate, with multiple and sometimes overlapping objectives and strategies. To provide a more concise

statement of strategic direction, we have therefore replaced the community objectives and council strategies with a set of strategic priorities under each Key Theme. This in turn gives greater emphasis to the aspiration of each theme.

The Plan continues to have a focus on environmental conservation including improving the health of our waterways, the management of waste, and responding to the impacts of climate change. Providing for our lifestyle is vital; specifically the provision of safe, functional neighbourhoods, sporting and recreational infrastructure, cultural programs and services, and road and other transport networks. With regard to opportunity, we continue to focus on industry diversification, employment generation, and activating our town centres. The attraction and holding of events also remains a strategic priority.

**This Plan maintains our Vision to be a place
Where environment, lifestyle and opportunity meet.**

CURRENT PLAN Key Goal Areas and Outcomes



Community
Welcoming, friendly,
healthy



Places and Spaces
Vibrant, attractive,
affordable



Environment
Valued, conserved,
enjoyed



Economy
Diverse, resilient,
prosperous



Transport
Smart, connective,
accessible



Leadership
Visionary, collaborative,
accountable

THIS PLAN Key Themes and Community Aspirations



Environment
An environment that is
valued, conserved and
enjoyed by current
future generations.



Lifestyle
A place that is relaxed,
safe, and friendly with
services and facilities
that support our lifestyle.



Opportunity
A vibrant City with
diverse opportunities
and a prosperous
economy.



Leadership
A Council that connects
with the community
and is accountable in
its decision making.

Strategic Community Plan



Understanding the plan

Vision and Values

Our vision is what Council and the community aspire to for this place.

Supporting the delivery of the vision are the City's corporate values of Listening, Considered Decision Making, Appreciation, Respect and Teamwork. These values guide the way in which the City goes about its business.

Key Themes

Aligned to our vision are four Key Themes - Environment, Lifestyle and Opportunity, with delivery of these underpinned by the fourth theme of Leadership.

Community Aspirations

Each Key Theme describes a community aspiration based on what we heard during the consultation process. It is these aspirations that we seek to achieve by implementing the strategic priorities outlined in this Plan and continuing to provide services to the community.

Strategic Priorities

These are the key strategic priorities of Council over the life of this Plan. Progression

of the priorities is detailed in the City's Corporate Business Plan, which has a four year outlook and is reviewed annually. The majority of priorities have been rolled over from previous plans, and amended in response to feedback and changing community and stakeholder demands.

Supporting Service Areas

We deliver a broad range of services all of which support the achievement of the community vision and aspirations. The City's service areas have been mapped against the theme they primarily support. Importantly, our service areas work together to support the Plan.

Local Government Control and Influence

In responding to community aspirations there is a limit to what can be achieved solely by the City of Busselton as a local government authority. Where aspirations and priorities cannot be achieved by the City alone, we will work collaboratively with the community and key partners to achieve the best possible result.

The City of Busselton also is committed to advocating and responding in a way that can make a positive difference, including identifying and obtaining Federal and State funding to support this Plan.

Some of our key partners are:

- Community groups, clubs, associations and organisations
- Local chambers of commerce and industry
- Local businesses
- Margaret River Busselton Tourism Association
- Federal government departments and agencies
- Peron Naturaliste Partnership
- South West Development Commission
- South West Regional Waste Group of Councils
- State government departments and agencies

Strategic Community Plan

Key Theme 1 **Environment**



Community Aspiration

A place that is relaxed, safe and friendly, with services and facilities that support a sense of lifestyle and wellbeing.

We heard you want

- Conservation of nature and the environment
- Healthier waterways
- A protected and well managed coastline
- Green belts and our country feel retained
- Weed and vermin control
- Sustainable waste management and recycling

OUR STRATEGIC PRIORITIES

- | | |
|--|--|
| 1.1 Balance the impacts of development by considering environmental values as part of land use planning. | 1.4 Respond to the impacts of climate change on the City's coastlines to protect lifestyle, amenity and environmental values. |
| 1.2 Work with the community to conserve and improve natural areas and their biodiversity. (New) | 1.5 Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling. |
| 1.3 Work with key partners to improve the health of the Vasse River and waterways in the Geographe catchment. | 1.6 Promote and facilitate environmentally responsible practices. (New) |

Supporting service areas

- Coastal Construction
- Coastal Maintenance
- Environmental Management and Natural Areas Conservation
- Strategic Planning
- Waste Management

Supporting plans and strategies

- | | |
|---|---|
| <ul style="list-style-type: none">• Biodiversity Incentive Strategy• Coastal Protection Management Plan• Draft Coastal Hazard Risk Management and Adaptation Plan• Energy Strategy• Environment Strategy• Local Environmental Planning Strategy• Lower Vasse River Waterway Management Plan | <ul style="list-style-type: none">• Meelup Regional Park Coastal Nodes Management Plan• Meelup Regional Park Management Plan• Meelup Regional Park Trails Management Plan• Meelup Regional Park Coastal Nodes Management Plan• Toby Inlet Waterway Management Plan• Vasse Geographe Strategy |
|---|---|

Strategic Community Plan

Key Theme 2 **Lifestyle**



Community Aspiration

A place that is relaxed, safe and friendly, with services and facilities that support a sense of lifestyle and wellbeing.

We heard you want

- An authentic City with a sense of character and relaxed lifestyle
- Sport and cultural leisure options for youth and families
- A safe community
- Housing choices that are affordable
- More cycleways
- Improved local roads

Supporting service areas

- | | | |
|-------------------------------|--------------------------|--------------------------------|
| • Asset Management | • Development Compliance | • Library Services |
| • Building Services | • Development Control | • Maintenance and Construction |
| • Community Development | • Economic Development | • Parks and Gardens |
| • Cultural and Event Services | • Environmental Health | • Ranger Services |
| • Design and Survey | • Facility Maintenance | • Statutory Planning |
| | • Landscape Architecture | • Youth Services |
| | • Leisure Services | |

OUR STRATEGIC PRIORITIES

- | | |
|---|--|
| 2.1 Recognise, respect and support community diversity and cultural heritage. | 2.7 Advocate for specialist and mental health services within the district, including substance support services. |
| 2.2 Work with key partners to support a safe, healthy and capable community. | 2.8 Plan for and support the development of neighbourhoods that are functional, attractive and provide for lifestyle and housing choice. |
| 2.3 Provide well planned sport and recreation facilities to support healthy and active lifestyles. | 2.9 Provide accessible and connective pathways and cycleways. |
| 2.4 Establish a performing arts facility for the District. | 2.10 Provide and advocate for local road and public transport networks that are safe and allow the convenient movement of people throughout the District. |
| 2.5 Facilitate and plan for events and cultural experiences that provide social connection. | 2.11 Provide well maintained community assets through robust asset management practices. |
| 2.6 Provide for youth development through activities, programs and events. | |

Supporting plans and strategies

- | | |
|---|--|
| • Bushfire Management Plan | • Port Geographe Boat Ramp Marine Structure Study Staging Plan |
| • Busselton Traffic Study | • Public Health Plan (Draft) |
| • Disability Access and Inclusion Plan | • Sport and Recreation Facilities Strategy |
| • Local Cultural Planning Strategy | |
| • Local Emergency Management Arrangements | |

Strategic Community Plan

Key Theme 3 **Opportunity**



Community Aspiration

A vibrant City with diverse opportunities and a prosperous economy.

We heard you want

- Industry diversification, training and employment opportunities
- Support for local business
- CBD activation, vibrancy and nightlife
- A mix of local community and tourism based events and attractions
- Improved connections to and from the district through air, road and rail transport

Supporting service areas

- Airport Services
- Busselton Jetty Tourist Park
- Busselton Jetty
- Economic Development
- Events Services
- Major Projects

OUR STRATEGIC PRIORITIES

- | | |
|---|---|
| 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations with a sense of place and offering consumer choice. | 3.3 Continue to promote the District as the destination of choice for events and unique tourism experiences. |
| 3.2 Facilitate and innovative and diversified economy that supports local enterprise, business development, investment and employment growth. | 3.4 Develop aviation opportunities at the Busselton Margaret River Airport. |
| | 3.5 Continue to advocate for the planning of future road and rail infrastructure linking Busselton with Bunbury and Perth. |

Supporting plans and strategies

- | | |
|---|--|
| <ul style="list-style-type: none">• Busselton Activity Centre Conceptual Plan• Busselton Foreshore Master Plan• Busselton Jetty Tourist Park Master Plan• Busselton Margaret River Airport Master Plan• Dunsborough Town Centre Conceptual Plan | <ul style="list-style-type: none">• Economic Development Strategy• Events Strategy• Local Commercial Planning Strategy• Local Tourism Planning Strategy• Smart City Strategy |
|---|--|

Strategic Community Plan

Key Theme 4 Leadership



Community Aspiration

A Council that connects with the community and is accountable in its decision making

We heard you want

- Council to consult with and listen to the community
- Balanced spending catering for resident needs
- Strong financial management to minimise rate increases
- Facilities that are well maintained

Supporting service areas

- | | | |
|-----------------------|----------------------------------|--------------------|
| • Customer Services | • Human Resources | • Procurement |
| • Executive Services | • Information Technology | • Public Relations |
| • Financial Services | • Land and Property Leasing | • Rates |
| • Fleet Services | • Legal Services | • Records |
| • GIS and Mapping | • Occupational Health and Safety | |
| • Governance and Risk | | |

OUR STRATEGIC PRIORITIES

- | | |
|--|---|
| 4.1 Provide opportunities for the community to engage with Council and contribute to decision making. | 4.4 Govern a professional organisation that is healthy, capable and engaged. |
| 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. | 4.5 Responsibly manage ratepayer funds to provide for community needs now and in the future. |
| 4.3 Make decisions that respect our strategic vision for the District. | |

Supporting plans and strategies

- | | |
|---|----------------------------|
| • Asset Management Plan | • ICT Plan |
| • Communications Plan | • Long Term Financial Plan |
| • Draft Buildings Asset Management Plan | • Pandemic Plan |
| • Business Continuity Plan | • Workforce Plan |

Resourcing our plan

The City of Busselton has a range of plans and strategies to support and deliver the Strategic Community Plan. The most significant of these include the Corporate Business Plan, Long Term Financial Plan, Asset Management Plan, and Workforce Plan.

Photo: Tim Campbell

17

Resourcing our plan

Corporate Business Plan

The City's four year Corporate Business Plan outlines the services and priority actions that will be delivered by the City or in partnership with our stakeholders.

Actions are monitored every quarter to ensure that the City delivers what is planned, with performance reported six monthly and in the City's Annual Report.

Long Term Financial Planning

The City's Long Term Financial Plan (LTFP)

underpins this plan and delivery of the Corporate Business Plan. The LTFP 2021/22 - 2030/31, adopted by Council on 24 March 2021, provides for significant capital investment aligned to the Council's strategic priorities, mainly in sport, recreation and cultural infrastructure, while also ensuring funds are available for the future maintenance of assets.

Funding comes from several sources including rates, borrowings, reserves, contributions and grant funding. Our strong rate base

is considered comparatively 'self-reliant' as measured by the own source revenue coverage ratio. The City seeks to moderate its reliance on rates revenue by identifying alternative income streams and maintaining a strong focus on the application of grant funding to support capital undertakings. Additionally, the City's Loan Policy supports the use of borrowing as a potential funding source for significant projects, particularly projects that have intergenerational benefits.

Asset Management Planning

Asset management planning identifies the funding required for the renewal and replacement of existing assets including roads, footpaths, drainage, signs, carparks and the Busselton Jetty. Our LTFP contains annual asset management allocations, with these funds held in cash reserves for the future maintenance and renewal of assets and allocated based on plans for each asset class.

Workforce Plan

The City's Workforce Plan sets out current and future workforce requirements and outlines strategies aimed at developing a capable, healthy and engaged workforce. Our current Workforce Plan is focused around leadership and employee engagement, and

the ability to attract, retain and motivate employees critical to the City achieving its objectives. Outside of the projected resourcing requirements for the new Busselton Performing Arts and Convention Centre, the City's current Workforce Plan provides for very conservative growth over the next four years. Given this, employee engagement is crucial, as is the need for continuous review of service delivery to ensure we are being as effective as possible.

