

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 10 APRIL 2019

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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 10 APRIL 2019 AT 5.30PM.

1. DECLARATION OF OPENING ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER / NOTICE OF RECORDING OF PROCEEDINGS FOR MINUTE TAKING PURPOSES

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr John McCallum Deputy Mayor
Cr Coralie Tarbotton
Cr Ross Paine
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Mrs Emma Heys, Governance Coordinator
Miss Kate Dudley, Governance Officer

Apologies:

Nil

Approved Leave of Absence:

Cr Rob Bennett

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Public:

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3. PRAYER

The prayer was delivered by Gerald Hutton of Dunsborough Community Church.

4. APPLICATION FOR LEAVE OF ABSENCE**COUNCIL DECISION****C1904/062**

Moved Councillor C Tarbotton , seconded Councillor P Carter

That Leave of Absence be granted to Councillor John McCallum for the Ordinary Council Meeting held on 24 April 2019.

CARRIED 8/0**5. DISCLOSURE OF INTERESTS**

The Mayor noted that a declaration of financial interest had been received from:

- Cr Grant Henley
- Cr Ross Paine
- Cr Rob Reekie
- Mike Archer – Chief Executive Officer
- Paul Needham – Director of Planning and Development Services

In relation to item 13.1 Western Ringtail Possum Working Group Directions Paper and Consideration of Adoption for Public Consultation of Proposed Amendment 42 to Local Planning Scheme 21 ('Western Ringtail Possum Habitat Protection' Special Control Area).

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 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

Question Time for Public7.1 Mr Don Evill Headstay Cove, Geographe**Question**

The traffic management plan that the recommendations are based on, can you please tell me on section 2.6.2.2 page 19 of the Explanatory Information Structure Plan how you arrived at 4000 vehicles per day in Navigation Way? And to that end, what was the date that this reading was taken?

Response

The Director of Planning and Development Services responded that generally those matters are arrived at by doing either traffic counts or traffic projections.

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**8.1 Minutes of the Council Meeting held 27 March 2019**COUNCIL DECISION****C1904/063**

Moved Councillor J McCallum, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 27 March 2019 be confirmed as a true and correct record.

CARRIED 8/0**Committee Meetings**

Nil

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

Council were presented with a petition on Wednesday 3 April 2019 calling for the provision of a swimming pool in the town of Dunsborough to accommodate the population growth of the active community.

COUNCIL DECISION**C1904/064**

Moved Councillor P Carter, seconded Councillor J McCallum

1. That the petition calling for the provision of a swimming pool in the town of Dunsborough to accommodate the population growth of the active community be received.
2. That the Council request the CEO to consider the subject of the petition as part of the development of a sport and recreation facilities strategy, currently being undertaken, and report back to Council as part of development and adoption of the strategy.

CARRIED 8/0

Presentations

Mrs Jenny Stewart presented as a party with an interest on item 13.2 Proposed Structure Plan for Part Lot 9002 Layman Road, Geographe ('Newport Geographe') - Consideration for Final Adoption Following Advertising. Mrs Stewart was generally in disagreement with the Officers Recommendation.

Deputations

Nil

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

Nil

11. ITEMS BROUGHT FORWARD**For the convenience of the Public**

Nil

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, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1904/065 Moved Councillor J McCallum, seconded Councillor C Tarbotton

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



17.1 Councillors' Information Bulletin

CARRIED 8/0

EN BLOC

17. CHIEF EXECUTIVE OFFICER REPORT

17.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information Bulletin
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Kate Dudley
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A State Administrative Tribunal Reviews  Attachment B Partnership Agreement between WALGA and the Public Transport Authority 

PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

17.1.1 State Administrative Tribunal Reviews

Attachment A is a list showing the current status of State Administrative Tribunal Reviews involving the City of Busselton.

17.1.2 Partnership Agreement between WALGA and the Public Transport Authority

Attachment B shows the Partnership Agreement between WALGA and the Public Transport Authority.

17.1.3 MAIOC Guide Letter

WALGA MAIOC GUIDE RELEASE

Please find enclosed the Managing Alcohol In Our Communities: A Guide for Local Government (MAIOC Guide). The MAIOC Guide has been developed through a partnership between the Mental Health Commission (MHC), the Public Health Advocacy Institute of Western Australia (PHAIWA) and WALGA.

The MAIOC Guide promotes a whole-of-organisation approach to alcohol management and aims to support existing Local Government activities, responsibilities and processes to address alcohol-related issues within their communities. The information contained in this Guide promotes a prevention and risk management approach to reduce alcohol-related harm and, in turn, create a safe and healthy place for people to work, live and play.

This is a free resource to further assist Local Government in:

- providing services that relate to, or are affected by, alcohol,
- preventing and minimising alcohol problems in their community, and
- promote your area as a safe and healthy place to live, work and play.

WALGA acknowledge and thank the Local Government officers who have been engaged in the development of the MAIOC Guide in preparation for wider dissemination. It is anticipated to be relevant to all spheres of a Local Government and will be of particular interest to Community Development and Environmental Health officers.

17.1.4 Small Business Friendly Approvals Project Letter

Following the launch of the Small Business Friendly Local Governments (SBFLG) initiative in August 2016, there has been a steady increase in the number of local governments making a public commitment to supporting small businesses and developing their local economies.

Across the network of 30 small business friendly local governments, it is encouraging to see the SBFLG Charter being embraced and a broad range of small business initiatives being implemented. As a group, these local governments are home to half of all small businesses in the State, which means this small business commitment is significant and far reaching.

The Small Business Development Corporation (SBDC) has identified an opportunity to build on the work of a number of small business friendly local governments and pilot a new project aimed at streamlining approval processes. This project will be known as the Small Business Friendly Approvals Project and will be commencing in May 2019 for a six month period.

In undertaking this pilot project, the SBDC will work closely with two local governments to map the small business customer journey within the retail and food sectors, and design a number of reforms aimed at improving the associated approval processes. A consultant has been engaged to oversee and deliver the Approvals Project.

At our current level of resourcing for this project our capacity for the pilot is limited to two local governments based in the metropolitan region: the Cities of Canning and Stirling. Factors guiding this selection include the number of small businesses within their boundaries and the size of their local economies which will enable us to demonstrate the scale of economic benefit achievable through well planned and designed reforms.

An important component of the Approvals Project is the development of how-to guides to assist local governments introduce similar reforms within their own organisations. I look forward to sharing this guidance material with you later this year, as well as providing an overview of the lessons learned and opportunities for future projects and partnerships.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1904/066 Moved Councillor J McCallum, seconded Councillor C Tarbotton




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

- 17.1.1 State Administrative Tribunal Reviews
- 17.1.2 Partnership Agreement between WALGA and the Public Transport Authority
- 17.1.3 MAIOC Guide Letter
- 17.1.4 Small Business Friendly Approvals Project Letter

CARRIED 8/0

EN BLOC

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION, WITHOUT DEBATE**13. PLANNING AND DEVELOPMENT SERVICES REPORT****13.1 WESTERN RINGTAIL POSSUM WORKING GROUP DIRECTIONS PAPER AND CONSIDERATION OF ADOPTION FOR PUBLIC CONSULTATION OF PROPOSED AMENDMENT 42 TO LOCAL PLANNING SCHEME 21 ('WESTERN RINGTAIL POSSUM HABITAT PROTECTION' SPECIAL CONTROL AREA)**

SUBJECT INDEX:	Town Planning Scheme Amendments
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Strategic Planning and Environmental Services
ACTIVITY UNIT:	Strategic Planning
REPORTING OFFICER:	Strategic Planner - Stephanie Navarro Senior Natural Resource Management / Environment Officer - Will Oldfield
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Western Ringtail Possum Working Group Directions Paper  Attachment B Final Council report for Amendment 146 to Town Planning Scheme No. 20  Attachment C Proposed Special Control Area 

DISCLOSURE OF INTEREST	
Date	10 April 2019
Meeting	Council
Name/Position	Grant Henley, Councillor
Item No./Subject	13.1
Type of Interest	Financial Interest
Nature of Interest	I am the joint property owner at 8 Swan Street Busselton and 988A Geographe Bay Road Busselton, which are within the proposed scheme amendment area, therefore it is reasonably likely to have a financial impact on property value.

5.53 pm At this time Councillor G Henley left the meeting.

5.53 pm At this time Councillor J McCallum assumed chair of the meeting.

DISCLOSURE OF INTEREST	
Date	10 April 2019
Meeting	Council
Name/Position	Ross Paine, Councillor
Item No./Subject	13.1
Type of Interest	Financial Interest
Nature of Interest	I am an owner of 8 Musk Close, Broadwater, which is within the proposed scheme amendment area, therefore it is reasonably likely to have a financial impact on property value. The trees on my property are fruit trees and are not likely habitat for possums, under 5.68 I request consideration by Council to remain involved in discussion, debate and the decision making process on the basis that the extent is trivial.

5.55 pm At this time Councillor R Paine left the meeting.

DISCLOSURE OF INTEREST	
Date	10 April 2019
Meeting	Council
Name/Position	Rob Reekie, Councillor
Item No./Subject	13.1
Type of Interest	Financial Interest
Nature of Interest	I am an owner of 5B Glassby Place Busselton, which is within the proposed scheme amendment area, therefore it is reasonably likely to have a financial impact on property value.

5.55 pm At this time Councillor R Reekie left the meeting.

DISCLOSURE OF INTEREST	
Date	10 April 2019
Meeting	Council
Name/Position	Mike Archer, Chief Executive Officer
Item No./Subject	13.1
Type of Interest	Financial Interest
Nature of Interest	I own properties at 41 Reading Street, 41 Thomas Street and 41A Thomas Street, which fall within the proposed scheme amendment area, therefore it may potentially have a financial impact on my property values.

DISCLOSURE OF INTEREST	
Date	10 April 2019
Meeting	Council
Name/Position	Paul Needham, Director of Planning and Development Services
Item No./Subject	13.1
Type of Interest	Financial Interest
Nature of Interest	I am an owner of a property that falls within the within the proposed scheme amendment area, therefore it may potentially have a financial impact on my property value.

COUNCIL DECISION

C1904/067

Moved Councillor P Carter, seconded Councillor C Tarbotton

That the Council consider the extent of Cr Ross Paine's financial interest, under 5.68, to be trivial and approve Cr Paine to remain involved in discussion, debate and the decision making process.

CARRIED 5/0

5.57 pm At this time Councillor R Paine returned to the meeting.

PRÉCIS

The Council is asked to consider adopting the Western Ringtail Possum (WRP) Working Group (WRPWG) Directions Paper (Directions Paper) for the purposes of further consultation.

It is also requested that the Council consider initiating for public consultation proposed Amendment 42 (the Amendment) to *Local Planning Scheme No. 21* (the Scheme). The Amendment seeks to introduce a 'Western Ringtail Possum Habitat Protection Special Control Area' (SCA) into the Scheme. The Amendment is necessary to implement initiatives 1 – 3 of the Directions Paper. It is proposed that a new local planning policy will be prepared at a later stage to supplement and provide further guidance on the implementation of the SCA.

BACKGROUND

At its meeting of 10 May 2017, the Council resolved -

That the Council support the formation by the CEO of a 'Western Ringtail Possum Working Group', with the membership and role of the Group to be as follows –

1. *Membership - Interested Councillors and relevant staff; and*
2. *Role –*
 - a) *Researching and receiving briefings from stakeholders on WRP issues;*
 - b) *Forming a view on what the City's role and approach to WRP issues should be, both in terms of actions by the City itself, but also in terms of advocating for action at State and/or Federal level; and*
 - c) *Briefing and seeking Council support for the Group's findings and proposed direction.*

Subsequently, the WRPWG was formed and discussions were held with key stakeholders. The Directions Paper was subsequently developed (Attachment A). The WRPWG key findings are set out in the Directions Paper as follows -

1. *Habitat in and around the Busselton and Dunsborough urban areas is likely to be important to the future survival of WRP as a species.*
2. *Whilst WRP do feed on other plant species, mature WA Peppermint trees (*Agonis Flexuosa*) are important for providing food and shelter for WRP.*
3. *The current approach to protection and enhancement of WRP habitat; both in City of Busselton managed reserves and private land is clearly insufficient to protect against degradation through clearing and development in a way that will critically affect the chances of WRP surviving on the Busselton – Dunsborough coastal strip.*
4. *Whilst many in the community appreciate and value WRP in the urban environment, WRP can often be perceived as a nuisance by some residents, and their conservation status and the importance of their urban habitat is underappreciated by some in the community. Because of this, there could be significant conservation benefits in further community engagement, especially in relation to dog and cat managements, and approaches to garden, street and reserve vegetation management.*
5. *There is excellent work being done by agencies and volunteers / volunteer organisations which should be given greater recognition and appreciation. The work needs to continue, but the level and nature of the current efforts are insufficient to ensure the future survival of WRP as a species.*
6. *There appears to be a broad understanding of the factors contributing to the decline of WRP, but there needs to be continuing research investment, and especially further research into WRP populations within the context of the diverse range of ecosystems and habitats utilised in urban areas by this species.*

7. *The WRPWG is supportive of the Western Ringtail Possum Recovery Plan, but there is a need for greater impetus, resources and strategic focus at all levels of government to ensure the survival of WRP as a species beyond the short to medium term.*

The WRPWG identified a proposed direction and a range of initiatives that, together, it considered could significantly assist in supporting the long-term survival of the WRP in urban areas of the City. The initiatives in the Directions Paper are spilt into seven key categories –

1. Habitat protection.
2. Habitat enhancement & expansion.
3. Community engagement & education.
4. Dog, cat & feral animal management.
5. Rehabilitation and new populations.
6. Research & monitoring.
7. Governance, funding & partnerships.