Realising Our Goals

Realising our goals will require the collaboration of Council, residents, our business community, other levels of government, and neighbouring councils. Some things external to and outside of the scope of Council's influence may limit what can be achieved. Additionally, priorities may change or be impacted over time. Risks such as the ability to secure adequate funding or skilled human resources are noted on page 20 of this Plan will need to be managed.

Overall the City is well placed to deliver on the priorities of this Strategic Community Plan, both as the direct provider of community services and an advocator for community aspirations.





Managing our strategic risks

The City has a risk management framework which sets out the City's risk management approach.

Strategic risks are risks associated with the achievement of the Council's strategic direction.

Each risk has the potential to impact on the success of the strategic priorities outlined in the four Key Themes. The Plan also contains strategic priorities that address risks. For example, the strategic priority "Respond to the impacts of climate change on the City's coastlines to protect lifestyle, amenity and environmental values" acts on the risk of climate change and sea level rise.

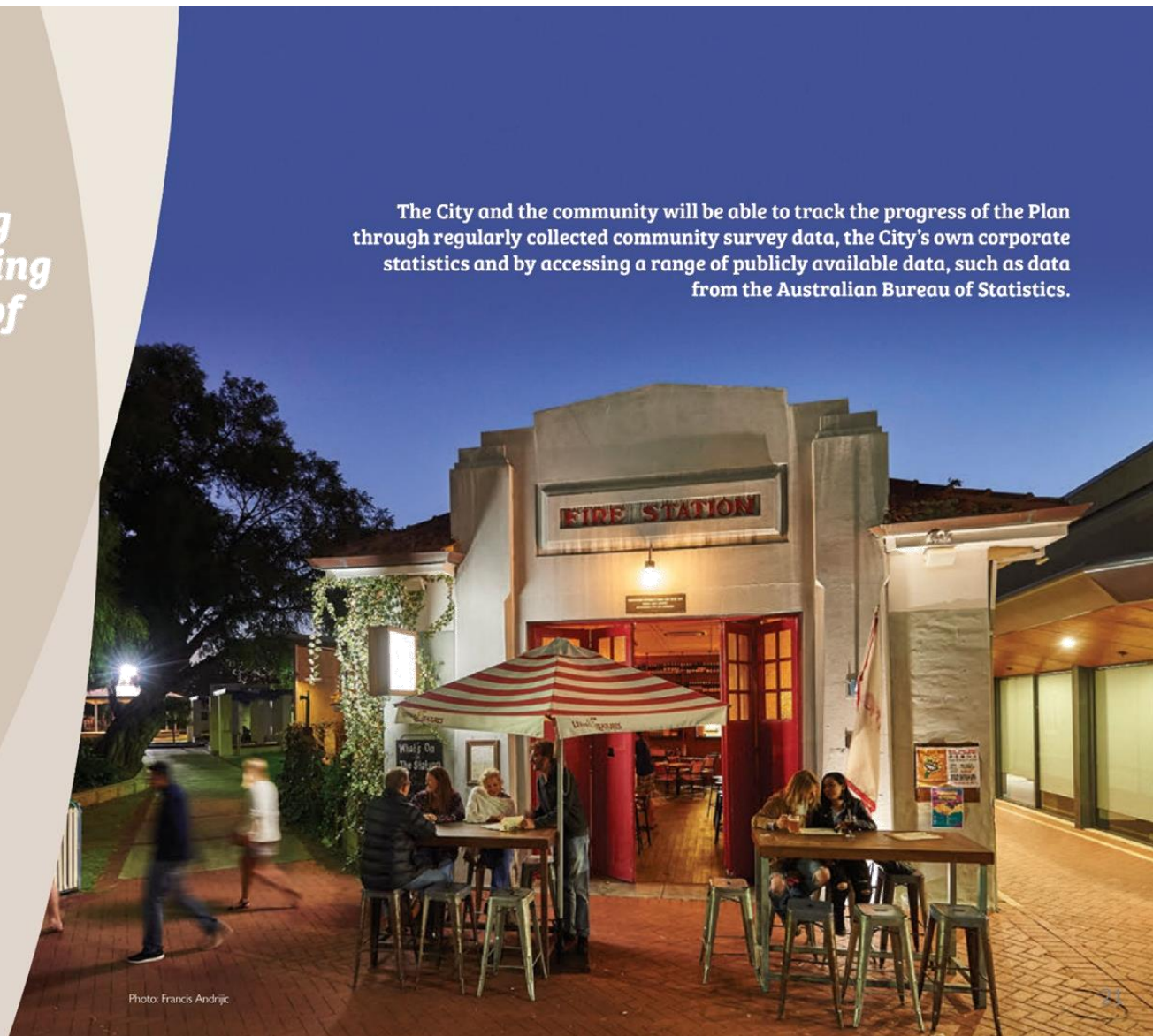
Risk Description	Existing Key Controls	Current Risk Level
RISK CATEGORY: ENVIRONMENT		
Natural disaster affecting provision of City services	<ul style="list-style-type: none">Local Emergency Management ArrangementsBushfire Management Plan	<ul style="list-style-type: none">Business Continuity PlanInsurance <div>MEDIUM</div>
Climate change and sea level rise	<ul style="list-style-type: none">Draft Coastal Hazard Risk Management and Adaptation PlanCoastal Protection Management Plan	<ul style="list-style-type: none">Energy StrategyCooperation with external agencies on sustainability projects <div>MEDIUM</div>
RISK CATEGORY: FINANCIAL		
Rate setting and /or recovery failure	<ul style="list-style-type: none">Strategic Community PlanLong Term Financial Plan	<ul style="list-style-type: none">Regular plan reviews <div>MEDIUM</div>
Revenue shortfall due to limited external funding	<ul style="list-style-type: none">Long Term Financial PlanBudget processes	<ul style="list-style-type: none">AdvocacyAlternative income stream <div>MEDIUM</div>
RISK CATEGORY: OPERATIONAL		
Natural disaster affecting delivery of City services	<ul style="list-style-type: none">Local Emergency Management ArrangementsBushfire Management Plan	<ul style="list-style-type: none">Business Continuity PlanInsurance <div>MEDIUM</div>
COVID-19 and other contagions threatening major disruption to business as usual activity	<ul style="list-style-type: none">Corporate Business PlanBusiness Continuity Plan	<ul style="list-style-type: none">Draft Pandemic Plan <div>MEDIUM</div>
Financial Deception and Fraud	<ul style="list-style-type: none">Financial Control PracticesSeparation of duties	<ul style="list-style-type: none">Financial Audits <div>LOW</div>
Non delivery of Workforce Plan objectives (leading to turnover or inability to maintain required skills)	<ul style="list-style-type: none">Workforce Plan reviewed regularly, adopted by CEO and endorsed by Council	<div>MEDIUM</div>
Major failure of information technology systems	<ul style="list-style-type: none">Continuous upgrade of information technology infrastructure	<ul style="list-style-type: none">Disaster Recovery PlanIT Business Continuity Plan <div>MEDIUM</div>
Statutory and legislative compliance	<ul style="list-style-type: none">Qualified staffGovernance structure	<ul style="list-style-type: none">AuditsStaff induction and training <div>LOW</div>
RISK CATEGORY: REPUTATIONAL		
Community expectations not aligned to resourcing capacity	<ul style="list-style-type: none">Community Engagement Policy	<ul style="list-style-type: none">Strategic Community PlanCommunity Engagement <div>MEDIUM</div>
Inconsistent and incorrect information within community	<ul style="list-style-type: none">Community Engagement PolicyMedia and Public Statements Policy	<ul style="list-style-type: none">Staff and Elected Member trainingRegular community engagement <div>MEDIUM</div>
Council related interests	<ul style="list-style-type: none">Elected Member training and inductionCode of Conduct	<ul style="list-style-type: none">Governance StructuresCompliance Audit Return <div>MEDIUM</div>

Photo: Kyle Downie

***Measuring
and tracking
progress of
the plan***

The City and the community will be able to track the progress of the Plan through regularly collected community survey data, the City's own corporate statistics and by accessing a range of publicly available data, such as data from the Australian Bureau of Statistics.

Photo: Francis Andrić



Measuring and tracking progress of the plan



Community Satisfaction Survey

As part of each two year review, the City will measure the success of the Plan by seeking feedback from the community through a community satisfaction survey. The trends in the information received from the community will help the City to determine how well the Strategic Community Plan is performing.

Economic Data

We will refer to Australian Bureau of Statistics data to map trends in our demographic and economic movements.

Key Performance Indicators

Our Corporate Business Plan sets out a range of key performance indicators that are reported to Council twice a year. These include a measure of how we are tracking on key actions and projects, as well as reviewing our operational efficiencies and achievements.

Annual Report

The Annual Report produced at the end of every financial year is a report of our achievement during the previous 12 month period beginning 1 July and ending on 30 June. It contains an overview of the Strategic Community Plan and the Corporate Business Plan, together with information about our actions, achievements and budget performance. It also describes the major initiatives scheduled to continue or commence in the next financial year. Significant changes that may have been made to the Strategic Community Plan and Corporate Business Plan during the financial year are also explained.

Review

The progress and continued relevance of this Plan will be reviewed in two years time through a desktop review, and then in 2025 with a major review undertaken every four years.

Ongoing feedback about any aspect of the Strategic Community Plan is always welcome.

EMAIL: city@busselton.wa.gov.au

ONLINE: yoursaybusselton.wa.gov.au

POST: Chief Executive Officer
Locked Bag 1
Busselton VWA 6280

Strategic Community Plan Review Schedule

Desktop Review	2023
Full Review	2025

Strategic Planning Framework

This Plan for the future is developed in accordance with *Local Government Act 1995*, and the State government's Integrated Planning and Reporting Framework. The Strategic Community Plan is the overarching plan guiding all of the City's activities. The intent of the Plan is to outline the things that are important to our community over the next 10 years and set out the community's visions and aspirations, as well as the strategies that Council will pursue to support them.



Strategic Planning Framework



Elements of the Integrated Planning Framework

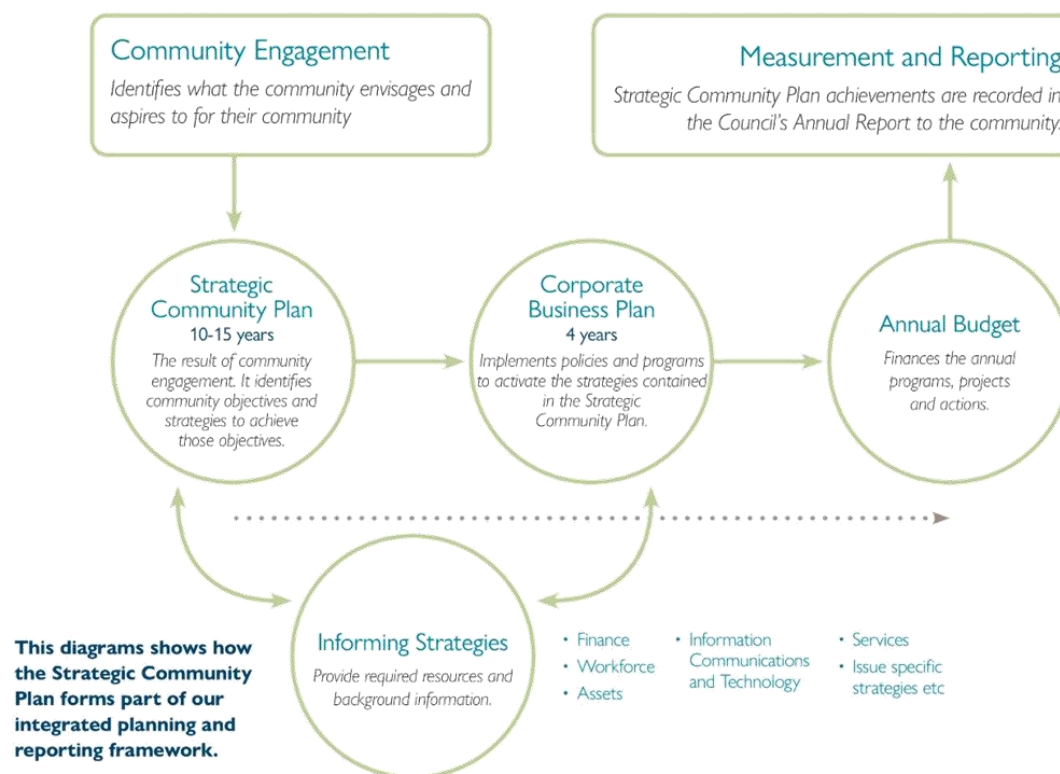


Photo: @timcampbellphoto



*Where environment, lifestyle
and opportunity meet!*



Join Our Community






Draft Strategic Community Plan 2021 - 2031

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17.1 COUNCILLORS' INFORMATION BULLETIN

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Councillors' Information Bulletin
BUSINESS UNIT	Executive Services
REPORTING OFFICER	Reporting Officers - Various
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A  Current Running SAT Reviews as at 31 March 2021 ↓ Attachment B  HIA Building Grants Letter ↓ 

COUNCIL DECISION AND OFFICER RECOMMENDATION

C2104/063 Moved Councillor P Carter, seconded Councillor P Cronin

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

17.1.1 State Administrative Tribunal Reviews**17.1.2 Correspondence: Local Government Performance during Grants Eligibility Period****17.1.3 Correspondence: Yallingup - Aboriginal (Wadandi) Statue**

CARRIED 9/0

EN BLOC

EXECUTIVE SUMMARY

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**17.1.1 State Administrative Tribunal Reviews**

A summary of the current State Administrative Tribunal reviews is provided at Attachment A.

17.1.2 Correspondence: Local Government Performance during Grants Eligibility Period

A copy of correspondence received from Housing Industry Association Limited (HIA) in recognition of the efforts of local governments over the very busy grants eligibility period is provided at Attachment B.

17.1.3 Correspondence: Yallingup - Aboriginal (Wadandi) Statue

Correspondence has been received from the Yallingup Residents Association, following the unveiling of the Wadandi statue of Korrienne Gnwirri at Slippery Rocks in Yallingup:

*"Our thanks to the City of Busselton for your support and efforts with the Wadandi Statue.
A great community asset and attraction for locals and tourists alike."*

As at 31 March 2021

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
CITY OF BUSSELTON							
Lindberg v City of Busselton	4822 Bussell Highway, Busselton	October 2019	Review of a decision to give a direction under s.214.	Ben Whitehill / Lee Reddell	<ul style="list-style-type: none"> Directions hearing on the 8 November 2019 against the decision of the City to give a direction under s.214. The matter was adjourned to a further directions hearing on 29 November 2019 in order to determine whether the application is misconceived or lacking in substance pursuant to s.47 of the <i>State Administrative Tribunal Act 2004</i> Directions hearing on the 29 November 2019 where it was resolved: <ul style="list-style-type: none"> The application is amended by substituting Mr Doug Hugh Lindberg as applicant in place of Mr Johnson. The matter is listed for an on-site mediation on 6 January 2020. Mr Michael Johnson is invited to attend and participate in the mediation. Mediation on 6 January 2020 where it was resolved that : <ul style="list-style-type: none"> the applicant is to provide additional information to the respondent by 3 February 2020; The matter is listed for mediation on 13 February 2020. Mediation on 13 February where, following further discussion with the landowners and Mr Johnson, it was resolved to adjourn the proceeding back to a further directions hearing on 17 April 2020. Directions hearing on 17 April was vacated and listed for a directions hearing on 5 June 2020. Directions hearing on 5 June was vacated and listed for a directions hearing on 7 August 2020. Directions hearing on 7 August 2020 was vacated and listed for a directions hearing on 6 November 2020. Directions hearing on 6 November 2020 was vacated and listed for a directions hearing on 5 February 2021. Directions hearing on 5 February 2021 was vacated and listed for a directions hearing on 7 May 2021. 	Directions Hearing 7 May 2021	
JOINT DEVELOPMENT ASSESSMENT PANEL							
NIL							
WESTERN AUSTRALIAN PLANNING COMMISSION							
Newport	Port Geographe	November 2020	Review of structure plan /	State Solicitors Office /	<ul style="list-style-type: none"> Mediation Scheduled for 10 December 2020. 	<ul style="list-style-type: none"> WAPC reconsideration 	

APPLICATION (Name, No. and City File Reference)	PROPERTY	DATE COMMENCED	DECISION BEING REVIEWED	RESPONSIBLE OFFICER	STAGE COMPLETED	NEXT ACTION AND DATE OF ACTION AS PER SAT ORDERS	DATE COMPLETED / CLOSED
Geographe v WAPC			subdivision conditions.	Paul Needham	<ul style="list-style-type: none"> 10 December 2020 mediation hearing resulted in scheduling of further mediation hearing for 3 March 2021 (the City attended the 10 December and 3 March hearings). 3 March mediation hearing resulted in a s31 order for WAPC reconsideration by 18 May 2021, and a directions hearing scheduled for 28 May 2021. 	by 18 May 2021. • Directions hearing 28 May 2021.	



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25 February 2021

President Tracey Roberts JP
WA Local Government Association
PO Box 1544
WEST PERTH 6872

Email: eaceo@walga.asn.au

Dear Ms Roberts,

Local Government Performance during Grants Eligibility Period

The combined Federal HomeBuilder and WA State Building Bonus grants have proven a success for many different businesses associated with product supply, installation and construction within the residential home building industry.

An increased demand for new home builds was expected, but the results were unprecedented – the industry faced a record 20-year low number of starts in June 2020, to a record 20-year high for sales and activity by December 2020.

All elements of the residential housing supply chain were under pressure; from land supply, to lending frameworks, labour shortages and materials pressures. HIA understood that the administration and approvals would also face similar pressures; collating and distributing known sales data from a majority of our members in an effort to inform Local Governments and Building Certifiers of likely upcoming approvals volumes.

A number of members have since informed me that many Local Governments are either meeting or exceeding expectations with regards to approvals processing and associated timeframes.

On behalf of our members, I'd like to extend HIA's gratitude to those Local Governments that are aware of the time-sensitive commencement periods for continued combined grants eligibility, and to those individuals working harder that may be putting in additional hours to cope with the increased volumes, too.

I hope these Local Governments and individuals can accommodate a continued effort during the remaining commencement period for the combined grants.













Yours sincerely

HOUSING INDUSTRY ASSOCIATION LIMITED

Cath Hart
Executive Director

ITEMS FOR DEBATE

13.1 DRAFT LOT 4069 COMMONAGE ROAD, YALLINGUP STRUCTURE PLAN - ADOPTION FOR FINAL APPROVAL

STRATEGIC GOAL	2. PLACE AND SPACES Vibrant, attractive, affordable
STRATEGIC OBJECTIVE	2.1 Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
SUBJECT INDEX	Structure Plans
BUSINESS UNIT	Strategic Planning
REPORTING OFFICER	Principal Strategic Planner - Louise Koroveshi
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Location Plan  
	Attachment B Draft Lot 4069 Commonage Road, Yallingup Structure Plan  
	Attachment C Schedule of Modifications  
	Attachment D Plan Illustrating Recommended Modifications  
	Attachment E Extract Commonage Policy Area Consolidated Structure Plan  
	Attachment F Schedule of Submissions  

DISCLOSURE OF INTEREST	
Date	14 April 2021
Meeting	Ordinary Council
Name/Position	Cr Kelly Hick, Deputy Mayor
Item No./Subject	13.1 Draft Lot 4069 Commonage Road, Yallingup, Structure Plan – Adoption for Final Approval
Type of Interest	Impartiality Interest
Nature of Interest	I am a friend of a person who made a submission in respect to the draft structure plan that is being considered.

Officers foreshadowed an amended officer recommendation prior to the meeting and this was moved before the officer recommendation, which was:

OFFICER RECOMMENDATION

That the Council:

- Adopts the Draft Lot 4069 Commonage Road, Yallingup, Structure Plan for final approval, subject to the modifications set out in the Schedule of Modifications and illustrated at Attachment D, pursuant to Part 4 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Notes the Schedule of Submissions at Attachment F.

COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION**C2104/064**

Moved Councillor P Carter, seconded Councillor J Barrett-Lennard

That the Council:

1. **Adopts the Draft Lot 4069 Commonage Road, Yallingup, Structure Plan for final approval, subject to the modifications set out in the Schedule of Modifications and illustrated at Attachment D, pursuant to Part 4 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **Notes the Schedule of Submissions at Attachment F.**
3. **Modifications as follows:**
 - a) **Amends the Schedule of Modifications to include the following condition in 'Part One-Implementation' of the Structure Plan Report:**
"1 g) the single, shared crossover and access way for proposed Lots 4 and 5 is to extend to the western boundary of the landscape buffer and shall be designed to minimise direct line of sight from Commonage Road to residential development within the respective lots."

CARRIED 9/0

Reasons: The amendment is proposed to: minimise the visibility of future residential development on proposed Lots 4 and 5 from Commonage Road; and assist in maintaining the visual and landscape amenity of Commonage Road.

EXECUTIVE SUMMARY

The Council is requested to consider adopting for final approval a draft Structure Plan as it relates to Lot 4069 Commonage Road, Yallingup. The proposal seeks to create five rural residential lots with varied lot sizes designed to minimise the impact of clearing for development. The proposal seeks a variation to the minimum lot size, however complies with the average lot size required under the Commonage Policy Area Consolidated Structure Plan (CPACSP) and is considered to provide demonstrable community benefit through protecting extensive remnant vegetation, and also providing additional emergency access for bushfire management.

The draft Structure Plan was adopted for advertising under delegated authority on 28 May 2020. As a result of advertising, 13 submissions were received. Three submissions did not support the proposal and six expressed concerns about elements of the proposal. Modifications to the draft Structure Plan and Bushfire Management Plan are being recommended in response to the key concerns raised.

The draft Structure Plan has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Officers are recommending that the draft Structure Plan is adopted for final approval, subject to recommended modifications, and referred to the Western Australian Planning Commission (WAPC) for endorsement.

The proposal is being brought to Council for determination because, during the 14-day Council referral period that is required before a recommendation can be made to the Western Australian Planning Commission by officers acting under delegation, two Councillors requested that the Chief Executive Officer instead bring the matter formally to Council for consideration. Under the terms of the delegation, where two or more Councillors make such a request, the Chief Executive Officer must consider their requests, and in this case the requests have been supported.

BACKGROUND

A proposed Structure Plan for Lot 4069 Commonage Road, Yallingup, was adopted for consultation under delegated authority on 28 May 2020.

Lot 4069 Commonage Road, Yallingup (the subject land) has an area of 29.04 hectares and is bound by Wildwood Road to the east and Butterly Road to the west. The subject land is situated 8.5 kilometres south of the Dunsborough town site (Attachment A) and is zoned 'Rural Residential' pursuant to *Local Planning Scheme 21* (LPS21). A significant portion of the land contains remnant vegetation, with the exception of the north-east portion which is predominantly cleared with isolated tree and vegetation buffer plantings. There is an existing house and associated outbuildings located in the central northern portion of the lot with access via an existing driveway from Commonage Road. The City has provided comment on numerous proposals over the subject land since 2011. The City has consistently advised that the maximum number of lots that would be considered would be five (5) lots subject to addressing the constraints of development provided by the vegetation and bushfire risk.

The draft Structure Plan proposes five Rural Residential lots that are to be used and developed in accordance with the 'Rural Residential' zone requirements. The proposed lots range in size from 2.25ha to 8.48ha to achieve an average lot area of 5.82ha (Attachment B). The proposal seeks to cluster three smaller lots in an east-west configuration fronting Commonage Road (ranging in area between 2.25ha to 5ha) and provides two shared access points to minimise the impact on remnant buffer vegetation. The two larger lots with frontage to Wildwood Road will require some clearing of vegetation to facilitate development.

This will be controlled through the application of a Development Exclusion Area to protect the majority of remnant vegetation over the subject land. The proposed lot on the corner of Butterly Road and Wildwood Road will have access from Butterly Road, and the central lot will have shared access via a battle-axe to Commonage Road. An emergency access way has been provided to link to the driveways from proposed Lots 2 and 3 to Butterly Road to meet bushfire planning and emergency management requirements.

Technical Assessments

The draft Structure Plan is supported by environmental, land capability and bushfire risk assessments, with the main outcomes summarised below under appropriate subheadings.