The Amendment seeks to implement initiatives 1 – 3 of the Directions Paper, which are as follows -

- 1: *Introduce additional controls on the clearing of Western Ringtail Possum habitat in urban areas, including small-scale clearing. (Federal, State and Local)*
- 2: *Consider introduction of incentives to encourage retention of Western Ringtail Possum habitat in urban areas. (Federal, State and Local)*
- 3: *Develop a pro-active offset planting programme, which allows for recognition of offset planting undertaken prior to seeking environmental approvals, the pooling of resources, and the meeting of offset planting requirements through a 'cash-in-lieu' system. (Federal, State and Local)*

It should be noted that the State Department of Biodiversity, Conservation and Attractions (DBCA), together with the Federal Department of the Environment and Energy (DEE), and other stakeholders (such as local government authorities, community groups and environmental NGOs), have developed a 'WRP Recovery Plan'. The success of the recovery plan is likely to depend on a broad response, involving all levels of government, multiple agencies, the community and industry. Because of the prevalence and importance of habitat in the City, the City and our community are significant stakeholders. DBCA has also tended to focus on 'natural' habitat areas, when the Directions Paper focuses on urban WRP habitats.

The City previously initiated a somewhat similar amendment to that now proposed. Amendment 146 to Town Planning Scheme No. 20 was initiated on 25 May 2011 and proposed to introduce a 'Western Ringtail Possum Habitat Protection Special Control Area', required offset planting where habitat was removed and included density bonuses where development was proposed which retained 'significant habitat'. Amendment 146 was subsequently advertised and final approval was supported by the Council on 12 December 2013. A copy of the report considered by the Council at that time is provided at Attachment B. Amendment 146 was then forwarded to the WAPC and the then Minister for Planning, who refused to grant final approval of the Amendment for the following reasons:

- (i) *The WAPC does not support provisions which would effectively 'up-code' individual development sites, beyond that which could be achieved under the prescribed R-Code. Such an approach would be contrary to the expectations of the local community and inconsistent with orderly planning.*
- (ii) *The provisions have a primary focus on cash or planting offsets rather than mechanisms to ensure flexible application of development standards to achieve colocation of habitat trees and development on the same site.*
- (iii) *Provision 6(b) would appear to incentivise the removal of vegetation, contrary to the intent of the provisions.*
- (iv) *The modifications necessary to suitably amend the proposal would be time consuming, may warrant advertisement of the Amendment and as such would jeopardise the timely introduction of Scheme 21.*
- (v) *The proposed provisions are unnecessarily complex and would be subject to misinterpretation by the community.*

Prior to progressing the Amendment, the City undertook informal consultation with the offices of the current Ministers for Planning and Environment. Whilst neither Minister is able to make a decision unless and until a formal proposal is presented to them, there were informal indications of a willingness to consider proposals such as the Amendment now proposed.

STATUTORY ENVIRONMENT

The key statutory instruments with respect to the Amendment are set out in the Scheme and the *Planning and Development Act 2005* as well as various environmental laws. Each is discussed below under appropriate subheadings.

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 ('EPBC Act')

The Commonwealth Department of Environment recently elevated the status of WRP from 'Vulnerable' to 'Endangered' and, last year, to 'Critically Endangered'. The EPBC Act protects WRP habitat but is limited in its application to clearing controls which can have a "significant impact" on habitat environment. This term is not defined in the Act, however, the *Significant Impact Guidelines for the Western Ringtail Possum (Pseudocheirus occidentalis) in the Southern Swan Coastal Plain, Western Australia* does provide guidance on this matter. Most small-scale clearing in urban areas is not regulated under the EPBC Act.

State Environmental Protection Act 1986 ('EP Act') and associated regulations

The EP Act provides a legal framework for the State Government to protect the environment and regulate pollution. It sets out a range of different processes for doing this, including environmental impact assessments for planning scheme amendments and development proposals with the potential to cause significant environmental impact; as well as a permit system regulating the clearing of native vegetation. For the purposes of this report, the most important application of the EP Act is the clearing permit system. The EP Act is also supplemented by a number of environmental protection policies and subsidiary legislation, including the 'Clearing Regulations.'

The Clearing Regulations have the effect that, unless specifically exempted, a permit is required for the clearing or disruption of native vegetation (including, in many instances, regrowth, or 'intentionally planted vegetation'). There are no exemptions provided within identified Environmentally Sensitive Areas ('ESA') pursuant to the EP Act. This includes Conservation Category Wetlands (CCW) and the associated buffers and vegetation containing Threatened Ecological Communities (TER) or Declared Rare Flora (DRF). Much of the City, including most of the urban area, however, is located outside an ESA. As such, clearing may be exempt from the need to obtain a permit, for purposes that include –

- development of approved buildings;
- establishment of fences;
- collection of firewood for personal use by a landowner; or
- fire and emergency management.

With the exception of the last of these, exempted clearing is up to 1.0 hectare per year per property and, as such, permits are not required for most (usually small scale) clearing of habitat within urban areas.

State Biodiversity Conservation Act 2016 ('BC Act')

The BC Act began coming into practical effect from 1 January 2019, replacing the *Wildlife Conservation Act 1950*. The BC Act introduces new provisions for important biodiversity conservation matters that were not recognised in the Wildlife Conservation Act, such as new protections for habitat critical to the survival of a Threatened Species (including habitat conservation notices). Orders necessary to use those powers have, however, not yet been developed. As such, like its predecessor, the BC Act at present 'protects the animal, but not its home'.

RELEVANT PLANS AND POLICIES

The key plans and policies relevant to the proposal are as follows -

1. *City of Busselton Environment Strategy 2016-21.*
2. *Draft City of Busselton Local Planning Strategy.*
3. *State Planning Policy 2 – Environment and Natural Resources Policy.*
4. *State Planning Policy 3.1 – The Residential Design Codes of WA (R-Codes).*

City of Busselton Environment Strategy 2016-21

The City's Environment Strategy 2016-21 supports both the Amendment and the implementation of the Directions Paper. The Strategy provides direction on how the City will meet the environmental aspirations set out in the Strategic Community Plan and guide the City's future activities in environmental management and sustainability. The strategy includes a number of strategic actions relating directly to the Direction Paper and Amendment, as follows -

...

"1.2 Continue improvement of planning mechanisms for the protection of biodiversity and habitat. Review and finalise the draft Western Ringtail Possum Habitat Protection and Enhancement Strategy.

1.3 Work in partnership with other agencies and organisations to identify opportunities for implementation of recovery plans for protection of endangered species."

Draft City of Busselton Local Planning Strategy (LPS)

The LPS broadly sets out the long-term planning direction for the whole of the District and provides the strategic rationale for decisions related to the progressive review and implementation of the Scheme. The LPS was submitted to the WAPC in late 2016 and is currently awaiting final approval. The LPS includes the following Theme, Objectives and Strategies that are applicable to the Directions Paper and Amendment, as follows -

"Theme 4: Environment and Landscape' of the draft LPS includes the following objectives and strategies:

Objectives

a) Protect and enhance the natural environment and biodiversity of the District.
Strategies

a) Protect and enhance the habitat of native fauna, native vegetation and wetlands as part of the planning and development of the District.

d) Support the long-term survival of the District's Western Ringtail Possum population, especially the population within urban areas."

State Planning Policy 2 – Environment and Natural Resources Policy (SPP2)

SPP2 must be given due regard by the WAPC and local government in the making of all planning decisions. SPP2 also sets out that planning schemes and decision-making should -

"(iv) Protect significant natural...features, including sites and features significant as habitats...

(x) Support conservation, protection and management of native remnant vegetation where possible to enhance...biodiversity, fauna habitat, landscape, amenity values and ecosystem function.

(xi) Consider alternatives to land acquisition for conservation and landscape protection where limited or no public access is required..."

SPP2 sets out that planning strategies, schemes and decision-making should:

- “(i) Consider mechanisms to protect areas of high biodiversity and/or conservation value, including...*
- d. land containing...habitat to Threatened Fauna...*
- (ii) Seek to avoid or minimise any adverse impacts, directly or indirectly, on areas of high biodiversity or conservation value as a result of changes in land use or development.”*

State Planning Policy 3.1 – The Residential Design Codes of WA (R-Codes)

The Scheme adopts the standards for residential development established in the Residential Design Codes of Western Australia (R-Codes) subject to the modifications specified in Clause 4.3 of the Scheme. The incentive provisions referred to in this Amendment allow for consideration of discretions to the deemed-to-comply criteria of certain design elements of the R-Codes.

FINANCIAL IMPLICATIONS

Financial implications associated with this report relate only to the advertising and consultation of the Directions Paper and the Amendment.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

In terms of the broader recommendations of the Directions Paper, many of the actions can be implemented without additional resources. However, there are a number of initiatives that require works on the ground, such as -

- street and reserve tree planting;
- conversion of under-utilised parkland into areas with improved habitat functions;
- installation of rope bridges across roads where there are known frequent crossings by WRP, or where habitat corridors are being created;
- establishment of strategic habitat and corridor linkages;
- expansion of fox and feral cat control programs on City reserved lands, and actively promoting control activities on adjoining private land; and
- undertaking a base survey of possum populations and developing a monitoring programme to gauge the overall success of possum recovery and enhancement (in conjunction with a university or DBCA).

These activities may require additional funding, both City funds and/or in conjunction with external funding sources and will need to be budgeted for in the future at the time of their implementation. In substantial part, however, these things could be achieved by changing existing practices, rather than through net additional effort or resources.

In relation to the implementation of the Amendment, officers are generally of the view that implementation of the proposed provisions would not involve significant additional workload but this would need to be assessed over time.

STRATEGIC COMMUNITY OBJECTIVES

Both the proposed Amendment and Directions Paper will serve to deliver the following community objectives of the Strategic Community Plan:

Key Goal Area 3 – Environment:

3.1 Development is managed sustainably and our environment valued.

3.2 Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the officer recommendation will involve initiating the proposed Amendment for referral to the WAPC and the EPA and subsequent consultation. In this regard, there are no significant risks identified.

CONSULTATION

Consultation to date

During development of the Directions Paper, the City consulted with relevant stakeholders including representatives of the following agencies and groups–

- Federal Department of the Environment and Energy.
- State Department of Biodiversity, Conservation and Attractions.
- State Department of Planning, Lands and Heritage.
- South West Catchments Council.
- GeoCatch (Geographe Catchment Council) – Western Ringtail Possum Action Group (WRAG).
- Nature Conservation Margaret River Region (formerly Cape to Cape Catchments Council).
- Busselton-Dunsborough Environment Centre.
- Busselton Naturalists' Club.
- Fostering and Assistance for Wildlife Needing Aid (FAWNA).
- Western Ringtail Possums R'us.
- Dunsborough Coast and Landcare.
- Busselton veterinary practices.

Information gathered from briefings provided by the above mentioned groups and agencies has been considered in the development of the Direction Paper and the Amendment.

Proposed consultation

If the Council resolves to initiate this Amendment, it will be considered a 'complex' amendment. This Amendment is considered to be 'complex' as it is "an amendment that is not addressed by any local planning strategy". The Amendment would be forwarded to the WAPC within 21 days of the Council's resolution for its consent to advertise.

Following consent to advertise from the Commission, the related documentation would be referred to the EPA to consider the need for formal review under Part 4 of the *Environmental Protection Act 1986*. If the EPA determines that formal review is unnecessary, the Amendment would be advertised for a period of 60 days and include referral to relevant state government agencies. In the event that the EPA determines that the proposal is to be formally reviewed, the City shall cause such review to be undertaken in accordance with s82 of the *Planning and Development Act 2005*.

Advertising and consultation would likely consist of -

- notices in local newspapers on at least two occasions;
- the display of a copy of the notice in the offices of the City for the period set out in the notice;
- providing a copy of the notice to each public authority that the City considers is likely to be affected by the Amendment;
- the publishing of a copy of the notice and the Amendment on the website of the City; and
- the advertising of the Amendment as directed by the Commission and in any other way the City considers appropriate.