Vegetation Flora and Fauna Assessment (Ecosystem Solutions)

A reconnaissance survey concluded that there were no Declared Rare Flora species on the subject land. Utilising the scale of condition developed by Keighery (1994) the report concluded that the majority of the remnant vegetation within the site has been classified as 'Excellent' to 'Good' with remaining areas classified as 'Degraded' or 'Completely Degraded' as they comprise predominately planted species.

The field fauna survey report concluded that Black Cockatoo species may utilise the site for feeding within their range and it is assumed that they are not relying on the site for habitat or a major food source. The study identified 70 trees with a diameter in excess of 500mm with 14 trees observed with hollows or with potential for hollows suitable for nesting of Black Cockatoo species. There was no evidence of use or visitation by Western Ringtail Possums observed within the site.

The assessment recommends that those trees with observed or potential hollows be retained where possible. Trees requiring removal within an Asset Protection Zone will be selected to maintain those with observed or potential hollows. The assessment also recommends that a condition of subdivision requires a Section 70A Notification on Certificates of Title informing landowners of the existence of significant trees with potential hollows for Black Cockatoos and that those trees must not be removed or damaged.

Soil Wastewater Assessment (Environmental and Landscape Management)

The Soil Wastewater Assessment report states that the draft Structure Plan meets the Department of Health policy requirements. The report states that standard on-site water supply and on-site wastewater management systems (i.e. septic tanks and leach drains) are capable of being approved for all development.

Bushfire Management Plan

The majority of the land is characterised by extreme bushfire risk – with the exception of the north-east portion of the land. A Bushfire Management Plan (BMP) includes a number of actions (including ‘acceptable solutions’) to be undertaken by the developer (at the subdivision stage) and the landowner (at the development stage). These actions have been considered/addressed on the draft Structure Plan and as provisions applicable to the land in the Bushfire Management Plan, which include:

- Provision of one 50,000 litre water tank to be provided for fire-fighting purposes (shown on the Structure Plan);
- Provision of an Emergency Access Way for Lots 1 and 2 to ensure emergency access for fire services, and provide the option for residents to egress westwards in an emergency situation onto Butterfly Road; and
- Section 70A notifications being placed on each Certificate of Title alerting prospective purchasers/landowners of the responsibilities set out in the approved Bushfire Management Plan, and ensuring that all dwellings are to be constructed in an area identified as having a BAL-29 rating or lower and that is in full compliance with Australian Standards AS3959 (2009) as applicable to the property.

OFFICER COMMENT

The draft Structure Plan seeks to depart from the Commonage Policy Area Consolidated Structure Plan (CPACSP) in two ways: firstly by allowing lot sizes below the recommended 5ha minimum along Commonage Road and, secondly, whilst the CPACSP requires limited access along Commonage Road, two shared access points along Commonage Road are proposed. The design and access as proposed is a result of previous structure plan iterations for the subject land (since 2010) and recent discussions with DPLH and City of Busselton officers. According to the consultant’s report, DPLH officers suggested, in a meeting with the consultant in January 2019, that the structure plan design includes three lots in an east-west orientation along Commonage Road.

Further modifications to the draft Structure Plan are being recommended, following consultation with the applicant, that respond principally to matters raised by the Department of Fire and Emergency Services (DFES) in relation to proposed Lot 5, as follows:

- Adjustment of the Development Exclusion Area boundary to locate future development within an area of low bushfire hazard risk and have a minimal impact on vegetation to implement an Asset Protection Zone, in particular significant trees with potential hollows as identified in the Flora and Fauna Significance Assessment.

- Variation of the development setback for proposed Lot 5 from Commonage Road (as specified by the CPACSP) from 100m to 60m to ensure minimal vegetation disturbance to implement an Asset Protection Zone (APZ). Future development would still be significantly screened from Commonage Road via the existing 20m landscape buffer and vegetation located within the Commonage Road reserve. Additional visual screening could be achieved through infill planting of the landscape buffer in the south-east cleared corner of proposed Lot 5 (without increasing the bushfire risk) and this is included as a recommended modification.

The recommended changes summarised above, and described in more detail in the Schedule of Modifications (Attachment C), are illustrated on Attachment D.

The CPACSP, LPS21, *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge* and *City of Busselton Local Planning Strategy 2019* all support consideration for potential flexibility in terms of the intensification of development and subdivision design, on the proviso that a tangible community benefit is demonstrated. The proposed lot density is consistent with the CPACSP with an average lot size of 5ha. The reduced minimum lot size of 5ha to 2.2ha for one lot fronting Commonage Road and additional access is generally supported as the proposed lot layout maximises the use of the existing cleared portion of the land for development whilst supporting retention and enhancement of natural and rural landscapes across the property. The lot sizes are also consistent with existing rural residential areas to the north, thus the draft Structure Plan density and lot design is considered to be well-integrated and generally in keeping with the aims and policy objectives of the CPACSP. Also, the draft Structure Plan reflects the Emergency Access Way requirements set out in the Bushfire Management Plan, providing a demonstrable local community benefit.

The proposal has been prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Officers are recommending that the draft Structure Plan be adopted for final approval, subject to the recommended modifications set out at Attachment C (and illustrated on Attachment D), and referred to the WAPC for endorsement.

Statutory Environment

The key components of the statutory environment for the proposal are set out in the *City of Busselton Local Planning Scheme No. 21* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Each is discussed below under appropriate subheadings.

City of Busselton Local Planning Scheme No. 21

The land is zoned 'Rural Residential' and included in the 'Landscape Value Area'. The proposal is considered to be generally consistent with the objectives of the 'Rural Residential' zone under LPS21.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations* came into operational effect on 19 October 2015 and introduced deemed provisions for the preparation, advertising and approval of structure plans. The deemed provisions are adopted into LPS21 and define the process for receiving and assessing proposed structure plans and/or modifications to same. Local governments are to have 'due regard' to approved structure plans when making decisions relating to subdivision and development.

Relevant Plans and Policies

The key strategies and policies most relevant to the proposal are:

- *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy (2003)*
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015) and Guidelines for Planning in Bushfire Prone Areas (2017)*
- *Leeuwin-Naturaliste Sub-Regional Strategy (LNSRS) (2019)*
- *City of Busselton Local Planning Strategy (2019)*
- *Commonage Policy Area Consolidated Structure Plan (2004)*
- *EPA Guidance Statement No. 3: Separation Distances Between Industrial and Sensitive Land Uses (2005)*
- *Department of Health Guidelines for Separation of Agricultural and Residential Land Use (2012)*

State Planning Policy 6.1: Leeuwin-Naturaliste Ridge (2003)

The *Leeuwin-Naturaliste Ridge State Planning Policy 6.1* (SPP6.1) defines the subject land as 'Rural Residential' within the Commonage area. The landscape class of 'Rural Landscape Significance' and also 'Travel Route Corridor' both apply to the subject land and identify natural and rural characteristics that contribute to landscape values. SPP6.1 also encourages that land proposed for rural residential development adopts a 'cluster principle' responsive to retaining designated landscape values. The objectives of SPP6.1 have been accommodated in the draft Structure Plan by providing a rural residential lot design which provides (for the most part) consideration and protection of the natural vegetation.

State Planning Policy 3.7: Planning in Bushfire Prone Areas (2015) and the Guidelines for Planning in Bushfire Prone Areas (2017)

SPP3.7 directs how the use and development of land should address bushfire risk management in Western Australia. It applies to all land which has been designated as 'bushfire prone' by the Fire and Emergency Services Commissioner, as highlighted on the 'Map of Bush Fire Prone Areas'. The 'Guidelines for Planning in Bushfire Prone Areas' gives supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP3.7 and provides advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area. The subject land is located in a bushfire prone area and, consistent with the requirements of SPP3.7, a Bushfire Management Plan (BMP) has been prepared by suitably qualified fire consultants.

Leeuwin-Naturaliste Sub-Regional Strategy 2019

The purpose of the strategy is to manage and plan for growth in the sub-region, respond to environmental landform change, and guide planning for the development of rural land uses. The subject land is designated as 'Rural Living' in the strategy and the draft Structure Plan is consistent with that land use designation.

It has been assessed that the draft Structure Plan achieves a balance between mitigating bushfire risk and enabling remnant vegetation protection and biodiversity conservation.

City of Busselton Local Planning Strategy (2019)

The *Local Planning Strategy* (LPS) includes the provision to identify and proactively plan for suitable areas of potential re-subdivision/consolidation of existing rural-residential development in both the Commonage and Dunbarton rural residential areas. The City will lead this process in the Commonage area. The draft Structure Plan for Lot 4069 is considered to be consistent with the general aims and objectives of the LPS.

Commonage Policy Area Consolidated Structure Plan (2004)

The CPACSP was endorsed by the City and the WAPC in 2004 as a guide to planning and development within the Commonage area. It should be noted that the CPACSP is an overarching, guiding document and not a 'Structure Plan' in the sense that the term is now used in the Regulations.

The subject land is located in 'Precinct 5B' of the CPACSP, and has three different lot size guides across the property (Attachment E). The area fronting Commonage Road requires a 5ha minimum lot size. The area along Wildwood Road specifies a minimum lot area of 3ha, and the northern portion of the lot indicates a minimum of 2ha with an average lot size to be achieved across the property of 3ha. In respect to Commonage Road, the CPACSP requires a minimum 20m width of parkland vegetation, a minimum 100m building setback, and restricted access to that frontage. The CPACSP states that the designated average lot sizes shall be maintained, although limited flexibility in both minimum and average lot sizes may be permitted by the City (and WAPC) subject to clearly demonstrated community benefits.

As discussed in the 'Officer Comment' above, the draft Structure Plan reflects the Emergency Access Way requirements set out in the Bushfire Management Plan, and includes extensive conservation of remnant vegetation. Both outcomes provide a demonstrable local community benefit and therefore the variation in lot sizes is supported, whilst also acknowledging that the proposal meets the CPACSP average lot size requirement.

EPA Guidance Statement No. 3: Separation Distances Between Industrial and Sensitive Land Uses (2005)

This document provides advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict. Residential development is a land use considered to be potentially sensitive to emissions from industry and infrastructure by the EPA. The distances set out in the Guidance Statement are not intended to be absolute separation distances, rather they are indicative for the purposes of identifying the need for specific separation distances or buffer definition studies and providing general guidance in the absence of site-specific technical studies.

The recommended generic separation distance between a 'Beverage Manufacturer – Alcoholic' (brewery, winery or distillery) and a sensitive land use is 200m – 500m. Distances are measured from the lot boundary within which the potential source of emissions is situated. Existing residential development to the north of the subject land is located less than 200m from the lot boundary within which the winery is situated. The potential development areas for the lots fronting Commonage Road, as proposed by the draft Structure Plan, would also be located less than 200m from the Deep Woods Winery.

Department of Health Guidelines for Separation of Agricultural and Residential Land Use (2012)

The guidelines provides recommendations on separation distances between agricultural land uses and residential land uses which seek to minimise health and nuisance impacts from chemical use, spray drift and dust. The guidelines reflect the EPA *Guidance Statement No. 3* in terms of a recommended separation distance of 200m – 500m for common agricultural land uses, such as vineyards. The potential development areas for the lots fronting Commonage Road, as proposed by the draft Structure Plan, would also be located less than 200m from the Deep Woods vineyard and winery, but commensurate with existing residential development immediately north of the subject land.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

The draft Structure Plan was formally advertised for 28 days under delegated authority and 13 submissions were received. A Schedule of Submissions is provided at Attachment F.

A submission received from the Department of Fire and Emergency Services (DFES) raised a number of matters relating to the Bushfire Management Plan. Consideration of these matters has occurred through liaison with the applicant and changes to the draft Structure Plan and Bushfire Management Plan are being recommended.

Other matters raised in submissions related to:

- Proximity to a winery/vineyard
- Bushfire risk mitigation and potential environmental impacts (vegetation clearing and fauna habitat)
- Privacy and amenity of adjoining lots

The matters raised and recommended responses are provided in the Schedule of Submissions under the 'Comment' column and the Schedule of Modifications.

Risk Assessment

Officers have undertaken an assessment of the potential implications of carrying out the officer recommendation using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. The implementation of the officer recommendation will involve adopting the draft Structure Plan for final approval and referral to the WAPC for endorsement. In this regard, there are no significant risks identified.