In addition to the above it is proposed that additional consultation occur, including:

- FAQ document;
- a media release;
- community information session(s) to be coordinated (and advertised) during the consultation period; and
- consultation with other key stakeholders as may be identified.

The proposed Amendment would then need to be re-considered by the Council in light of any submissions received prior to its subsequent determination and forwarding for consideration by the WAPC and Minister for Planning.

OFFICER COMMENT

The two key actions proposed in this report are to -

- Adopt the Directions Paper and commence the process of implementing some of the initiatives contained within; and
- Initiate the Amendment.

Each of these is briefly discussed below.

Directions Paper

The Directions Paper contains 34 recommended initiatives that, if undertaken, would influence the protection and enhancement of WRP habitat and welfare of the species.

These initiatives include actions that:

- the City can take itself;
- could occur in constructive partnership with other agencies and / or groups; and/or
- would require State and /or Federal Government leadership or support.

In many cases, the City would be working with other stakeholders to improve overall outcomes, including those groups mentioned in the 'Consultation' section of this report. The City would advocate for, and seek to implement, the initiatives contained within the Directions Paper. It is seen as appropriate that further consultation is undertaken before the Directions Paper is adopted in final formal and more broadly implemented.

Amendment

A key role for the City arising from the Directions Paper is the protection of WRP habitat on private land, particularly in the urban areas of Busselton and Dunsborough. Through this Amendment it is proposed to introduce the SCA. The SCA would overcome deficits in the current clearing controls and the area included within the SCA has been based on the *Significant Impact Guidelines for the Western Ringtail Possum (Pseudocheirus occidentalis) in the Southern Swan Coastal Plain, Western Australia*. These guidelines identify important habitat and feeding areas for the WRP and divides these areas into three categories being "Core Habitat", "Primary Corridors" and "Supporting Habitat." It is noted that "Core Habitat" and "Primary Corridor" areas are centralised around the residential areas of Busselton and along the coast between Dunsborough and Busselton where there are currently no controls on the removal of vegetation.

The SCA would in effect require development approval for the removal of a single mature tree or more. The SCA will not prohibit clearing or development, however it, would enable the City to introduce incentives to assist with and encourage the retention of trees in urban areas. In addition, the proposed offset requirements, where clearing is approved, will allow the City to establish a pooled and proactive offset programme which the City may strategically implement to increase WRP habitat in urban areas of the City.

Some areas indicated as important areas for the WRP within the guidelines have been excluded from the SCA. Residential areas with R-code density of less than R10 and newer residential subdivisions have been excluded for the reasons as follows -

- Residential areas with R-code density of less than R10. These areas have been excluded as there are already requirements in the Scheme that necessitate development applications being submitted and approved prior to the removal of vegetation.
- Newer Residential subdivisions – including Vasse, Dunsborough Lakes and Old Broadwater Farm. These areas are generally devoid of well-established native trees. Where approvals were required for clearing as part of the subdivision process, these were obtained from the necessary agencies. It is therefore considered that, currently, there is no requirement for these areas to be included within 'Western Ringtail Possum Habitat Protection Areas.' However, this may be reviewed in the future once vegetation has become better established.

The Amendment proposes to require a development application be submitted and approved if clearing would meet the following criteria -

- (a) *the extent of clearing in any 12 month period exceeds a contiguous canopy area of 50m²;*
- (b) *the tree has a single trunk with a diameter of greater than 100mm when measured 1m above ground level; and/or*
- (c) *the trees has two or more trunks and the sum of their individual diameter is 200mm or more when measured 1m above ground level.*

The proposed criteria has been developed with the intention of allowing the removal of small individual trees and/or pruning without requiring a development approval however will capture the removal of a single mature tree or greater. It is proposed that the maximum area of canopy cover cleared before a development application is required would be determined cumulative over at 12 month period. This would prevent multiple rounds of small scale clearing and/or pruning over a short period and is consistent with the timeframe set under the clearing regulations for large scale clearing.

A local planning policy is proposed to be prepared to supplement the SCA and provide clarification on the assessment criteria for clearing which would require a development applications under these proposed provisions. In addition, the local planning policy would provide clarification regarding the types of trees (noting that whilst the SCA affects all trees, local planning policy could be used to exclude some trees from the effects of the controls) that will require approval before removal and will include criteria for offset planning when trees are removed. To encourage the retention of trees it is proposed that the local planning policy would include guidance regarding development incentives.

In terms of potential development incentives, the Amendment has been deliberately drafted to be very broad. Potential incentives could include permitting increases in density (either in terms of numbers of units or floorspace), increases in height, reduced setbacks or reduced parking provision. Given that one of the key WAPC concerns with the earlier Amendment 146, however, was in relation to the potential development incentives on offer, it is seen as possible that it may wish to better define potential incentives in the Scheme itself, rather than relying on local planning policy (which does not usually require WAPC approval) to do that.

It is possible that WAPC consent to advertise may be conditional on changes to the Amendment in this regard. If that were the case, officers would seek further guidance and direction from the Council before proceeding with advertising. Importantly, it is also expected that would result in more detail on potential incentives being available prior to community consultation, and if the WAPC decision does not result in that, officers would in any case seek further Council guidance on potential incentives before consultation is undertaken, as no doubt that would be an important consideration for many. Officers are, however, of the view that at this stage of the process it is best to start with a broad scope for potential incentives, rather than seeking to clearly define (and restrict) that potential at this stage.

CONCLUSION

Officers recommend that the Council endorse the Directions Paper and initiate the Amendment for the purposes of public consultation.

OPTIONS

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

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

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's resolution, the Amendment will be forwarded to the WAPC seeking approval for advertising. Once consent is received the Amendment will be advertised as detailed in the 'Consultation' section of this report within 2 weeks.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1904/068

Moved Councillor P Carter, seconded Councillor C Tarbotton

That the Council:

1. Adopt the *Western Ringtail Possum Working Group Directions paper* for the purposes of community consultation.
2. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, initiates Amendment 42 to the City of Busselton Local Planning Scheme 21 for the purposes of:
 - a) Amending the Scheme text by inserting a new Clause within 'Part 5 – Special Control Areas' as follows:

"WESTERN RINGTAIL POSSUM HABITAT PROTECTION AREAS

- (1) *This clause applies to all land shown on the Scheme Map as being within a "Western Ringtail Possum Habitat Protection Area."*
- (2) *Within "Western Ringtail Possum Habitat Protection Areas" no tree(s) shall be removed or cleared without the prior approval of the local government where;*
 - (a) *the extent of clearing in any 12 month period exceeds a contiguous canopy area of 50m²;*
 - (b) *the tree has a single trunk with a diameter of greater than 100mm when measured 1m above ground level; and/or*
 - (c) *the tree has two or more trunks and the sum of their individual diameter is 200mm or more when measured 1m above ground level;*
- (3) *Notwithstanding sub-clause (2), the clearing of vegetation that is dead, dying or poses an immediate threat to life or property is exempt from this requirement. The local government may require that the person that cleared the vegetation reasonably demonstrate that the clearing was necessary for this reason.*
- (4) *Proposed clearing of vegetation will be subject to assessment criteria as identified in a relevant local planning policy.*
- (5) *The local government may grant approval to remove trees within "Western Ringtail Possum Habitat Protection Areas" subject to conditions, including that:*
 - (a) *clearing shall be undertaken in accordance with adopted procedures and requirements; and*
 - (b) *offset planting shall occur on the subject site in accordance with adopted standards and requirements outlined by the local government; or*
 - (c) *an applicant may, in lieu of offset planting requirements pursuant to (b) above, make a financial contribution toward offset planting being undertaken by the local government.*

Any such contribution shall be equivalent to the otherwise required offset planting and equal to the local government's estimated cost of undertaking that planting, including maintenance for two years after establishment.

The local government may only apply contributions received under this sub-clause for the purposes of the planting and enhancement of locally native vegetation in accordance with an adopted strategy.

- (6) *The local government may vary any site or development requirement specified in this Scheme to facilitate the preservation of trees within 'Western Ringtail Possum Habitat Protection Areas' provided that, in the opinion to the local government, after having undertaken such public consultation as the local government sees fit, any such variation of site or development requirements would not unduly prejudice the established character and amenity of that locality.*

Where the local government may vary any site or development requirements the Local Government may by notice served upon individual landowners or upon a subdivider of land, require the preservation of a tree or group of trees. Thereafter no landowner shall cut, remove or otherwise destroy any tree unless the Local Government grants approval or rescinds the notice or order.

- b. Amending the Scheme Map by identifying 'Western Ringtail Possum Habitat Protection Areas' as illustrated at Attachment C.
3. That, as the draft Amendment is, in the opinion of the Council, consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the draft Amendment is to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
4. Advises the Western Australian Planning Commission that the proposed Amendment is considered to be a 'complex' amendment pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reason:
- (b) The Amendment is not addressed by any local planning strategy.

CARRIED 6/0

5.58 pm At this time Councillor G Henley and R Reekie returned to the meeting.

5.59pm At this time Councillor G Henley assumed chair on the meeting.

16. FINANCE AND CORPORATE SERVICES REPORT

16.1 CONSIDERATION OF THE CONDUCT OF LOCAL GOVERNMENT ELECTION, 19 OCTOBER 2019

SUBJECT INDEX:	Elections and Electoral Procedures
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Governance Coordinator - Emma Heys
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

PRÉCIS

The next local government election is due to be held on 19 October 2019.

In accordance with Part 4 of the *Local Government Act 1995* (the Act), Council must decide on the method on which a local government election is conducted. The Council may choose between an in-person election, or a postal election conducted by the Western Australian Electoral Commission (WAEC) on behalf of the local government.

The City has received from the WAEC the cost estimate of conducting a postal ballot for the 2019 local government election, which is based on a full cost recovery model.

In accordance with section 4.61(2) of the Act, an absolute majority decision of Council is required when deciding on the ballot method for the local government election and the City must provide advice of this to the Electoral Commissioner for Western Australia (the Commissioner) at a minimum of 80 days prior to polling day.

BACKGROUND

Local government elections occur on the third Saturday in October every two years. Elected Members each serve a term of four years. The City of Busselton has five ordinary vacancies for the 2019 election.

The Act provides that a local government may decide whether to conduct a postal or in-person election. Legislation requires that where a local government chooses to hold a postal election, the election is to be run by the WAEC. The City of Busselton has chosen this method for the previous 18 years.

STATUTORY ENVIRONMENT

Part 4 of the *Local Government Act 1995* provides for the conduct of local government elections.

The *Local Government (Elections) Regulations 1997* and the *Local Government (Constitution) Regulations 1998* provide for the conduct of local government elections.

RELEVANT PLANS AND POLICIES

There are no relevant plans or policies to consider in relation to this matter.

FINANCIAL IMPLICATIONS

The WAEC conduct postal elections on behalf of local governments on a full cost recovery basis. The City has received a cost estimate from the WAEC to conduct the postal ballot for the 2019 election of \$117,000 inclusive of GST, based on a range of assumptions detailed in the officers' comment. This excludes any advertising or staff resourcing costs.

In 2017, the WAEC estimated the cost of election to the City to be \$107,000, however the actual cost was only \$92,331, a decrease of approximately 13.7%. In addition, expenses were incurred by the City for local advertising and for the cost of City staff required to assist with the vote count on the evening of the election.

If the Council were to choose to conduct the local government election in-house, the financial implications to be considered include the cost of:

- the production and printing of all election materials;
- advertising of both statutory requirements and local promotional material;
- resourcing of a Returning Officer and a minimum of three staff members to man the polling booths for 10 hours on polling day and additional staff to assist in the vote count at the closing of the poll.

Based on research and advice given in previous election years, is reasonable to conclude that the costs for the City to conduct an in-person election would be at least equal to, but are likely to be more than, the cost to engage the WAEC to conduct a postal election.

Adequate funding has been provided in the draft 2019-2020 budget.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

The City's long term financial plan has provision for the conduct of a postal election by the WAEC every two years.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation primarily aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6 – Leadership: Visionary, collaborative, accountable.

6.1 Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

CONSULTATION

No external consultation was undertaken or considered necessary in relation to this matter.

OFFICER COMMENT

As in previous election years, the City has received written advice from the WAEC regarding the method by which the 2019 local government election may be conducted. In accordance with section 4.20(4) of the *Local Government Act 1995*, the Commissioner has agreed to be responsible for the conduct of the 2019 election, as a postal ballot, at the estimated cost of \$117,000, based on the following assumptions:

- 28,000 electors
- Response rate of 38%
- 5 vacancies
- Count to be conducted at the offices of the City of Busselton
- The appointment of a local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the elections packages.

Expenses that are excluded from the cost estimate include, but may not be limited to:

- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- One local government staff member to work in the polling place on election day;
- Any additional postage rate increase from Australia Post.

The Commissioner is responsible for conducting postal elections in Western Australia. With voting in local government elections not being compulsory, postal elections have typically resulted in a higher participation rate by eligible electors than the alternative in-person ballots, as they offer most electors greater convenience and accessibility. This is especially true for local governments with a large elector base and a high percentage of absentee owners.

Engaging the WAEC to conduct the local government election allows for the Chief Executive Officer and staff to remain independent of the electoral process with the WAEC able to ensure elections are conducted with impartiality.

CONCLUSION

Of the options currently available to Council for the running of a local government election, a postal ballot conducted by the WAEC is considered the best method by which to hold the 19 October 2019 election.

OPTIONS

Council may choose to instead conduct an in-person election.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

In accordance with the Act, the City will notify the WAEC of Council's choice of how the election will be conducted at least 80 days prior to polling day.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1904/069 Moved Councillor K Hick, seconded Councillor R Reekie

That the Council:

1. Declares in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner for Western Australia to be responsible for the conduct of the 19 October 2019 election, together with any other elections or polls that may be required; and
2. Decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the election is conducted as a postal election.

CARRIED 8/0

CARRIED BY ABSOLUTE MAJORITY

16.2 STRATEGIC COMMUNITY PLAN 2017 MINOR REVIEW AND PROPOSED AMENDMENTS

SUBJECT INDEX:	Strategic Community Planning
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Corporate Planning Officer - Cathy Burton Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

PRÉCIS

The minor review of the Strategic Community Plan (SCP) 2017 was undertaken in the period 30 January 2019 to 25 February 2019. Consequently, a number of minor amendments to the SCP are proposed. Any amendment must be adopted by an absolute majority of Council.

BACKGROUND

A strategic community plan must be reviewed at least once every four years, with the Integrated Planning and Reporting Guidelines (2016) recommending that a review is conducted every two years, alternating between a minor review and a major review. The City of Busselton SCP 2017 was adopted by Council in February 2017. The SCP has an outlook of at least 10 years and sets out six key community goals and 21 community objectives.

The minor review of the Council's SCP 2017 began on 30 January 2019. Although community engagement is not required as part a minor review, Council sought input from the community via a survey on the City's Your Say Busselton website to help determine how well the SCP strategies are working to achieve the community's objectives. A total of 396 visits to the survey page were recorded and 77 responses submitted, with the survey closing on 25 February 2019.

Input was also invited from City's officers to assist with reviewing the effectiveness of the SCP 2017 strategies. Officers identified matters that they believe have either emerged or accelerated over the past two years and looked at whether the SCP 2017 strategies were responding to those matters.

The combined results of these two engagement activities was presented to Council on 20 March 2019.

STATUTORY ENVIRONMENT

Section 5.56 of the *Local Government Act 1995* requires a local government to plan for the future of the district. Regulation 19 (C) of the *Local Government (Administration) Regulations 1996* outlines the following minimum requirements to achieve this:

- 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.

*Absolute majority required.
- 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.

RELEVANT PLANS AND POLICIES

There are no City of Busselton plans or policies that relate to a minor review of the SCP. The SCP 2017 is a key strategic document however and sets the overarching strategic direction for the City's Corporate Business Plan which has a four year delivery timeframe and is reviewed annually, and, in an iterative fashion, provides direction for and is informed by the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

There are no immediate financial implications arising from the officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no immediate long term financial plan implications arising from the officer recommendation.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendation aligns with the following Key Goal Area and Community Objective of the City of Busselton's Strategic Community Plan 2017:

Key Goal Area 6: Leadership

6.1: Governance systems, process and practices are responsible, ethical and transparent

6.2: Council engages broadly and proactively with the community.

RISK ASSESSMENT

Given the minor nature of the proposed amendments there are not considered to be any risks of a medium or greater level associated with the officer recommendation.

CONSULTATION

Your Say Survey

The Your Say survey opened on Wednesday 30 January and closed on Sunday 25 February, and was advertised in four editions of the Busselton-Dunsborough Mail newspaper in Council's City Connect page. Additionally the survey was advertised via the City's Bay to Bay newsletter and email distribution list.

At the close of the community engagement period 77 responses had been received. The demographic details of respondents are illustrated below.

Residential postcode	Responses	Age profile	
6280 (Busselton area)	27 (35%)	Under 18 years	1
6281 (Dunsborough area)	45 (58%)	18-34 years	7
6282 (Yallingup area)	5 (7%)	35-54 years	49
		55+ years	20

Respondents were asked to rate the City's progress in each of the six Key Goal Areas by choosing one of the following options –

(i) Unsure, (ii) No Progress, (iii) Poor, (iv) Okay, (v) Good and (vi) Excellent.

Results are provided below.

Key Goal Area 1: Community

Overall, respondents' assessment of progress in Key Goal Area 1 was positive, with answers to four of the six scenarios being rated favourably. The standout success was the City's support for community events with 80% of respondents scoring performance as 'Okay' and better. Providing quality sport and recreation facilities was rated less favourably: only 42.9% of respondents rated progress as 'Okay' or better.

Table 1. Key Goal Area 1 Community:

Progress ratings...	Unsure	No Progress	Poor	Okay	Good	Excellent	Okay to Excellent
(i) Improving opportunities to be involved and connected with the community	10.4%	7.8%	22.1%	33.8%	24.7%	1.3%	59.8%
(ii) Providing safe and secure public areas	6.6%	10.5%	19.7%	31.6%	25.0%	6.6%	63.2%
(iii) Providing quality community sport and recreation facilities	3.9%	37.7%	15.6%	15.6%	19.5%	7.8%	42.9%
(iv) Improving community facilities and cultural attractions	3.9%	14.5%	18.4%	30.3%	23.7%	9.2%	63.2%
(v) Supporting events that bring the community together	2.7%	8.0%	9.3%	24.0%	41.3%	14.7%	80.0%
(vi) Improving access to City services and facilities for people with a disability	35.1%	15.6%	10.4%	16.9%	13.0%	9.1%	39.0%

Key Goal Area 2: Places and Spaces

The ratings given in Key Goal Area 2 were again positive, with only one area, ‘guiding and managing growth and development...’ being rated unfavourably. In this instance, only 38.1% of respondents provided a score of ‘Okay’ or better.

Table 2. Key Goal Area 2 Places and Spaces:

Progress ratings...	Unsure	No progress	Poor	Okay	Good	Excellent	Okay to Excellent
(i) Developing family friendly foreshore reserves	0.0%	5.2%	9.1%	16.9%	35.1%	33.8%	85.8%
(ii) Creating and maintaining parks and reserves	0.0%	3.9%	11.7%	33.8%	32.5%	18.2%	84.5%
(iii) Providing high quality public amenities	2.6%	13.0%	19.5%	28.6%	24.7%	11.7%	65.0%
(iv) Developing and improving town centres	0.0%	11.7%	27.3%	28.6%	24.7%	7.8%	61.1%
(v) Guiding and managing growth and development of the District	7.9%	28.9%	25.0%	26.3%	10.5%	1.3%	38.1%

Key Goal Area 3: Environment

Overall the ratings of progress in Key Goal Area 3 indicate that there is some lack of understanding about what the City is doing with respect to managing the environment and environmental impacts. 40% of respondents were unsure of the City’s efforts to reduce its carbon footprint and in regard to the work being done to improve the health of the City’s waterways, almost 30% of respondents were unsure about the progress that has been made. Pleasingly however 61% of respondents scored performance as ‘Okay’ and better in response to ‘identifying and respecting environmental values and habitats’.

Table 3. Key Goal Area 3 Environment: SCP 2017 progress ratings

Progress ratings...	Unsure	No progress	Poor	Okay	Good	Excellent	Okay to Excellent
(i) Identifying and respecting environmental values and habitats	10.7%	6.7%	21.3%	29.35%	26.7%	5.3%	61.35%
(ii) Taking steps to reduce the City's carbon footprint by reducing operational emissions	40.0%	8.0%	16.0%	20.0%	13.3%	2.7%	36.0%
(iii) Overall management of our coastline	6.8%	15.00%	13.0%	35.0%	15.0%	8.0%	58.0%
(iv) Improving waste management through waste avoidance, reduction, re-use and recycling practices	10.7%	21.3%	20.0%	29.3%	14.7%	4.0%	48.0%
(v) Working to improve the health of the Lower Vasse River, Toby Inlet and Vasse-Wonnerup wetlands	29.7%	5.4%	18.9%	28.4%	10.8%	6.8%	46.0%
(vi) Responding to and managing fire and other environmental emergencies	26.7%	4.0%	12.0%	16.0%	33.3%	8.0%	57.3%

Key Goal Area 4: Economy

As in Key Goal Area 1, the City's involvement in promoting and hosting events was again rated highly, with almost 92% of respondents giving a score of 'Okay' or better. Our work to encourage and support local business and advocate for improved training and education was not rated more poorly.

Table 4. Key Goal Area 4 Economy: SCP 2017 progress ratings

Progress ratings...	Unsure	No progress	Poor	Okay	Good	Excellent	Okay to Excellent
(i) Promoting and hosting regional events	1.4%	4.1%	2.7%	24.3%	35.1%	32.4%	91.8%
(ii) Developing the Busselton Margaret River airport to support aviation and freight	16.2%	14.9%	21.6%	24.3%	17.6%	5.4%	47.3%
(iii) Encouraging business attraction and investment	20.5%	16.4%	26.0%	23.3%	11.0%	2.7%	37.0%
(iv) Working with partners to help support and stimulate local businesses	31.1%	13.5%	17.6%	20.3%	14.9%	2.7%	37.9%
(v) Advocating for improved training and education opportunities	35.6%	20.5%	15.1%	20.5%	8.2%	0.0%	28.7%

Key Goal Area 5: Transport

Overall progress was rated reasonably well with approximately 60% of respondents giving 'improving road conditions across the District' and 'Providing safe cycle ways and footpaths...' a score of 'Okay' or better. Respondents indicated that progress with respect to public transport and development of the Busselton Margaret River Airport was seen as poorer; with the provision of both being reliant on other key stakeholders.

Table 5. Key Goal Area 5 Transport: SCP 2017 progress ratings

Progress ratings...	Unsure	No progress	Poor	Okay	Good	Excellent	Okay to Excellent
(i) Developing the BMRA to support air services to the east coast of Australia	22.7%	28.0%	12.0%	16.0%	18.7%	2.7%	37.4%
(ii) Working with public transport providers to improve public transport services and associated facilities within the District	21.3%	25.3%	18.7%	20.0%	13.35%	1.3%	34.65%
(iii) Providing safe cycle ways and footpaths that connect with key destinations	1.3%	16.0%	21.3%	26.7%	26.7%	8.0%	61.4%
(iv) Improving road conditions across the District	0.0%	13.3%	22.7%	44.0%	18.7%	1.3%	64.0%
(v) Improving the ease of access within our town sites	1.4%	21.6%	18.9%	29.75%	20.3%	8.1%	58.15%

Key Goal Area 6: Leadership

Pleasingly over 61% of responses rated the maintenance of community assets as 'Okay' or better. Perhaps not surprisingly, other areas, such as long term financial planning and improving organisational performance and services, were rated lower, with respondents being unsure as to the progress being made. This represents an opportunity for increased information and engagements with the community.

Table 6. Key Goal Area 6 Leadership: SCP 2017 progress ratings

Progress ratings...	Unsure	No progress	Poor	Okay	Good	Excellent	Okay to Excellent
(i) Provide opportunities for the community to participate in decision making processes	9.5%	23.0%	16.2%	24.3%	20.3%	6.8%	51.4%
(ii) Improving two way communication with the community using a range of accessible communication channels	16.2%	24.3%	18.9%	17.6%	16.2%	6.8%	40.6%
(iii) Ensuring the City's long term financial plan delivers community goals and aspirations in a sustainable and affordable manner	28.4%	21.6%	14.9%	18.9%	14.9%	1.4%	35.2%
(iv) Maintaining community assets at a standard that you believe to be appropriate	13.7%	12.3%	12.3%	31.5%	21.9%	8.2%	61.6%
(v) Continuously improving the City's organisational performance and services	34.2%	16.4%	15.1%	24.7%	8.2%	1.4%	34.3%

In addition to the above ratings of progress, respondents were asked to nominate one thing over the past two years that, (a) had been done well, and (b) could have been done better.

Overall, responses to this question indicated that the City had performed well with regard to–

- Redeveloping the Busselton and Dunsborough foreshores, and in particular the Busselton Foreshore was highlighted;
- Improving the Dunsborough town site;
- Continuing to work to improve the health of waterways;
- Developing the Busselton Margaret River Airport;
- Attracting events and tourism;
- Improving cycle ways, and
- Engaging with the community.