Options

Should the officer recommendation not be supported, the following options could be considered by the Council:

1. To seek further specified information from the proponent before making a decision.
2. To recommend further modification(s) for stated reasons.
3. To decline the adoption of the draft Structure Plan for final approval, for reasons to be identified.

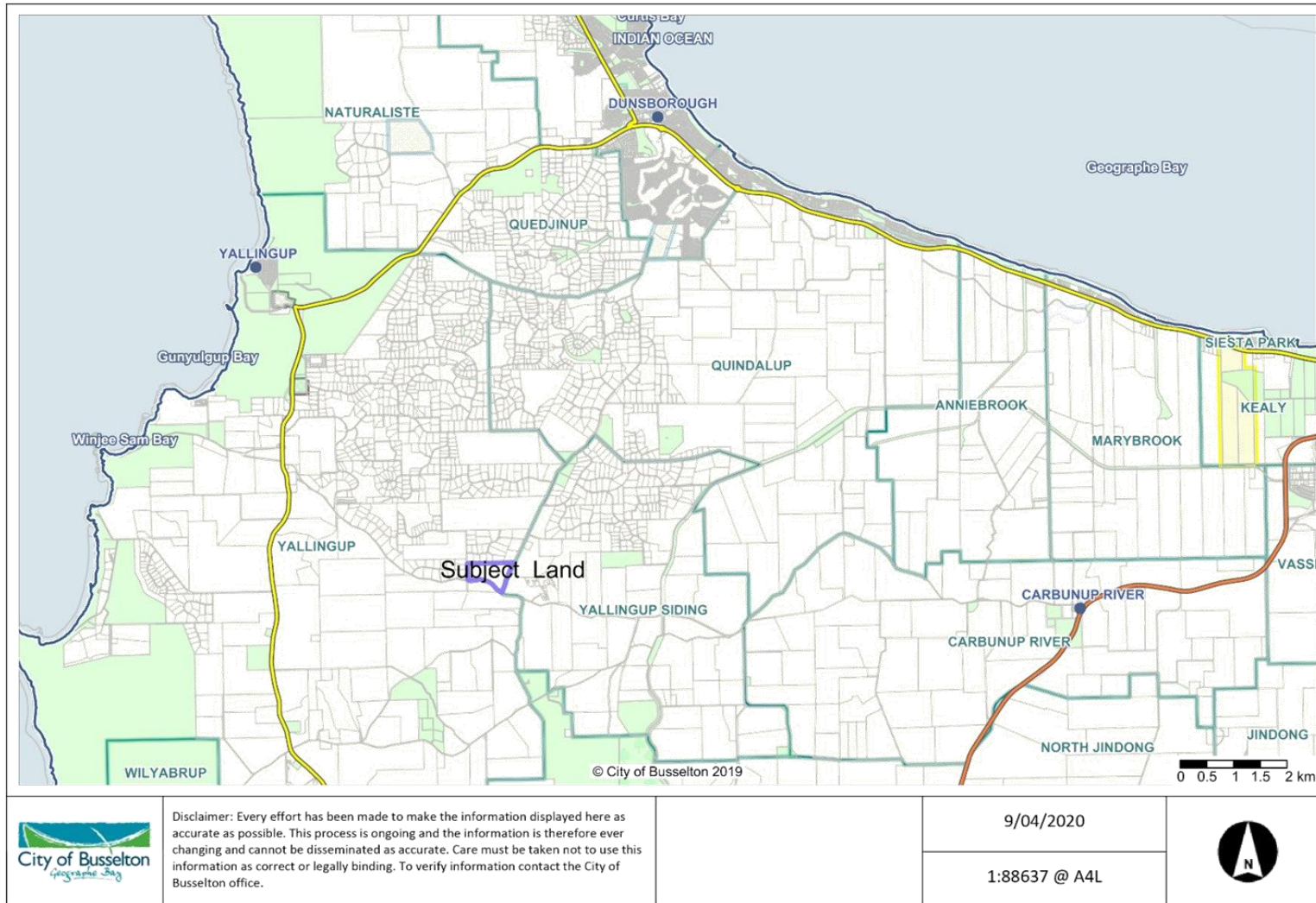
Officer assessment has not revealed any substantive issue or reasonable grounds that would support any of the above options.

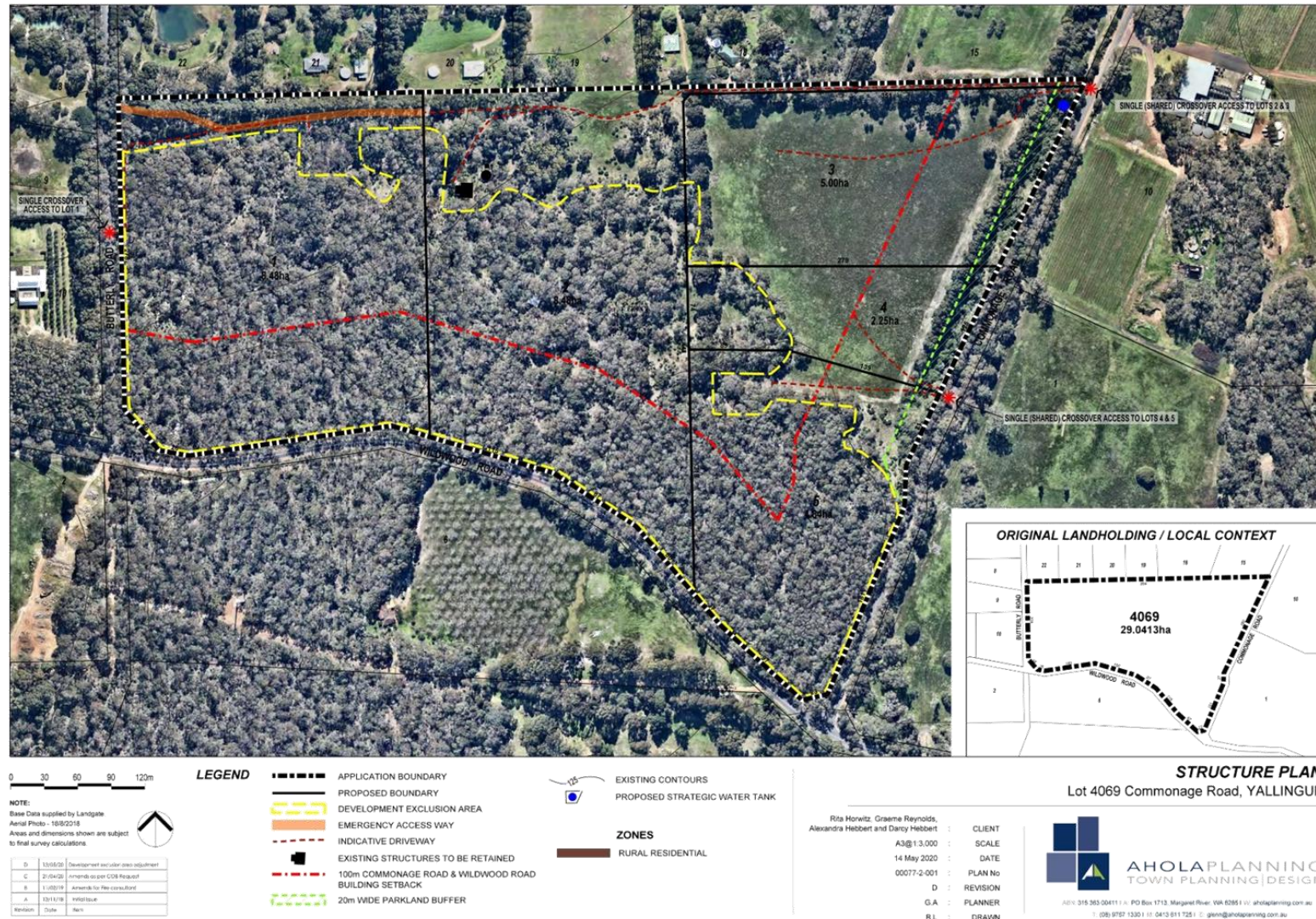
CONCLUSION

Officers are recommending that the draft Structure Plan for Lot 4069 Commonage Road, Yallingup, be adopted for final approval and referred to the WAPC for endorsement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the officer recommendation will occur within one month of the date of the decision of the Council.





Lot 4069 Commonage Road, Yallingup – Structure Plan

PART ONE – IMPLEMENTATION



1.0 Structure Plan Area

This Structure Plan applies to the whole of Lot 4069 on Deposited Plan 166591 Commonage Road, Yallingup as contained in Certificate of Title Volume 1750/ Folio 484 (refer to **Appendix I: Certificate of Title**).

The Structure Plan area is bounded by Commonage Road to the east, Wildwood Road to the south, Butterfly Road to the west and existing Rural Residential lots to the north.

2.0 Operation

The date the Structure Plan comes into effect is the date the Structure Plan is approved by the Western Australian Planning Commission.

3.0 Staging

It is not proposed to stage the subdivision noting the small number of lots proposed, the availability to infrastructure and intent of the landowners involved.

4.0 Subdivision and Development Requirements

The Structure Plan outlines land use and zone applicable within the Structure Plan area. The zone designated under this Structure Plan apply to the land consistent with the zone referenced in the City of Busselton Local Planning Scheme No. 21 ('the Scheme').

4.1 Land Use Permissibility

Land use permissibility within the Structure Plan Area shall be in accordance with the corresponding zone identified on the Structure Plan.

4.2 Subdivision

- I. The following matters will be addressed via recommended conditions of subdivision -
 - a) The subdivider implementing the requirements of an approved Bushfire Management Plan applicable to the Structure Plan area.
 - b) A Section 70A Notification being placed on the Certificates of Title informing prospective landowners of the existence of an approved Bushfire Management Plan and their responsibilities to comply with the plan.
 - c) A Section 70A Notification being placed on the Certificates of Title informing prospective landowners that a mains water supply is not available to the lot/s and a reticulated sewerage service is not available to the lot/s.
 - d) A Section 70A Notification being placed on the Certificates of Title informing landowners of the existence of significant trees with potential hollows for Black Cockatoos, as identified on the endorsed Structure Plan, and that those trees may not be removed or damaged.



4.3 Development

1. Use and development will be assessed in accordance with the provisions applicable to the zone shown on the Structure Plan Map.
2. Development shall comply with the approved Bushfire Management Plan for the Structure Plan – which includes all dwellings to comply with AS 3959-1999 – Construction of Houses within Bushfire Prone Areas and other 'owner/occupier' responsibilities as prescribed.
3. Dwellings are to make provision for the catchment of potable water in accordance with Clause 4.11 of the Scheme.
4. Boundary fencing is to be open style (e.g post and wire) standard to the satisfaction of the Local Government.
5. Notwithstanding any other provision of the Scheme or this Structure Plan, vegetation within the 20m wide Parkland Buffer Areas identified on the approved Structure Plan is to be maintained by the lot owners to screen development from Commonage Road to the satisfaction of the Local Government.
6. Significant trees with observed or potential hollows as identified on the Structure Plan are not to be removed or damaged.

5.0 Local Development Plans

Local Development Plans are not required by this Structure Plan.

6.0 Other Requirements

1. The subdivider is to make financial contributions on a per lot basis in accordance with the City of Busselton 6 - *Development Contribution Policy*. These contributions are used in the upgrading and improvement of community infrastructure in the locality and district.

7.0 Additional Information

The Structure Plan does not require the submission of any additional information.

8.0 Structure Plan (Map)

The Structure Plan Map is provided on the next page.