In the ‘could have done better’ category, responses included requests for –

- more sport and recreation facilities in Dunsborough (including a swimming pool);
- better youth services and social infrastructure;
- improved access to City services and facilities for people with a disability;
- a better planning response to population growth, specifically in Dunsborough;
- faster progress of the Busselton Margaret River Airport redevelopment;
- greater support for business and youth employment; and
- improved and extended paths and cycle ways.

Workshop with City Officers

The workshop with City Officers highlighted emerging or accelerating issues that they have observed within the Busselton community over the past two years. The key themes identified are listed in the table below by Key Goal Area.

Table 7: Issues identified in 31 January workshop with City Officers

Key Goal Area 1 <i>Community</i>	<ul style="list-style-type: none"> • Social hardship and increasing disadvantage (e.g. homelessness) • Drug and alcohol, mental health and related problems • Reconciliation with Aboriginal People • Emergency management • Grassroots advocacy for community events and services
Key Goal Area 2 <i>Places and Spaces</i>	<ul style="list-style-type: none"> • Social infrastructure and its ability to keep pace with growth • Busselton CBD activation (night life) • Health and fitness in suburban parks and gardens (vs focus on Busselton Foreshore) • Heritage infrastructure
Key Goal Area 3 <i>Environment</i>	<ul style="list-style-type: none"> • Ongoing balance between environment, local flora and fauna and development. • Waterways health and attractiveness • Climate change • Increasing sensitivities and community values around habitat, conservation and green spaces.
Key Goal Area 4 <i>Economy</i>	<ul style="list-style-type: none"> • Expectations of City services with respect to economy • Developing a town identify that focusses on economic investment.
Key Goal Area 5 <i>Transport</i>	<ul style="list-style-type: none"> • Growth in pedestrian activity outside of the CBD • Access issues for users of mobility scooters (gophers) • Bus routes for youth • Road design and the need for a dual lane road to Capel
Key Goal Area 6 <i>Leadership</i>	<ul style="list-style-type: none"> • International relations re trade and tourism • Organisational performance and service delivery • Innovation • Community participation versus community input in decision

City officers also suggested baseline data that could be usefully applied to assess whether we are successfully achieving the objectives of the SCP 2017. This is discussed further under Officer Comment.

The outcomes of the consultation have helped to inform the proposed amendments to the SCP 2017 objectives and strategies, noting the relatively small sample size, and the contained nature of a desktop review.

OFFICER COMMENT

The examination of community and City officer feedback regarding the progress and focus of the SCP 2017 showed that, in many instances, the issues raised are already adequately addressed within the SCP 2017 as it stands and that good progress is being made. However, some amendments are proposed in response, with amendments typically aimed at either narrowing or broadening the focus of the objective / strategy or seeking to streamline and more clearly articulate Council's role.

Additionally there are areas where additional attention may be required to either meet the community's objectives or to inform the community of initiatives being undertaken, for instance the development of a recreation master plan for the district.

The proposed amendments documented in Table 8 do not alter the overall focus of the SCP 2017 and are therefore considered to be minor. The proposed amendments will not therefore trigger the need for further consultation with the community. The community will however need to be informed of any adopted amendments to the plan.

Table 8. Proposed amendments to SCP 2017 objectives and strategies.

Key Goal Area	Theme	Proposal	Current objective/strategy	Proposed amendment
1	Social hardship, disadvantage and homelessness advocacy.	Amend strategy 1(a) to increase focus on identified vulnerable demographics	Explore way to improve social connectedness and inclusion.	Explore ways to improve social connectedness and inclusion in our community, in particular youth and those who are disadvantaged.
	Mental health and drug and alcohol issues.	Amend strategy 1(b) to reflect the need for a focus on specialist, mental health and substance support services	Engage with providers for the timely delivery of specialist health and other support services that assist all sectors of our community.	Advocate for and support providers to deliver specialist, mental health and substance support services.
	Service provision, youth, (themes as above)	Amend objective 1.4 to identify Council's role	Community services and programs that support people of all ages and backgrounds	Work with key partners to provide a range of community services and programs that support people of all ages and backgrounds.
	Emergency management and community support to prepare for and recover from incidents.	Amend strategy 1(c) to broaden its focus	Work with the community and other key partners to create and maintain safe public areas.	Work with the community and other key partners to keep our community safe.

2	Health and fitness activity in suburban parks and gardens, infrastructure and growth.	Amend strategy 2(b) to remove the focus on reserves which are covered in KGA 3 and include playgrounds	Develop and maintain rural and suburban parks and reserves for the enjoyment of the community.	Continue to develop and maintain rural and suburban parks and playgrounds for the enjoyment of the community.
3	Waterways: health and attractiveness.	Amend strategy 3(f) to broaden its focus	Continue to play a strong role as part of the Vasse Ministerial Taskforce to improve the health of waterways in the Geographe Catchment (including the Lower Vasse River, Toby Inlet and Vasse-Wonnerup wetlands).	Continue to work with key partners to improve the health of waterways in the Geographe catchment.
	Increased sensitivities and whole of community values around habitat, conservation and green space.	Amend strategy 3(c) to reflect the City's environment strategy as the key guiding document in this area.	Work with the community to identify and implement environmental sustainability initiatives.	Work with the community to implement the City's environment strategy.
4	Developing a town identity that focuses on, encourages and stimulates economic investment.	Amend strategy 4(c) to simplify its purpose and focus on diversification more generally Amend strategy 4(d) to focus on both new and existing local business	Develop and implement strategies that attract business investment, diversify the economy and provide a balance between large and small business. Work with key partners to develop initiatives that support new local business, including the activation of key business nodes.	Continue to attract and support business investment and diversity in the economy. Work with key partners to develop initiatives that support new and existing local businesses.
5	Increased pedestrian activity outside CBD.	Amend objective 5.3 to recognise the importance of pathways	Cycle ways that connect our communities and provide alternative transport choices.	Pathways and cycle ways that connect our communities and provide alternative transport choices.
	Dual lane vehicle transport between Busselton and Capel.	Amend strategy 5(b) to focus on the key priorities	Advocate for improved road infrastructure link to regional centres, including a dual lane road between Busselton and Capel and the Busselton-Bunbury outer bypass road, and Vasse-Dunsborough link.	Advocate for improved road infrastructure, in particular a dual land road between Busselton and Capel and a Vasse-Dunsborough link.

6.	Community participation in decision making processes versus community input into decision making processes.	Amend strategy 6(a) to more clearly reflect the role of the community in contributing to decision making.	Provide opportunities for the community to participate in decision making processes.	Provide opportunities for the community to contribute to decision making processes.
	Growth of digital communication within the community.	Amend strategy 6(b) to streamline and update the strategy.	Improve two way communication with the community using a range of accessible communication channels.	Engage with the community using a range of accessible two way communication channels.
	Council/City of Busselton accountability.	Amend strategy 6(c) to streamline and update the strategy.	Ensure the City's long term financial planning delivers the community goals and aspirations in a sustainable and affordable manner.	Deliver long term financial planning that helps to achieve community goals and aspirations in a sustainable and affordable manner.
	International relations with respect to trade and tourism.	Amend strategy 6(e) to reflect international alliances such as Sugito Sister City.	Actively participate in regional, state and national alliances to return benefit to the community.	Actively participate in regional, state, national and international alliances to return benefit to the community.

Measuring the success of the SCP 2017

Up to this point, the success of our strategic community planning has been measured by qualitative means such as community surveys and workshops. As was highlighted during the review of the 2015 Strategic Community Plan, suitable quantitative data can provide an added and perhaps more outcome focused perspective as to how well the community as a whole meeting its stated goals and objectives.

To this end, City officers are in the process of identifying readily available sources of baseline data that will help to demonstrate progress of the community's goals and objectives. The measures will be tested over the next 18 months to determine how well they substantiate progress, with the aim of adopting suitable measures of success when the SCP undergoes its major review and is re-adopted in 2021.

CONCLUSION

The review of the SCP 2017 has shown that the majority of the SCP strategies are reflective of the community's objectives and are being progressed. It is recommended that amendments are made to the SCP 2017 to respond to the key themes raised during the minor review consultation. The amendments will not alter the overall direction of the plan, but will strengthen the focus of some strategies and objectives.

OPTIONS

Council may choose to not adopt any of the recommendations and leave the SCP 2017 unchanged, or to adopt only some of the recommendations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Upon adoption, the recommendations will be incorporated into a new publication “Strategic Community Plan 2017 (Review 2019)”. The new publication will be posted to the City’s website within one month of adoption, with hardcopies published within two months.

The community will be notified of the amendments in the April editions of the *City Connect* pages of the Busselton-Dunsborough Mail (newspaper) and Bay to Bay newsletter.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1904/070**

Moved Councillor J McCallum, seconded Councillor L Miles

That the Council adopt the following changes to the Strategic Community Plan 2017:

- (i) Objective 1.4
From: Community services and programs that support people of all ages and backgrounds.
To: *Work with key partners to provide a range of community services and programs that support people of all ages and backgrounds.*
- (ii) Strategy 1(a) -
From: Explore ways to improve social connectedness and inclusion.
To: *Explore ways to improve social connectedness and inclusion in our community, in particular youth and those who are disadvantaged.*
- (iii) Strategy 1(b)
From: Engage with providers for the timely delivery of specialist health and other support services that assist all sectors of our community.
To: *Advocate for and support providers to deliver specialist, mental health and substance support services*
- (iv) Strategy 1(c)
From: Work with the community and other key partners to create and maintain safe public areas.
To: *Work with the community and other key partners to keep our community safe.*
- (v) Strategy 2(b)
From: Develop and maintain rural and suburban parks and reserves for the enjoyment of the community.
To: *Develop and maintain rural and suburban parks and playgrounds for the enjoyment of the community.*
- (vi) Strategy 3(c)
From: Work with the community to identify and implement environmental sustainability initiatives.
To: *Work with the community to implement the City’s environment strategy.*
- (vii) Strategy 3(f)
From: Continue to play a strong role as part of the Vasse Ministerial Taskforce to improve the health of waterways in the Geographe Catchment (including the Lower Vasse River, Toby Inlet and Vasse-Wonnerup wetlands).
To: *Continue to work with key partners to improve the health of waterways in the Geographe catchment.*






- (viii) Strategy 4(c)
From: Develop and implement strategies that attract business investment, diversify the economy and provide a balance between large and small business.
To: *Continue to attract and support business investment and diversity in the economy.*
- (ix) Strategy 4(d)
From: Work with key partners to develop initiatives that support new local business, including the activation of key business nodes.
To: *Work with key partners to develop initiatives that support new and existing local businesses.*
- (x) Objective 5.3
From: Cycle ways that connect our communities and provide alternative transport choices.
To: *Pathways and cycle ways that connect our communities and provide alternative transport choices.*
- (xi) Strategy 5(b)
From: Advocate for improved road infrastructure link to regional centres, including a dual lane road between Busselton and Capel and the Busselton-Bunbury outer bypass road, and Vasse-Dunsborough link.
To: *Advocate for improved road infrastructure, in particular a dual land road between Busselton and Capel and a Vasse-Dunsborough link.*
- (xii) Strategy 6(a)
From: Provide opportunities for the community to participate in decision making processes.
To: *Provide opportunities for the community to contribute to decision making processes.*
- (xiii) Strategy 6(b)
From: Improve two way communication with the community using a range of accessible communication channels.
To: *Engage with the community using a range of accessible two way communication channels.*
- (xiv) Strategy 6(c)
From: Ensure the City's long term financial planning delivers the community goals and aspirations in a sustainable and affordable manner.
To: *Deliver long term financial planning that helps to achieve community goals and aspirations in a sustainable and affordable manner.*
- (xv) Strategy 6(e)
From: Actively participate in regional, state and national alliances to return benefit to the community.
To: *Actively participate in regional, state, national and international alliances to return benefit to the community.*

CARRIED 8/0

ITEMS FOR DEBATE

13. PLANNING AND DEVELOPMENT SERVICES REPORT

13.2 PROPOSED STRUCTURE PLAN FOR PART LOT 9002 LAYMAN ROAD, GEOGRAPHE ('NEWPORT GEOGRAPHE') - CONSIDERATION FOR FINAL ADOPTION FOLLOWING ADVERTISING

SUBJECT INDEX:	Structure Plans, Local Development Plans and Activity Centre Plans
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Strategic Planning
ACTIVITY UNIT:	Strategic Planning
REPORTING OFFICER:	Senior Strategic Planner - Helen Foulds
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Port Geographe Development Plan 
	Attachment B Location Plan 
	Attachment C Aerial 
	Attachment D Proposed Structure Plan Map 
	Attachment E Area 2 Concept Plan 
	Attachment F POS Annotated 
	Attachment G JDA Report October 2017 Part A (see Part B at Attachment M) 
	Attachment H Shore Coastal Advice on Water Levels 
	Attachment I Recommended Road Hierarchy TIA v5 
	Attachment J Complete Schedule of Submissions DP18-0001 
	Attachment K Schedule of Modifications DP18-0001 
	Attachment L Modifications to SP Sketch 
	Attachment M JDA Report October 2017 Part B 

PRÉCIS

The Council is requested to consider adopting for final approval a Structure Plan for Part Lot 9002 Layman Road, Geographe, an area now being marketed as 'Newport Geographe'. The proposal aims to guide the future subdivision and development of the subject land and will supersede the existing Port Geographe Development Plan as it relates to the subject area.