Attachment C – SCHEDULE OF MODIFICATIONS
DP10/0009: Draft Structure Plan for Lot 4069 Commonage Road, Yallingup

No.	Proposed Modification	Reason(s)
1.	<p>Structure Plan Map</p> <p>That the draft Structure Plan map be modified in the manner illustrated on Attachment D) as follows –</p> <ul style="list-style-type: none"> a) The Development Exclusion Area is to be set back sufficiently to allow for the implementation of Asset Protection Zones for the proposed Lots. b) The boundary between proposed Lots 4 and 5 be amended to reflect the Development Exclusion Zone as per point 1 above (i.e. to allow space to construct a dwelling in cleared land and implement an Asset Protection Zone); c) Vary the 100m development setback to Commonage Road to 60m for proposed Lot 5; d) Relocate the single, shared crossover to Commonage Road for proposed Lots 4 and 5 approximately 28m northwards; and e) Remove the indicative driveways. f) Identify the area of infill planting required within the landscape buffer to Commonage Road within proposed Lot 5. 	<ul style="list-style-type: none"> a) To provide sufficient space to implement Asset Protection Zones while identifying areas of vegetation that are not to be impacted by development (clearing of vegetation to implement an Asset Protection Zone constitutes development). b) and c) To place future development within proposed Lot 5 in an area of low bushfire risk; ensure a minimal impact on vegetation classified as 'good'; and avoid significant trees identified as having hollows or the potential for hollows. d) To minimise separate access crossovers for each lot and subsequently reduce the impact on vegetation on the land, as well as within Commonage Road reserve. e) Indicative driveways are unnecessary given that a Development Exclusion Area replaces building envelopes. f) To assist in screening future development and maintaining the visual amenity of Commonage Road.
2.	<p>Structure Plan Report Part One</p> <p>Under Part One, section 4.2 Subdivision of the Structure Plan report include the following conditions -</p>	<p>Condition 1 d) – recommended to provide clarification that the Development Exclusion Area is set back sufficiently to allow for the implementation of Asset Protection Zones for each lot.</p>

Attachment C – SCHEDULE OF MODIFICATIONS

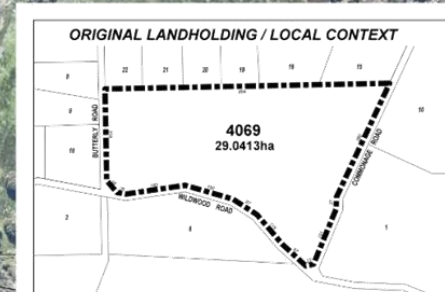
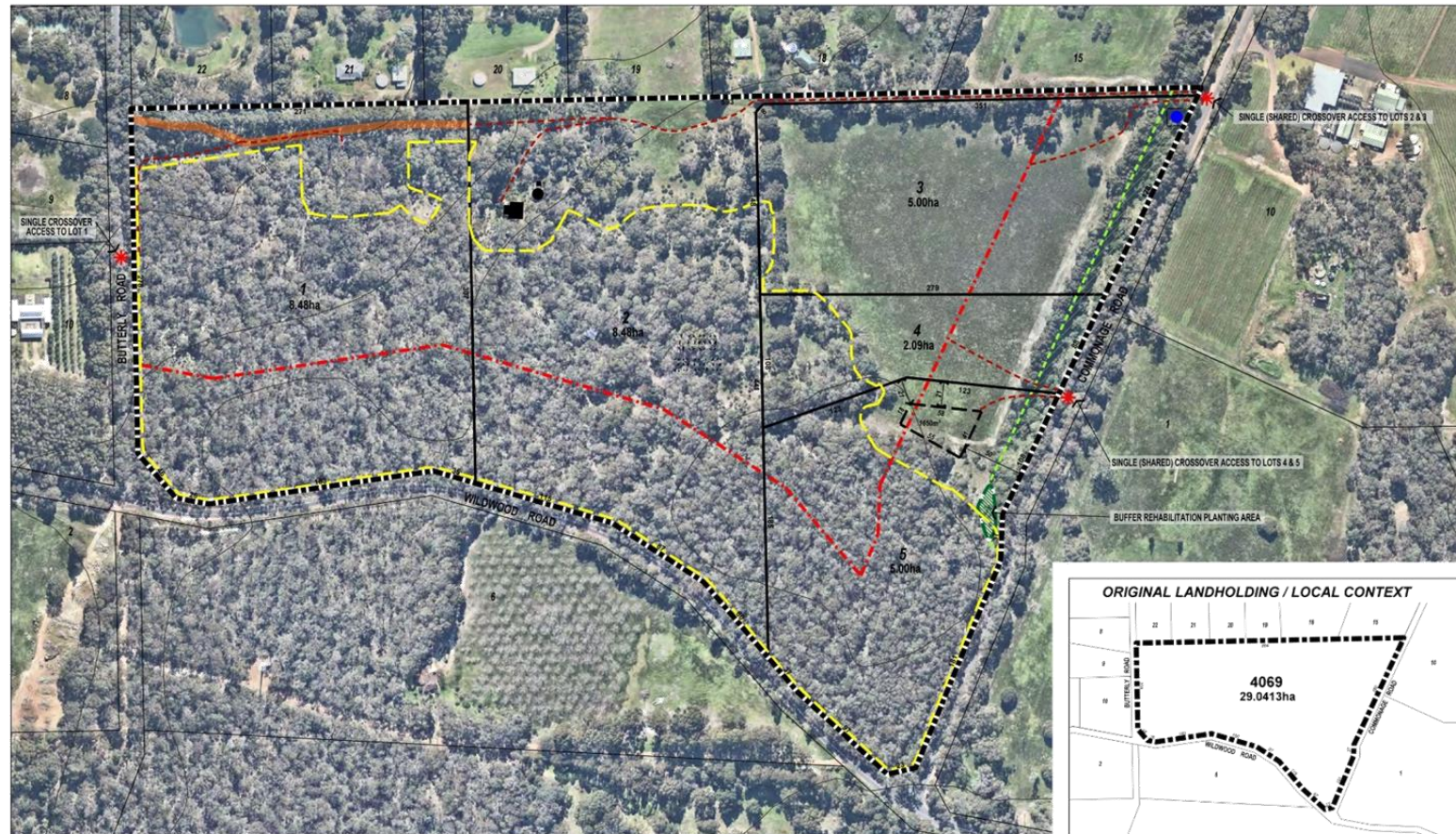
DP10/0009: Draft Structure Plan for Lot 4069 Commonage Road, Yallingup

	<p><i>"1 d) No development or clearing of vegetation shall occur within the Development Exclusion Area."</i></p> <p><i>"1 e) Within proposed Lot 5, infill planting shall be undertaken within the cleared section of the 20m landscape buffer to Commonage Road."</i></p>	<p>Condition 1 e) – recommended to assist in screening future development and maintaining the visual amenity of Commonage Road.</p>
	<p>Structure Plan Report Part One</p> <p>Under Part One, section 4.2 of the Structure Plan report include the following condition:</p> <p><i>"1 f) A Section 70A Notification being placed on the Certificates of Title informing prospective purchasers of the potential to be affected by odours, noise and spray drift associated with the operation of a winery and vineyard."</i></p>	<p>Future residences may be located within 500m of a winery/vineyard and prospective purchasers should be aware of the potential risk of nuisance from this existing activity.</p>
4.	<p>Structure Plan Report Part One</p> <p>Under Part One, section 4.2 of the Structure Plan report delete condition 1 d):</p> <p><i>"1 d). Section 70A Notification being placed on the Certificates of Title informing landowners of the existence of significant trees with potential hollows for Black Cockatoos, as identified on the endorsed Structure Plan, and that those trees may not be removed or damaged."</i></p> <p>Under section 4.3 of Part One of the Structure Plan report delete conditions 3, 4 and 6:</p>	<p>Condition 1d) - recommended modification 1a) would provide sufficient space to implement Asset Protection Zones while identifying areas of vegetation that are not to be impacted by development such as those trees identified as having potential hollows.</p> <p>Condition 3 is an unnecessary duplication of clause 4.11 in Local Planning Scheme No. 21.</p>

Attachment C – SCHEDULE OF MODIFICATIONS

DP10/0009: Draft Structure Plan for Lot 4069 Commonage Road, Yallingup

	<p><i>"3. Dwellings are to make provision for the catchment of potable water in accordance with Clause 4.11 of the Scheme."</i></p> <p><i>"4. Boundary fencing is to be open style (e.g. post and wire) standard to the satisfaction of the local government."</i></p>	Condition 4 conflicts with clause 4.38.5 of Local Planning Scheme No. 21, which deals with fencing on Rural Residential zoned land.
5.	<p>Structure Plan Report Part One and Part Two</p> <p>Update, where necessary, the recommended modifications to the Structure Plan map and Bushfire Management Plan.</p>	To be consistent with the recommended Schedule of Modifications and the plan of modifications at Attachment D, if supported by the WAPC.
6.	<p>Bushfire Management Plan</p> <p>Update the Bushfire Management Plan to reflect recommended changes to the draft Structure Plan map described in item 1 of this Schedule of Modifications and illustrated on Attachment D.</p>	To address the matters raised in the DFES submission and the responses provided under the 'Comment' column of the Schedule of Submissions and to ensure consistency between the draft Structure Plan, as modified, and the Bushfire Management Plan.



0 30 60 90 120m

NOTE:
Base Data supplied by Landgate
Aerial Photo - 18/05/18
Areas and dimensions shown are subject to final survey calculations.

Version	Date	Rev
0	17/02/21	Final Development Exclusion Area
1	16/12/21	Final Development Exclusion Area
2	18/03/20	Final Development Exclusion Area
3	18/03/20	Development Exclusion Area

LEGEND

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> APPLICATION BOUNDARY PROPOSED BOUNDARY DEVELOPMENT EXCLUSION AREA EMERGENCY ACCESS WAY INDICATIVE DRIVEWAY EXISTING STRUCTURES TO BE RETAINED 100m COMMONAGE ROAD & WILDWOOD ROAD BUILDING SETBACK 20m WIDE PARKLAND BUFFER | <ul style="list-style-type: none"> PROPOSED BUILDING ENVELOPE EXISTING CONTOURS PROPOSED STRATEGIC WATER TANK | <p>ZONES</p> <ul style="list-style-type: none"> RURAL RESIDENTIAL |
|--|--|---|

STRUCTURE PLAN
Lot 4069 Commonage Road, YALLINGUP

Rita Horvitz, Graeme Reynolds,
Alexandra Hebbert and Darcy Hebbert
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17 February 2021
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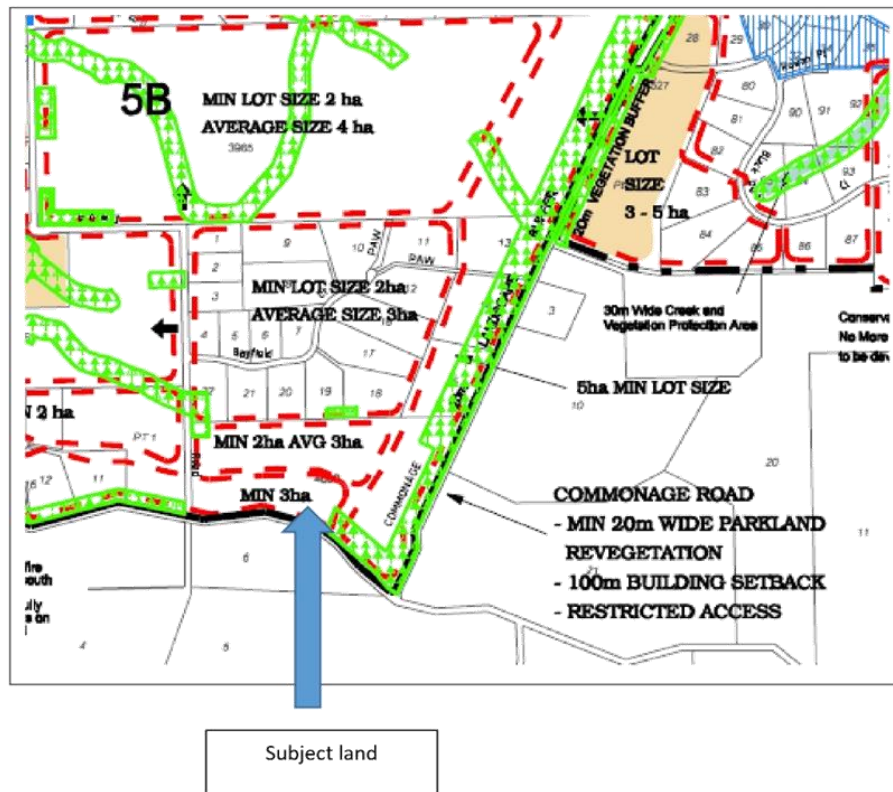
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AHOLA PLANNING
TOWN PLANNING DESIGN