A number of outstanding issues remain in association with the Structure Plan proposal, including issues that have arisen through technical assessment and / or were raised during the formal advertising period. It is recommended that the Council recommend that the Structure Plan be forwarded for consideration for approval by the Western Australian Planning Commission (WAPC), subject to prior resolution of the identified issues.

BACKGROUND

The land within the Port Geographe area was first zoned for development by Amendment No. 362 to Town Planning Scheme No. 5. That Amendment was gazetted on 27 September 1996. The Amendment rezoned the area to 'Port Geographe Residential', 'Port Geographe Business', 'Port Geographe Tourist', 'Recreation' and 'Public Utilities', and included the 'Village Centre' in the 'Port Geographe Village Centre Precinct'.

District Town Planning Scheme No. 20 was gazetted on 7 September 1999, revoking Scheme No. 5, and zoning the Port Geographe area 'Business', 'Tourist' and 'Residential' (which applied to most of the subject area - with various residential density codes applied) and 'Recreation' reserves; and

including it in the 'Port Geographe Development Area' and a small portion within a 'Special Provision' area. This zoning pattern was incorporated in essentially unchanged form when the Local Planning Scheme No. 21 (Scheme) was gazetted on 15 October 2014.

The Port Geographe Development Plan was included in the original rezoning documentation (gazetted in 1996) to guide the subdivision and development of Port Geographe. A number of modifications to the Development Plan have since taken place, with the current version being endorsed by the WAPC on 19 December 2008 (see Attachment A).

The proposed Structure Plan relates to Part Lot 9002 Layman Road, Geographe (previously Lot 9507) within an area currently marketed as 'Newport Geographe', being the undeveloped southern portion of the Port Geographe Development Area. A Location Plan and Aerial Photograph are provided as Attachments B and C respectively.

Lot 9002 (53.8ha) is zoned 'Residential R15', 'Residential R20', 'Residential R20/R40', 'Reserve for Recreation' and 'Reserve for Public Purposes' and included within the 'Port Geographe Development Area' designated in the Scheme. The current zoning reflects the layout within the existing Port Geographe Development Plan, which includes further extensions of the canals, a large lake and active public open space co-located with a 2,000m² Community Purpose lot.

Proposed Scheme Amendment 28, which was approved by the Council for initiation for public consultation at the meeting of 13 April 2018 (C1804/077), proposes to include Lot 9002 in an 'Urban Development' zone. The intent of that was and is to allow the Structure Plan to be assessed and implemented in a manner consistent with other urban growth areas in the City. Amendment 28 also proposes to apply Special Provision Area 69 to the land, which will specify the requirement for a Structure Plan and Development Contribution Plan to be prepared and adopted prior to any subdivision or other development being carried out. Amendment 28 is now awaiting WAPC consent to advertise (note that, whilst it was initiated in April 2018, it took many months for the City to satisfy the Environmental Protection Authority (EPA) that the amendment did not require formal environmental review, and had been awaiting WAPC consideration for around two months at the time of writing).

Stage 1 of subdivision of Newport Geographe has recently been developed, with titles being issued for 70 residential lots, a 5180m² area of public open space and two new entry roads into the development.

The Proposal

The proposed Structure Plan is provided at Attachment D. The Newport Geographe development has effectively been divided into two areas: Area 1, to which this proposed Structure Plan relates; and future Area 2, which will likely include a 'Waterfront Activity Node' and incorporate mixed use development, along with an extension of the existing canals. A concept plan is provided at Attachment E for the purposes of illustrating Area 2.

It is understood that, in part at least, given the potential complexities associated with flushing of the canals and maintaining an appropriate level of water quality, the proponent has designed the Structure Plan for Area 1 to provide a predominantly 'dry lot' development. As the land was significantly altered by the previous developer by the commencement of the construction of further canals, a substantial amount of fill and compaction is required at each stage. Prior to submitting a structure plan proposal for Area 2, further investigations are expected to be undertaken by the proponent and it is likely that such information will inform a revision to the Structure Plan at a later time, to incorporate the land within Area 2.

Key elements of the proposed Newport Geographe Structure Plan are described below under appropriate subheadings.

Residential

Overall, the proposed Structure Plan indicates the development of 613 residential lots (potentially 728 dwellings) within Area 1. A variety of residential densities is proposed throughout the Structure Plan area to provide for housing diversity, and density ranges, rather than specific densities being proposed at this stage of the planning process. This is becoming a common approach, and allows for flexibility in determining the final R-Code that will be applied and determined closer to the time of subdivision. The density ranges proposed are a low density range R15-R20 to tie into existing development, medium density ranges of R25-R40 and R40-R60, and a higher density range R80-R100 near the Waterfront Activity Node.

A Residential Density Code Plan is intended to be submitted at the time of application for subdivision approval and will indicate the density code applicable to each lot within the proposed subdivision. Once endorsed by the WAPC, the Residential Density Code Plan shall then form part of the Structure Plan for publication by the WAPC and be used for the determination of further development and building permit applications.

Road and Path Network

The Structure Plan area is intended to be connected to the surrounding neighbourhoods by several entry roads from Navigation Way and Layman Road, and also through the extension of the roads from the existing residential area to the north. The internal road network consists of a series of interconnected streets and is based on Liveable Neighbourhoods recommendations for road hierarchies. A footpath would be provided along at least one side of all access streets and adjacent to Public Open Space (POS).

Public Open Space

The Structure Plan proposes a network of POS of varying forms and functions. The proponent requests consideration for an undersupply of the POS provision, which is estimated to be a 1.5% undersupply when Area 2 is included. This matter is discussed in detail in the 'Officer Comment' section of this report.

Although located outside of the specified Structure Plan area, the POS calculation has included POS 1, which was provided with the Stage 1 subdivision (refer to Attachment F). It was agreed between City officers and the proponent that, whilst outside the effective Structure Plan area, Stage 1 is part of the overall estate and the contribution of POS 1 to the estate is acknowledged. This significant portion of POS will likely be used by residents from both Stage 1 and future stages to the east.

Supporting Technical Assessments

Technical reports provided in support of the proposal include:

- Environmental Assessment Report
- Local Water Management Strategy
- Bushfire Management Plan
- Engineering Infrastructure Report
- Transport Impact Assessment
- Landscape Strategy

Each of these is outlined below.

Environmental Assessment Report

The Environmental Assessment Report addresses the following matters:

- *Acid Sulfate Soils (ASS)* – the majority of the site has been identified as having a ‘high to moderate risk of ASS occurring within 3 metres of the natural soil surface’. An ASS self-assessment form will be completed for the site once detailed engineering design has been undertaken. This will inform assessment of ASS risk and whether more detailed investigations will be required.
- *Groundwater quality and management* – Additional groundwater monitoring bores have been installed since initial monitoring was undertaken on site between 2006 and 2008. The management of surface water and groundwater is addressed in the Local Water Management Strategy (LWMS). Lot 9002 is located entirely within a Multiple Use Wetland. The Vasse-Wonnerup Estuary, located to the south of the site, is a Conservation Category Wetland and is Ramsar listed. The subject site is listed under the Directory of Important Wetlands ‘Vasse-Wonnerup Wetland System’ which covers a large portion of land along the coastline from Forrest Beach to Busselton and includes areas that have already been developed for residential purposes.
- *Flora and vegetation* - the predominant vegetation is Samphire (*Tecticornia* spp.) and various exotic weeds. A ‘likelihood assessment’ identified that no conservation significant flora species are considered likely to occur within the site due to its highly disturbed state. A Federal database search identified one Threatened Ecological Community (TEC) as occurring within one kilometre of the site, being Subtropical and Temperate Coastal Saltmarsh. It is considered that the site is unlikely to contain a TEC or Declared Rare Flora due to its disturbed nature and the lack of remnant vegetation.
- *Fauna management* – The conservation significant fauna species considered likely to occur within the site are waders and other waterbirds. These species would also inhabit the extensive Vasse-Wonnerup Estuary immediately to the south of the site. Therefore it is considered unlikely that developing the site will impact on the population of any conservation significant fauna species, and impacts of that kind were in any case considered when the original rezoning proposal for the Port Geographe development was considered by the EPA. The existing waterbodies within the site are also substantially artificial and not considered therefore to be a natural habitat for fauna species.
- *Conservation Areas* – The site is classified as an Environmentally Sensitive Area (ESA) as it is listed under the Directory of Important Wetlands (Vasse-Wonnerup Wetland System) as well as the now closed Register of the National Estate. The Vasse-Wonnerup Wetland System is extensive and covers a large portion of the City, which includes residential development in close proximity to the Vasse-Wonnerup Estuary. An un-named Department of Biodiversity, Conservation and Attractions (DBCA) managed Reserve exists to the south of Layman Road, approximately 25 metres south of the site. Ngari Capes Marine Park, also managed by DBCA, exists 880 metres north-west of the site. Sabina Nature Reserve is approximately 750 metres south of the site, adjacent to the Vasse-Wonnerup Estuary.

- *Heritage* – A search of the Department of Aboriginal Affairs' (DAA) Aboriginal Heritage Inquiry System identified that the buffer for the closest heritage site falls within Lot 9002, with the actual site being located well outside the boundary of Lot 9002, about 210 metres to the east. This site was identified as the Korilya Stud Skeletal material/Burial Site (Place ID4932) and has since been relocated for reburial within the Shire of Capel. No known heritage places have been identified within the subject site. As the boundary of this Site (ID 4932) still exists on the eastern portion of the site, liaison with the DAA would be expected to occur during the structure planning of Area 2 to clarify and confirm any further requirements.

Local Water Management Strategy

The Local Water Management Strategy (LWMS) sets out recommendations in relation to stormwater, flood and water quality management, as well as water source and sustainability initiatives, outlined below:

- *Groundwater* – Due to the site being highly disturbed, the hydrology has been substantially altered. Groundwater levels across the site range between -0.09mAHD and 0.94mAHD, varying approximately 1.3 metres above and below ground surface level. The site's close proximity to the coast results in the expectation that groundwater levels will be largely influenced by, and be of similar levels to, sea levels.
- *Groundwater quality* – Groundwater quality monitoring found nutrient levels to be relatively high across the site. The area adjacent to the subject site has experienced severe nutrient problems for many years as a result of urbanisation and agricultural activity leading to high nutrient load discharges to the Vasse-Wonnerup Estuary. The water quality objectives for recovery of the system are to markedly reduce nutrients (winter concentrations of nitrogen and phosphorus), but these targets have not as yet been met.

Development of the Structure Plan area will be designed to minimise impacts on water quality in the Vasse-Wonnerup Estuary and achieved through nutrient treatment management measures. The proposed Structure Plan does not alter the existing arrangements to protect the Estuary and drainage from the development will be directed towards the canal system rather than into the Estuary.

- *Surface water* – Surface water exists within the subject site in the form of the previously excavated canals. A number of catchments to the north of the subject site discharge stormwater into these excavated areas.
- *Flood levels* – The site is subject to risks of storm surge, flooding from the Vasse-Wonnerup Estuary, as well as sea level rise. The proponent's proposed minimum residential finished floor level is 2.5mAHD, based on the report *Interaction of Coastal and Catchment Floods for Determining Port Geographe Finished Floor Levels*, provided at Attachment G. Note that relevant independent advice was provided to the City and included as Attachment H. This matter is discussed in further detail later in this report.
- *Stormwater Management* – The LWMS has been prepared in accordance with Better Urban Water Management (BUWM). Stormwater events will be managed via infiltration within POS areas to minimise fill levels and requirements for separation to groundwater. The LWMS proposes that lots will be connected to the road network and stormwater managed in POS areas. Runoff generated in events greater than the first 15mm is proposed to be collected into two drainage swales in the POS areas and discharged unattenuated into the marina. POS areas will be designed such that the areas will be usable for public recreation most of the time.

Bushfire Management Plan

The Bushfire Management Plan (BMP) identifies that portions of the subject site are designated as bushfire prone on the WA Map of Bush Fire Prone Areas. However, all of the proposed development areas have the capacity to be located within areas of Bushfire Attack Level (BAL) 12.5 or lower, and are not considered to be subject to a significant bushfire hazard risk.

Engineering Infrastructure Report

The Engineering Infrastructure Report provides advice on the capability and future infrastructure requirements of the subject site to support the proposed urban development. Earthworks, roadworks, drainage, water reticulation, waste water reticulation, gas reticulation, underground power supply and communication servicing have all been addressed in support of the proposed development.

Transport Impact Assessment

The Transport Impact Assessment (TIA) considered the following matters:

- The capacity of the local road network to accommodate the change in traffic generated by the proposal.
- The extent to which the additional traffic generated can be safely managed on the adjacent existing and future road network.
- The provision of safe access to the proposed subdivision from the adjacent road network.
- The safety and efficiency of the proposed internal road network, including the accommodation of pedestrians and cyclists.

The TIA states that the proposed road network will allow for efficient distribution of traffic onto the external transport system. The TIA concludes that the proposed road network is adequate to accommodate the expected volume of traffic generated by the proposed development of the structure plan area. The internal path network shall consist of at least one footpath along all roads except for laneways.

Landscape Strategy

A Landscape Strategy accompanied the application to provide an assessment of how the POS areas and streetscapes may be developed. Street tree planting will be provided along access streets and avenue tree planting will be provided along the estate entry roads. Layman Road reserve verges will be planted with a groundcover at the site's perimeter. POS areas will include mounding and earthworks to create interest and incorporate a variety of plantings and grassed areas.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the relevant objectives, policies and provisions of the City of Busselton *Local Planning Scheme 21* and the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations').

Local Planning Scheme No. 21

The subject land is zoned 'Residential' with varying density codings of R15, R20 and R20/40 and is also located within the Port Geographe Development Area.

The Scheme requires, at clause 5.9.1, that in considering development within the Port Geographe Development Area (PGDA), the City is mindful of:

- (a) *the need to ensure appropriate standards of development and maintenance are achieved;*
- (b) *the need to control and enhance the health, safety, convenience and general welfare and amenity of the locality; and*
- (c) *the need to ensure that development control within the PGDA is guided by the Port Geographe Development Plan, the Port Geographe Landscape Master Plan and the Port Geographe Village Centre Precinct Plan.*

The Scheme at clause 5.9.2(a) also requires that subdivision and development be guided by the Port Geographe Development Plan, the Port Geographe Landscape Master Plan (which will become superfluous if the revised Structure Plan and associated Landscape Strategy are approved) and the Port Geographe Village Centre Precinct Plan (the latter not being relevant to this site).

The Development Area also requires:

5.9.2 ...

- (o) *The height of buildings on lots adjacent to the future Layman Road and Vasse Estuary shall be limited to 7.5 metres above the finished surface level of the land as specified on approved subdivisional engineering plans.*

5.9.3 (a) *Any modification to the Port Geographe Development Plan shall be subject to the provisions of Part 4 of the Deemed Provisions (relating to Structure Plans).*

- (b) *Notwithstanding any modifications made pursuant to clause 5.9.3 (a) the Port Geographe Development Plan shall contain at least the following elements:*
 - (i) *The requirement for public open space for the development south of Layman Road in accordance with the Port Geographe Development Plan endorsed at the Gazettal date of the Scheme.*
 - (ii) *Provision of a high level of direct public access to waterways/canals.*
 - (iii) *A general presumption against residential lots backing onto conservation/foreshore reserves."*

Amendment No. 28 to the Scheme proposes to create a new zone, 'Urban Development', consistent with the Regulations. The undeveloped areas of Port Geographe are proposed to be rezoned to Urban Development with a new Special Provision No. 69, including the area covered by the proposed Newport Geographe Structure Plan.

The Urban Development zone is proposed to align the zoning of the land, along with remaining development areas of the Scheme area, with the Regulations and required subdivision and development to be guided by a comprehensive structure plan.

As the 'Head of Power' for structure planning over this site will be changed by the rezoning of the land to Urban Development under Amendment 28, this Structure Plan could not be endorsed by the WAPC until Amendment 28 is endorsed by the Minister and published in the Government Gazette.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations came into operational effect on 19 October 2015 and introduced 'Deemed Provisions' for the preparation, advertising and approval of structure plans (Part 4). The status of structure plans has also changed and 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 policies relevant to the current proposal are:

- *State Planning Policy 2.6: State Coastal Planning;*
- *State Planning Policy 3: Urban Growth and Settlement;*
- *State Planning Policy 3.6: Development Contributions for Infrastructure;*
- *Liveable Neighbourhoods (2009) and draft Liveable Neighbourhoods (2015);*
- *Development Control Policy 2.2: Residential Subdivision;*
- *Development Control Policy 2.6: Residential Road Planning;* and
- *City of Busselton Draft Local Planning Strategy.*

Each is addressed below under appropriate subheadings.

State Planning Policy 2.6: State Coastal Planning Policy (2013)

The purpose of *State Planning Policy 2.6: State Coastal Planning Policy (SPP2.6)* is to provide guidance for decision-making within the coastal zone and to protect, conserve and enhance coastal values. The policy requires that coastal hazard risk management and adaptation is appropriately planned for and encourages innovative approaches to managing coastal hazard risk.

The key objectives of the policy that relate to the proposal are:

- To ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria; and
- To protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

One of the key aspects of SPP2.6 is the management of development in the vicinity of the coast, and especially consideration of risks that may arise to and from development in relation to coastal processes. Coastal processes include coastal erosion (i.e. more or less 'permanent' shifts in the coastline) and coastal inundation (i.e. temporary, flooding events).

An assessment of the proposal against SPP2.6 has been provided within the Officer Comment section below.

State Planning Policy 3: Urban Growth and Settlement (2006)

State Planning Policy 3: Urban Growth and Settlement aims to promote sustainable patterns of urban growth through the provision of a planning framework that sets out the requirements for sustainable settlements and communities. Officers consider the proposal is broadly consistent with the key objectives of the Statement of Planning Policy No.3: Urban Growth and Settlement.

State Planning Policy 3.6: Development Contributions for Infrastructure (2009)

State Planning Policy 3.6: Development Contributions for Infrastructure sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, and the form, content and process to be followed. The policy allows for local governments to enter into "voluntary arrangements" with developers for contributions for the provision of community infrastructure, in lieu of a formal Development Contribution Plan. There is an 'Interim Development Deed' relating to the site, which is considered to constitute an appropriate agreement in that respect.

Liveable Neighbourhoods (2009) and draft Liveable Neighbourhoods (2015)

Liveable Neighbourhoods (LN) is an adopted operational policy of the WAPC to guide structure planning and subdivision of new and infill urban areas. LN 2015 is a 'seriously entertained' draft policy and, as advised by the Department of Planning, Lands and Heritage (DPLH), should be referred to in order to provide guidance for the assessment and determination of this proposal (rather than the now outdated LN 2009).

Aspects of LN 2015 especially relevant to this proposal are as follows:

- Street layout – to provide a movement network which has a highly-interconnected street network that clearly distinguishes between arterial routes and local streets, establishes good internal and external access for residents, encourages walking and cycling and minimises the impact of through traffic.
- Design for a range of housing products – to provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.
- Public open space – the key principle is the design and delivery of an integrated network of POS that provides communities with access to nature, sport and recreation. LN 2015 promotes variety in the function, use and size of public open spaces including district parks, neighbourhood parks, local parks and small parks that deliver sport spaces, recreation spaces and nature spaces.

For the reasons stated within the Officer Comment section of this report, the proposal is considered to be inconsistent with some requirements of LN 2015.

Development Control Policy 2.2: Residential Subdivision (2017)

Development Control Policy 2.2: Residential Subdivision assists to create a diversity of lot and housing types through subdivision of residential land. The policy ensures each residential lot has a suitable level of amenity, servicing and access, and facilitates the supply of residential lots in regular shapes and size ranges that reflect the statutory provisions of local planning schemes. The proposal meets the requirements of DC Policy 2.2.

Draft Local Planning Strategy (2016)

The draft Local Planning Strategy (LPS) sets out the long term planning direction for the City and provides an overarching, strategic rationale for decisions related to the planning and development of the District. The draft LPS establishes an urban growth area framework that identifies current (land that is already zoned and where development is generally progressing), medium term (not currently zoned or subject to structure planning) and long term (also not currently zoned or subject to structure planning) locations for growth.

The draft LPS identifies Port Geographe as a 'current' urban growth area, noting that land is already zoned with approved Structure Plans in place. The document also identifies that further development of Port Geographe may involve review of existing structure planning. Officers consider the proposal to be broadly consistent with the draft LPS.

FINANCIAL IMPLICATIONS

There are not considered to be any direct financial implications associated with the officer recommendation.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

The resolution of floor levels and assessment of coastal inundation risk, whilst unlikely to have an impact within the ten year life of the City's current Long-Term Financial Plan, could have longer term financial implications for the City; associated with management of future storm surge events. It is not possible to clearly quantify those implications at this stage, but they could be substantial.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of officers provided in this report is consistent with Key Goal Area 2 – Places and Spaces and community objective 2.1 of the City's *Strategic Community Plan 2017*, which is – '*Planning strategies that foster the development of neighbourhoods that meet our needs as we grow*'.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. In this regard, there are no significant risks identified.

It is noted that the officer recommendation addresses the adoption of the proposal for referral to the WAPC. In making a recommendation to the WAPC, however, the City will need to consider risks that may arise from the actual development that may follow approval of the Structure Plan by the WAPC. Key amongst those are risks associated with coastal processes, especially risks that may be associated with coastal storm surge events and potential climate change related sea level rise.

CONSULTATION

The draft Structure Plan was advertised for 28 days, in accordance with clause 18 of the Deemed Provisions, ending 19 December 2018. Twenty five public submissions were received with the majority generally supporting development on the site. Of these submissions, 22 either objected or had concerns with particular components within the proposed plan, while 3 supported the plan as advertised.

The three submissions in support of the proposal commented on the positive nature of the proposed traffic routes, boat launching and car parking facilities for the area.

The main issues raised during the submission period related to:

- the proposed increase in density from R20;
- the proposed height of buildings indicated within the concept drawings;
- the proposed traffic network, specifically the route using Ostia Way and Waterline View;
- the change from canals and man-made lake to 'dry lot' development; and
- the recommended FFL of 3.8mAHD, as suggested by State agencies.

These matters are discussed in the Officer Comment section below and in the Schedule of Submissions. At the time of completing this report, whilst all submissions had been reviewed and taken into account in assessing the proposal and writing the report, the Schedule of Submissions table had not been finalised. In its place, the Schedule provided at Attachment J details the Agency submissions and a revised and complete Schedule of Submissions will be provided as a separate attachment prior to the agenda briefing session.

Nine submissions were received from State agencies, with Telstra, ATCO Gas, the Department of Education and the Water Corporation all having no objection to the proposal. The following agencies made specific comment on the proposal:

- Department of Water and Environmental Regulation (DWER) – Advising that comments previously provided with regard to the LWMS still apply. The final agreed FFL will impact on water management for the development and the LWMS will need to be revised for approval prior to endorsement of the Structure Plan.
- Department of Transport, Coastal Infrastructure (DoT) – Advising that the site is vulnerable to inundation by ocean flooding as it borders Vasse-Wonnerup Estuary to the south and is directly connected to the open ocean through the Port Geographe marina entrance. SPP 2.6 requires consideration of coastal inundation risk caused by a 1 in 500yr tropical cyclone in the Busselton area over a 100yr planning timeframe. DoT reiterated previous advice that, in the absence of local tropical cyclone flood modelling, a FFL of at least 3.8mAHD would be necessary to prevent inundation over the planning timeframe.
- DPLH (Policy) – Identifies the vulnerability of the site to coastal processes and acknowledges that development could be considered if the Structure Plan is able to demonstrate that inundation risk can be accommodated, e.g. by filling the site to an appropriate FFL. The DPLH submission provides a consistent recommendation to the DoT that, in the absence of appropriate modelling, a FFL of 3.8mAHD should be provided for.
- DBCA – Advising that a number of conditions on the existing PGDP remain relevant to the proposal and should apply. However, officers note that a number of these conditions are no longer relevant to the development and a full review of the PGDP will be necessary as part of a separate process.

Department of Fire and Emergency Services (DFES) – Identified minor anomaly to the Bushfire Management Plan, which can be corrected at subdivision stage.

OFFICER COMMENT

There are a number of concerns with the Structure Plan, as outlined below, that have arisen both during the assessment of the proposal and through submissions received during the public advertising period. The most substantive issues considered in the assessment of the proposal are addressed under the following headings:

- Finished Floor Levels and SPP2.6;
- Local Water Management Strategy;
- Public Open Space;
- Transport Impact Assessment;
- Port Geographe Development Area; and
- Matters arising from submissions.