ABN: 316 363 004111 | PO Box 1713, Margaret River, WA 8265 | info@aholaplanning.com.au
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Attachment E: Extract from the Commonage Policy Area Consolidated Structure Plan



Attachment F - Schedule of Submissions DP10/0009
Draft Structure Plan – Lot 4069 Commonage Road, Yallingup
SUBMISSIONS CLOSE: 19 May 2020
OFFICER: Louise Koroveshi

No	Submittor	Nature of Submission	Comment	Recommendation
<i>External Agency Submissions</i>				
1.	Department of Water and Environmental Regulation PO Box 261 Bunbury WA 6231	The Department has no comments to make on the proposal. Advice provided on regulatory roles administered by the Department: 1. groundwater abstraction – subject to licencing and availability. 2. clearing of native vegetation – the applicant has responsibility to determine compliance with clearing exemptions under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and whether a permit is required.	Noted.	That the submission be noted.
2.	Department of Mines, Industry Regulation and Safety 100 Plain Street East Perth WA 6004	The proposal does not raise any significant issues with respect to mineral and petroleum resources, geothermal energy and basic raw materials.	Noted.	That the submission be noted.
3.	Department of Planning Lands Heritage 140 William Street Perth WA 6000	A review of the Aboriginal Heritage Register of Places and Objects as well as the DPLH Aboriginal Heritage Database concludes that the proposal does not affect any reported Aboriginal Heritage sites or places.	Noted.	That the submission be noted.
4.	Department of Fire and Emergency Services PO Box P1174 Perth WA 6844	Recommendation – not supported and modifications required for the following: 1. Policy Measure 6.3a) ii) Preparation of a BAL Contour Map i) Methodology – <ul style="list-style-type: none"> Performance-based solutions are to be demonstrated where acceptable solutions have not been met. The existing dwelling should be addressed by the 	The comments and matters raised in the DFES submission have been discussed with the applicant. In response, changes to the draft Structure Plan (refer to Attachment D) and the Bushfire Management Plan are being recommended (refer to the Schedule of Modifications provided at Attachment C). Set out below are responses to the specific matters raised in the DFES submission -	Modifications are being recommended that address the matters raised (as set out in the Schedule of Modifications at Attachment C and illustrated on Attachment D).

Attachment F - Schedule of Submissions DP10/0009
Draft Structure Plan – Lot 4069 Commonage Road, Yallingup
SUBMISSIONS CLOSE: 19 May 2020
OFFICER: Louise Koroveshi

No	Submittor	Nature of Submission	Comment	Recommendation
		<p>BAL assessment.</p> <ul style="list-style-type: none"> The BAL Contour Map assessment methodology is to be prepared in accordance with Appendix 3 of the Guidelines. Vegetation plots should be numbered. <p>ii) Vegetation classification –</p> <ul style="list-style-type: none"> The classification of mature trees along the northern property boundary as Class G Grassland is not supported. The limited photographic evidence provided indicates Class A Forest or Class B Woodland. The vegetation analysis should be justified by a canopy cover analysis and be revised or the resultant BAL ratings may be inaccurate. <p>iii) Effective slope – the arrows indicating the direction of fall for the building envelope for proposed Lot 5 does not accord to the land contours.</p> <p>iv) Building Protection Zone – the ability to achieve BAL-29 or lower for the existing dwelling and proposed building envelopes is reliant on the establishment of an Asset Protection Zone (APZ) in accordance with Schedule 1 of the Guidelines. The BMP further relies on BPZ's of 25m as per the City's Firebreak and Fuel Reduction Notice to achieve the acceptable solution. Given a 27m wide APZ is required from envelopes located upslope from Class A Forest, there is a risk that a compliant BPZ is confused</p>	<p>1(i) The BMP includes a BAL assessment for the existing dwelling on proposed Lot 2. The statement on page 20 of the BMP that the existing dwelling does not require a BAL assessment is to be removed to avoid confusion, but note that any alterations or additions would need to comply with specified setbacks to achieve BAL-29 or lower.</p> <p>1(ii) The classification of this vegetation is to be amended and the BAL rating adjusted if necessary. The vegetation mapping and BAL contour map within the BMP will be updated accordingly. This is unlikely to have a material effect on proposed Lot 3 as the majority of the lot is already cleared.</p> <p>1(iii) The slope was measured using the correct technology and is correctly illustrated in the BMP.</p> <p>1(iv) The City's Firebreak and Fuel Reduction Notice requires a minimum 25m Building Protection Zone (BPZ) that can be increased where specified by an approved BMP. The intent of a BPZ is the same as an Asset Protection Zone, however to avoid confusion, the BMP should be revised to include this clarification.</p>	

Attachment F - Schedule of Submissions DP10/0009
Draft Structure Plan – Lot 4069 Commonage Road, Yallingup
SUBMISSIONS CLOSE: 19 May 2020
OFFICER: Louise Koroveshi

No	Submittor	Nature of Submission	Comment	Recommendation
		<p>with a compliant APZ. References to a BPZ to achieve BAL-29 or lower should be removed from the BMP.</p> <p>v) Landscape Management Plan – a significant extent of vegetation clearance and modification is required (including to create turnaround areas, passing bays and firebreaks) and multiple references are made to Building Protection Zones (BPZ) as a means of achieving compliance rather than the Asset Protection Zone (APZ). A Landscape Management Plan should be prepared that clearly articulates the extent of vegetation to be either removed or retained to achieve a low-threat status to remove any ambiguity and providing an enforceable compliance mechanism.</p>	<p>1(v) Figure 4 of the BMP illustrates the extent of vegetation that may be modified through building envelopes and associated APZs. The draft Structure Plan could have an impact on significant trees identified as possibly having hollows located within the indicative APZ for proposed Lot 5. Proposed modifications to the draft Structure Plan seek to mitigate this potential and Policy Measure 2(i) by shifting the building envelope for proposed Lot 5 to an area that is cleared/degraded with a relatively minor encroachment of the APZ into vegetation classified as 'good'. The BMP should include the amended Development Exclusion Zone boundary as per the plan of proposed modifications illustrated on Attachment D. This plan includes a building envelope for the purpose of demonstrating that future development and an Asset Protection Zone (approximately 27m from nearby vegetation) can be accommodated within a mostly cleared area, with a significantly improved outcome for protecting good quality vegetation.</p> <p>Turnaround areas and passing bays associated with the emergency access way and private driveways would be located in areas of degraded and non-native vegetation.</p> <p>There is no requirement for a Landscape Management Plan as the City is satisfied that there is sufficient information provided at this stage of planning.</p>	

Attachment F - Schedule of Submissions DP10/0009
Draft Structure Plan – Lot 4069 Commonage Road, Yallingup
SUBMISSIONS CLOSE: 19 May 2020
OFFICER: Louise Koroveshi

No	Submittor	Nature of Submission	Comment	Recommendation
		<p>2. Policy Measure 6.3 c) Compliance with Bushfire Protection Criteria</p> <p>i) Location & siting of development A1.1 and A2.1 not demonstrated.</p> <ul style="list-style-type: none"> The development has not been designed appropriately to ensure bushfire protection measures can be achieved and to minimise the level of bushfire impact. Specifically, the structure plan is seeking to create a battle-axe leg in an extreme bushfire hazard area (proposed Lot 2). A building envelope is proposed that is surrounded by extreme bushfire hazard (proposed Lot 5). The subdivision should be redesigned so that lots are predominantly subject to either a moderate or a low bushfire hazard level and direct frontage to Commonage Road. Building envelopes should be removed from areas of extreme bushfire risk and be accessible through areas of low or moderate bushfire risk. Vehicle access – A3.4 Battle-axe not demonstrated. Proposed Lot 2 is a non-compliant battle-axe leg with insufficient horizontal trafficable width in accordance with Table 6 of the Guidelines. Insufficient justification has been provided on why no alternative solution exists. A3.5 Private Driveway longer than 50m - not demonstrated. The location of the building envelopes within the lots will result in driveways that exceed 50m in length and are cited as being 	<p>2. The recommended modifications to the draft Structure Plan are considered to be a balanced outcome that responds to the zoning of the subject land, its subdivision potential and multiple land ownership, as well as environmental values and bushfire risk. The northern boundary for proposed Lot 5 is proposed to be shifted northwards to include additional cleared pasture land identified as having a low bushfire hazard level. The Development Exclusion Area within proposed Lot 5 has been adjusted to:</p> <ul style="list-style-type: none"> (a) remove the development area 'surrounded by an extreme bushfire hazard' as referenced in the DFES commentary; (b) ensure future development is located within the cleared area assessed as having a low bushfire hazard risk; and (c) generally follow the boundary identified as 'Completely Degraded' in Figure 5 Vegetation Condition Mapping in the BMP. <p>Vehicle access A3.4 - the battle axe leg incorporates the current driveway to the existing residence located within proposed Lot 2.</p> <p>Private Driveway A3.5 – the identification of the Development Exclusion Area removes the need to include 'indicative' driveways and deletion of these is a recommended modification. Driveways must, in any</p>	

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		compliant to the greatest extent possible with pinch points along the driveway access to proposed Lot 2. Compliance with the acceptable solution should be demonstrated or a performance principle-based solution evidenced. It is unclear from the information provided where the pinch points are located, or whether a type 3.4 appliance can navigate the hairpin right turn into the existing driveway for the dwelling located within proposed Lot 2.	case, comply with the Guidelines in terms of 'Curves inner radius' with 8.5m required. This would ensure that a type 3.4 fire appliance would be able to navigate driveways.	
5.	Department of Biodiversity, Conservation and Attractions	<p>Advice provided. The environmental assessment report found that the subject land has vegetation in Excellent to Good condition, threatened flora and threatened fauna habitat.</p> <p>1. Flora and vegetation – the assessment focused on proposed disturbance areas. A Priority flora species was found close to the proposed Lot 2 and Lot 5 building envelopes and the proposed Lot 1 access way. The assessment noted that most of the site contains suitable habitat for this Priority species and it should be protected from development and fire management. The Bushfire Management Plan should include a map showing the known locations of the Priority species to minimise potential accidental impacts on it.</p> <p>2. Fauna – the assessment found that the subject land contains suitable habitat for Western Ringtail Possums and black cockatoo species. Support for the presence of a qualified fauna spotter during clearing to ensure protection of these species. A post-clearing</p>	<p>1. Noted. Recommended modifications to the advertised Structure Plan include relocating the building envelope for proposed Lot 5 into a cleared area and allowing space for a resultant APZ that would have minimum intrusion into vegetation classified as 'good'. It should be noted that the development exclusion area for proposed Lot 2 is based on an existing residence and outbuildings and resultant APZ.</p> <p>2. Noted.</p> <p>3. Noted. Clause 4.38.5 of Local Planning Scheme 21 prohibits fencing in remnant vegetated areas within the Rural Residential zone.</p>	That the submission be noted.

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		<p>report should be provided to the DBCA upon completion of clearing works.</p> <p>3. General comments: DBCA supports -</p> <ul style="list-style-type: none"> no fencing between Lots 1, 2 and 5 and recommends that this is included as a condition on the Structure Plan. the use of strategic firebreaks rather than lot boundary firebreaks to minimise detrimental impacts on vegetation/habitat. proposed development exclusion area to protect threatened flora and fauna habitat from development and fire management practices. 		
<i>Public Submissions</i>				
6.	Bob & Sue Clinton 64 Bayfield Court Yallingup WA 6282	<p>Neither support or object and the following concerns raised –</p> <p>1. Inadequate length and timing of the fauna survey that does not capture known presence of black cockatoo species, Western Ringtail Possum and Phascogales and potential impact on their habitat.</p> <p>2. Noise restrictions for Deep Woods Winery - will future development be sufficiently set back so that Deep Woods winery can comply with its noise suppression levels?</p>	<p>1. The findings of the fauna survey reflects the limitation of the survey timing. Evidence of the presence of Western Ringtail Possum, black cockatoo species and other threatened and priority species provided by adjoining and nearby residents in their submissions supports the measures outlined in the draft Structure Plan to retain and protect, as much as possible, remnant vegetation identified as being in 'good' and 'excellent' condition within the subject land.</p> <p>2. The subject land is zoned Rural Residential with subdivision potential provided for by the CPACSP. The planning consideration is the risk of land use conflict arising from the operations of the existing Deep Woods winery and a structure plan that would facilitate the development of four new dwellings that</p>	That the submission be noted.

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			<p>may potentially be impacted by odour or noise emissions, the scale of that risk and how that risk can be managed. Deep Woods Winery is a prescribed premises licenced under the <i>Environmental Protection Act 1986</i>. The licence is for the operation of the existing winery with an upgraded wastewater system (WWTS) and irrigation system established under a works approval. The licence contains conditions that must be met and adhered to. Winery infrastructure is located within a concrete hardstand area. Wastewater and stormwater from this area is directed to the WWTS. Treated wastewater is discharged through a spray irrigation system onto a designated 3.5ha area of paddock and cricket oval. Grape marc, lees and other organic wastes are collected and stored in a concrete bund and collected by a licenced contractor for offsite disposal. All wastewater treatment occur within tanks and the licence identifies the main odour source for the premises as being the marc storage area. The licence notes that due to the relatively small amount of solid waste being generated odour emissions are not expected to be significant. The licence conditions stipulate –</p> <ul style="list-style-type: none"> • No irrigation generated run-off, spray drift or discharge is to occur beyond the boundary of the designated irrigation area. • Odour emitted from the premises are not to unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person not on the premises. <p>The winery refrigeration unit was identified as the</p>	

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			<p>dominant source of noise. A purpose built acoustic enclosure for the refrigeration unit was installed in 2015 (in accordance with EPA works approval) in order to reduce noise emissions at nearby noise sensitive premises.</p> <p>The potential development areas for Lots 3, 4 and 5 as proposed by the draft Structure Plan would be located less than 200m from the Deep Woods Winery, which is the recommended minimum generic separation distance set out in EPA Guidance Statement No. 3 (2005) for Beverage Manufacturer - Alcoholic (brewery, distillery or winery).</p> <p>Given the winery's licencing requirements and operating conditions, combined with the remedial works that have been undertaken to the satisfaction of the EPA to mitigate odour and noise emissions, the risk is considered to be low. Notwithstanding this, a recommended modification to the draft Structure Plan is the requirement for notifications, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of the proposed lots advising prospective purchasers of the potential to be affected by odours, noise and spray drift associated with the continued operation of a winery and vineyard. It should be noted that rural residential subdivision to the north of Lot 4069 has existing residences located less than 200m from the lot boundary within which the winery is situated.</p>	
7.	Ken Groves	Neither support or object and the following concerns	1. The Development Exclusion Area responds to the	That the submission be

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	24 Bayfield Court Yallingup WA 6282	<p>raised –</p> <ol style="list-style-type: none"> 1. Privacy – the location of building area within proposed Lot 1 is close to my property boundary and does not consider privacy issues for neighbours. Could it be relocated within the lot given its large size? 2. The proposed emergency access way should replace the existing strategic firebreak adjacent to the northern boundary of the subject land that links my property to Commonage Road. 3. The limited fauna survey grossly underestimates the usage of the bushland on the subject land by flocks of black cockatoo species (around 150 birds). 	<p>environmental values of the subject land and places future development within areas of degraded vegetation.</p> <ol style="list-style-type: none"> 2. The draft Structure Plan area requires its own emergency access way for proposed lots as per the requirements of <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i> and Guidelines. 3. The findings of the fauna survey reflects the limitation of the survey timing. Evidence of the presence of Western Ringtail Possum, black cockatoo species and other threatened and priority species provided by submitters residing close to Lot 4069 supports the measures outlined in the Structure Plan to retain and protect as much as possible the remnant native vegetation within the site. 	noted.
8.	Tracey Morey 46 Bayfield Court Yallingup WA 6282	<p>Neither support or object and the following points made –</p> <ol style="list-style-type: none"> 1. Development exclusion area – appears to be incorrect and does not give a true indication on the level of clearing of native vegetation that would be needed to accommodate development. 2. Fauna survey is incorrect – I have evidence that black cockatoo species, Western Ringtail Possum and Phascogales use the native vegetation/habitat in the area and on the subject land. The survey is inadequate to inform the proposed development exclusion area. 3. Bushfire risk allowing development within vegetated areas – development and lots should be directed to cleared areas and retain the bushland in one lot with the existing dwelling. 	<ol style="list-style-type: none"> 1. A recommended modification to the Development Exclusion Area is to include Asset Protection Zones. An Asset Protection Zone does not require the removal of all vegetation within that area, there would be scope to retain mature trees if 6m from all elevations of a building, branches do not touch or overhang the building, lower branches are removed to a height of 2m above the ground or surface vegetation and canopy cover is less than 15%, with no contiguous canopy. 2. As per response to point 2 of submission 7. 3. The Bushfire Management Plan demonstrates that the risk can be managed and the recommended modifications to the draft 	That the submission be noted.

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		4. Noise emissions from Deep Woods winery – during vintage I can hear their radio and constant machinery noise at night inside my house.	Structure Plan in relation to proposed Lot 5 would relocate future development into a cleared area. 4. A recommended modification to the draft Structure Plan is to require Notifications on Title to this effect.	
9.	Michelle Kerr 55 Bayfield Court Yallingup WA 6282	Neither support or object and the following concerns raised – General comment - the proposal presents conflicting aims of clearing for safety in an extreme bushfire risk area and retaining excellent remnant vegetation/habitat for threatened and endangered species (Western Ringtail Possum, black cockatoo species and Phascogales). 1. Noise & odour emissions – the proposal would allow further development in close proximity to a prescribed premises (Deep Woods Winery) with potential for noise and odour impacts and with a significantly less buffer distance that EPA recommendations. The sources of odour are likely to be the wastewater treatment and Marc storage/disposal. 2. Privacy - location of building areas close to the northern boundary of the subject land would impose on the privacy of existing residences. 3. Access driveway to Lot 2 – clarification sought on location within the subject land or part of adjacent properties to the north. 4. Fire – increased risk associated with more residents and potential holiday homes in an extreme bush fire risk area.	General comment – the draft Structure Plan provides a balanced response to: <ul style="list-style-type: none"> • The Rural Residential zoning of the subject land • The subdivision potential of the subject land under the CPACSP • Environmental values • Reducing bushfire risk • Multiple landownership 1. As per response to point 2 of submission 6. 2. As per response to point 1 of submission 7. 3. Access driveway is located within the draft Structure Plan area. 4. The draft Structure Plan is supported by a Bushfire Management Plan that states risk can be managed to acceptable levels as per <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i> and Guidelines. 5. As per response to point 1 of submission 6. 6. As per response to point 1 of submission 8. 7. As per response No. 5 above and to point 1 of submission 8.	That the submission be noted.

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		<p>5. Fauna surveys – are inadequate to inform the structure plan design. There is physical evidence that the vegetation on the subject land and in the vicinity supports populations of Western Ringtail Possum, black cockatoo species and Phascogales.</p> <p>6. Clearing of native vegetation – underestimated due to the likelihood of more clearing required for asset protection and individual lot boundary firebreaks through vegetation identified as being in 'Excellent' condition by the environmental assessment. The environmental study focused on the proposed building envelopes and asset protection areas – there was no assessment on impacts of clearing to provide lot boundary firebreaks (as per City of Busselton Fire and Fuel Reduction Notice).</p> <p>7. Flora surveys are inadequate as they were not undertaken within the likely peak flowering times to maximise the likelihood of recording and identifying the majority of flora species including those that are threatened or priority species (such as two threatened orchid species). The City of Busselton should consider the following recommendations to further reduce the potential impact on ecological values within the site: -</p> <ul style="list-style-type: none"> • Additional Section 70A notices in section 4.2 of the Structure Plan to notify future landowners of the development exclusions zones and black cockatoo habitat trees. • The Structure Plan map should clearly show the asset protection zones. • The clearing of vegetation that will be required for asset protection and potential individual lot 		

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		boundary firebreaks should be estimated and the direct impacts associated with loss of vegetation/habitat loss and indirect impacts from weed and potential dieback should be considered.		
10.	Sean McArthur 40 Bayfield Court Yallingup WA 6282	Neither support or object and the following concerns raised – 1. Proximity of future buildings to our house/loss of amenity – while the building envelope for Lot 3 has been removed from the structure plan, the indicative driveway would place future buildings directly and unfavourably in front of our house and I request that a building area be shifted towards Commonage Road for three reasons: to preserve our homes' frontage and visual amenity; building a safer distance from wooded areas to minimise the risk of property loss in the event of a bushfire; and to minimise the risk of negative impact on our water supply/quality. 2. Potential negative impacts on our water supply and quality. Our water supply is mostly from a spring-fed well and the soils in the area readily transport water. I am concerned about septic tank/grey water contamination of our drinking water as Lot 4069 is higher than our property and therefore in the catchment. Request no new dams or bores commissioned for Lot 4069.	1. A recommended modification to the draft Structure Plan is to remove the indicative driveways as they are unnecessary, given the replacement of building envelopes with a development exclusion area, which is less restrictive in terms of locating future residences. 2. Regulation of groundwater abstraction licences is the jurisdiction of the Department of Water and Environmental Regulation.	That the submission be noted.
11.	Helen Jones 40 Bayfield Court Yallingup WA 6282	Objection and the following concerns raised – 1. The potential location of future buildings as per the indicative driveway on Lot 3 – negative impact on our privacy and amenity. I propose that the indicative	1. As per response to point 1 of submission 7. 2. The strategic firebreak (incorrectly referred to as a road in the submission) is not located within the structure plan area and is not proposed to be utilised for access to any of the proposed lots. The	That the submission be noted.

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		<p>driveways are removed to encourage the future owner to build further away from this location.</p> <p>2. The use of the strategic firebreak off Commonage Road as a proposed main thoroughfare.</p> <p>3. Use of fencing in cleared area between Lots 3 and 4 and the impact on kangaroo movement.</p>	<p>proposed battle axe leg/driveway to proposed Lot 2 is located within the boundary of Lot 4069.</p> <p>3. Clause 4.38.5 of Local Planning Scheme 21 allows for fencing within the perimeter of, or within, cleared areas in the Rural Residential zone that is to be constructed of farm standard post and wire construction. This type of fence allows free movement of kangaroos.</p>	
12.	Avril Jones 40 Bayfield Court Yallingup WA 6282	<p>Objection and the following concerns raised –</p> <p>1. Increase in noise and traffic using the strategic firebreak and negative impact on the privacy and amenity of my home.</p> <p>2. Question the accuracy of the environmental report – we have evidence of the existence of Western Ringtail Possum and Phascogales. Black cockatoo species are also abundant in our area and feed/roost in the vegetation within Lot 4069.</p>	<p>1. As per response to point 2 of submission 11.</p> <p>2. As per response to point 1 of submission 6.</p>	That the submission be noted.
13.	Mike Baimbridge 59 Bayfield Court Yallingup WA 6282	<p>Neither support or object and the following comments made on the proposed structure plan and technical reports –</p> <p>1. The timing of the flora and vegetation survey was not appropriate to maximise the likelihood of recording and identifying the majority of flora species including those that are threatened or priority species (such as two threatened orchid species).</p> <p>2. Based on observations on neighbouring properties, Lot 4069 is highly likely to provide habitat and feeding opportunities for Black cockatoo species, Western Ringtail Possum and Phascogales.</p> <p>3. The City should require an additional Section 70A notice in section 4.2 of the Structure Plan to notify future landowners of the development exclusions</p>	<p>1 & 2. As per response to point 1 of submission 6.</p> <p>3 - 5. The recommended modifications to the Structure Plan clearly identifies areas where development cannot occur and the substantial areas of remnant vegetation that will be protected within the Development Exclusion Area. LPS21 prohibits boundary fencing within remnant vegetation on Rural Residential zoned land.</p>	That the submission be noted.

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		zones and black cockatoo habitat trees. 4. The Structure Plan map should clearly show the asset protection zones. 5. The clearing of vegetation that will be required for asset protection and potential lot boundary fencing should be estimated and the direct impacts associated with loss of vegetation/habitat loss and indirect impacts from weed and potential dieback should be considered.		

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member closed the meeting at 5.43pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 88 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 28 APRIL 2021.

DATE: _____ PRESIDING MEMBER: _____