Finished Floor Levels and SPP2.6

The Stage 1 subdivision was relatively consistent with the existing Port Geographe Development Plan and so was issued subdivision approval ahead of the revised Structure Plan. An agreement was made between the City and developer, given the information available at that time, that finished ground levels (FGL) for Stage 1 would be supported at 2.85m AHD (Australian Height Datum), providing for a finished floor level (FFL) of 2.95m AHD.

The applicant has proposed the development of Area 1 with minimum FFLs of 2.5m AHD. Supporting information submitted with the application (JDA report on *'Interaction of Coastal and Catchment Floods for Determining Port Geographe Finished Floor Levels'*, provided at Attachment G) considers this height as being sufficient to address storm surge and flooding of the Vasse-Wonnerup Estuary, whilst also reasonably addressing sea level rise.

Advice from DoT draws attention to the fact that the study provided by the applicant in support of the proposal presents 1 in 100 year inundation levels using methods that apply to estuary/riverine flooding only. This approach does not adhere to the SPP 2.6 requirements of investigating 1 in 500 year open ocean flooding for a 100 year planning timeframe.

Extensive discussions have taken place with State Government representatives for DoT, DPLH and DWER, along with the City obtaining its own external expert advice on the matter. The advice provided to the City by the agencies is that SPP2.6 requires a one in 500 year ARI (Average Recurrence Interval) inundation event to be planned for over a 100 year planning time horizon (including an allowance for 0.9 metres of future sea level rise). This could also be described as storm event scenarios that will involve the ocean forces and coastal processes that have at least a 0.2 per cent probability of occurring or one in 500 chance of an extreme storm event in any given year, plus the projected extent of sea level rise over the 100 year time horizon.

The DoT has published a relevant State-wide report for Western Australian Design Storms (released publicly in January 2018). Busselton is reported with a 500 year ARI water level of 2.9m AHD. The DoT's position is that the water levels provided for in this report are generally conservative and resultantly, the State Government's position is that a FFL within the coastal zone should at least be at this level. Over the required 100 year planning time frame, SPP2.6 directs that sea level rise of 0.9m must be planned for. This requirement will result in a minimum FFL of (as explained above) 2.9m + 0.9m, or 3.8m AHD.

Advice from the State agencies indicates that this FFL of 3.8m AHD will be required under SPP2.6 for the Newport Geographe subdivision. However, more detailed investigations specific to the Port Geographe development may provide a different 500 year ARI inundation water level than what is described above. This would need to be a systematic, well justified, and evidence-based analysis to provide a more precise projection of the 500 year inundation levels to inform assessment under SPP2.6. The City's independent expert advice arrived at the same figure of 3.8m AHD for the 500 year ARI level, while also providing indicative inundation levels for various other scenarios. That advice is provided at Attachment H.

The proponent's unwillingness to meet the 3.8m AHD minimum FFL recommended by relevant State agencies and by independent expert advice provided to the City is understood to be linked to concerns about the costs involved in doing so, as well as practical issues with doing so, given the substantial difference in levels that would exist between new and existing development if such a minimum FFL were required. Whilst the City has not undertaken or reviewed detailed financial analysis, the proponent's concerns seem reasonable. Those kinds of concerns are, however, in and of themselves not sufficient to depart from the advice that has been provided to the City.

Further technical assessment could potentially result in some adjustment to the 3.8mAHD level, but it is considered unlikely any such adjustment would be significant, and nor is it considered likely it would significantly address the proponent's concerns.

In this report, the City does not suggest an alternative minimum FFL. Given the proponent's concerns, the technical advice and the policy framework, the key question is – why and in what circumstances would the WAPC, whose role it is to make sustainable planning decisions on behalf of the Government of Western Australia, acting in the best long-term interests of the people of Western Australia as a whole, consider allowing development to proceed at a lower FFL?

SPP2.6 does, to a degree, provide an answer to this question, and that is through the ability for local governments (and in some cases, proponents) to develop a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). A CHRMAP may then identify alternative means of protecting the development (and other existing areas, that would be similarly exposed to coastal flooding risks), rather than setting building floor levels at or above 3.8mAHD. For instance, that could conceivably be achieved through a system of seawalls/levies and storm surge barriers.

The City has commenced the process of developing its CHRMAP, but the project is not expected to be complete until at least late 2019. In the absence of a CHRMAP and alternative means of addressing the risk, a question then arises as to how else might the City and the WAPC consider allowing development to proceed at a lower FFL?

Conceptually, there are considered to be three key reasons why the City and WAPC might consider doing so –

- Because they might consider that it is a reasonably likely prospect that an alternative means of addressing the risk will indeed emerge;
- Because they might consider the risk in the context of the competing risk that the development (i.e. the Port Geographe development area as a whole) does not continue to completion in a timely fashion, given that the relatively slow and inconsistent progress of the development to date has been problematic already; and
- Because they might consider that the application of SPP2.6 without broader consideration creates investor uncertainty, which may have broader implications.

Reflected in the recommended Schedule of Modifications at Attachment K is the requirement for the applicant to provide a more detailed investigation of the site against SPP2.6, consistent with DoT's advice, as information provided in support of the proposal did not satisfactorily consider the 1 in 500 year open ocean flooding in a 100 year planning timeframe. Whilst the City is not in a position to offer an alternate figure, officers consider that a potentially sound outcome would result in levels higher than 2.5mAHD proposed by the proponent, but lower than the 3.8mAHD as advised by DoT and DPLH.

Local Water Management Strategy

The approval of the LWMS is largely dependent on resolution of the FFL matter. It is anticipated that once an agreed position on the FFL is achieved, the remaining matters can be readily resolved.

Some concern is, however, held for the disposal of stormwater into the canals. While the first 15mm of surface water is intended to be captured and treated before being discharged into the canals, large storm events will not be held on site and rather discharged directly into the canals by overtopping the swales into the outfall pipe network. This would not trigger the requirement for an Artificial Waterbody Management Plan (AWBMP) under the Interim Development Deed as that trigger would *only* be in the case of extensions to the canals.

The Deed does, however, also state that the developer must not cause degradation to the waterway/canals through the development of the property. Consideration must therefore be given to the nutrient levels within the stormwater entering canals and the affect this would have on the canal water quality.

A number of technical issues still exist that need to be resolved via the LWMS, which is required to be endorsed, to the satisfaction of DWER, prior to the approval of the Structure Plan. This is reflected in the recommended Schedule of Modifications.

Public Open Space

Much of the discussion related to POS within the Structure Plan proposal is based on the 2009 edition of LN. DPLH has advised that as LN 2015 has been advertised, it is considered to be 'seriously entertained' and therefore should be given due consideration and weight in assessing proposals. The advice provided states that *"an advertised policy is often considered more contemporary and reflects the WAPC's most 'up to date' position on an issue. Also, if the application of the draft policy results in a more appropriate and better planning outcome, which is often the case, then the policy should be applied."*

Differences between LN 2009 and LN 2015 include a revision to the POS hierarchy, a more comprehensive requirement to consider function in the design of the POS network and the requirement that all residents be within 300m of a usable POS area. An annotated version of the POS Landscape Masterplan has been provided at Attachment F, identifying the relevant POS areas within the proposal.

Undersupply

Both LN 2009 and draft LN 2015 normally require the minimum provision of 10% of the gross subdivisible area to be provided free of cost by the subdivider for development and use as POS. The structure plan currently proposes 9.8% of the area to be provided as POS, which, according to the proponent, is to be reduced further to 8.5% when Area 2 is included within the Structure Plan in future.

LN 2015 allows for a contribution of less than 10% only in particular circumstances, these being described in the table below with the officer response adjacent.

<i>Liveable Neighbourhoods (2015) Requirement 9.4 (pg 108)</i>	Officer response
<i>Residential subdivision within regional urban areas provide a 10 per cent public open space contribution. The WAPC, with the support of local government may accept a reduction to a minimum of five per cent of the gross subdivisible area in the following situations:</i>	See below
<i>a. smaller country towns with limited growth prospects;</i>	Not applicable to Busselton, being one of the fastest growing regions in Western Australia.
<i>b. public open space responsive to particular climate;</i>	Not applicable to Busselton with its relatively mild climate, enabling use of POS for the majority of the year.

<p><i>c. where public open space is not used for water management purposes;</i></p>	<p>If incorporated into the calculation, this would further reduce the POS provision applicable to the structure plan area. Along with POS 2 and 5, a considerable portion of POS 1 accommodates drainage, although this is greater than the 1:5 year event and is classified as unrestricted POS according to LN 2015, it is arguable this still has a water management function and so should be excluded from the calculation.</p>
<p><i>d. does not include any restricted use public open space;</i></p>	<p>If incorporated into the calculation, this would further reduce the POS provision applicable to the structure plan area, as 2,555m² of restricted POS has been included by the proponent.</p>
<p><i>e. the proponent, with advice from the local government, demonstrates that there is sufficient public open space in the locality;</i></p>	<p>The proponent justifies the POS shortfall by referencing:</p> <ul style="list-style-type: none"> • the existing POS and recreation areas surrounding the subject site, such as Geographe Bay, other POS within Port Geographe and various playing fields within Busselton Town Centre; • waterfront access to the Port Geographe marina, providing a range of recreational opportunities; and • the future “significant investment” to be made by the developer to create the Waterfront Activity Node. <p>Within the adjacent existing subdivision (land located between Newport Geographe and Navigation Way), ‘sufficient’ POS has been provided in that it equates to approximately 10% of the gross subdivisible area for <i>that</i> land, it would not be considered ‘sufficient’ if the additional land area of Newport Geographe was included.</p> <p>The acknowledgement of the coast and playing fields around Busselton is not considered an acceptable justification for reducing the POS requirement from the 10%. This would otherwise apply to all subdivisions in Busselton and a resultant chronic shortfall of POS throughout the District would follow.</p> <p>The latter two points above reference areas outside the current structure plan proposal and is difficult to use in justification in this regard as the provision of these at this point in time is uncertain.</p>

<p><i>f. the public open space is designed, developed and located to provide the entire community with access to sport, nature and recreation opportunities; and</i></p>	<p>Although not providing for sport facilities (officers agreed with the proponents that the provision of consolidated active open space areas for Busselton was more efficient than small isolated playing fields), the proposal identifies a number of areas for passive and active recreational use and attempts to regain a natural feel along drainage lines through landscaping design.</p>
<p><i>g. the public open space is developed in accordance with a Landscaping/Public Open Space Management Plan approved by the local government.</i></p>	<p>The structure plan area will be subject to a Landscape Strategy, with landscape plans approved for each area of POS at the subdivision stage.</p>

Officers consider that the proposal does not adequately address the requirements for the minimum POS provision required by Liveable Neighbourhoods. It is recommended that the Schedule of Modifications require the plan be amended to meet the 10% minimum POS requirement. The applicant has advised that they are prepared to modify the Structure Plan to meet these requirements.

Function and design

LN 2015 has revised the POS requirements to improve the useability and distribution of POS to meet the needs of existing and future communities. New requirements have been developed to guide provision of POS based on the function it provides the community (sport, recreation or nature) rather than its size. Although this specific requirement hasn't been addressed as part of the proposal, a critical requirement of POS provision is that it offers multiple use spaces.

The current proposal largely achieves this. However, concern has been raised in the past with respect of narrow POS corridors that should be avoided as they do not provide for useable, practical spaces. In some instances, the width of POS has in fact been significantly reduced since initially providing this advice to the proponent. The proposed Structure Plan appears to place a reliance on linear parks in lieu of providing more useable local parks within the neighbourhoods. Linear parks really only have one use, being as a linkage for pedestrian movement from one area to another, as well as serving aesthetic, in part marketing, objectives. Whilst the pedestrian connectivity through POS areas as proposed is appropriate, the POS areas appear to lack the ability for 'multiple use' and catering for the 'diverse resident demographics'.

Local parks should be designed to accommodate daily recreation opportunities for the local community. It is arguable whether POS 4, 6 and 7 (shown on Attachment F) would achieve this. For example, the "Local Park" identified as POS 4, is unlikely to be of much value to residents given it is relatively isolated and at the junction of two major roads. Past experience indicates a distinct pattern where small pocket parks are underutilised compared with their long-term maintenance costs and that this park will not be actively used by residents. The proponent is confident that this "provides for smaller spaces for passive recreation and reflection with revegetation of the central drainage corridor with narrower paths leading to less formal seating areas and quiet spaces sheltered by trees and natural vegetation".

A requirement of residential properties backing onto POS is that visually permeable fencing should be provided at the property boundary to enable passive surveillance of public spaces. However, due to the south-west to south-east prevailing winds often it is found that those lots facing onto POS on their west or south boundary (of the residential lots) will likely end up with solid fencing to provide a barrier to the outdoor living areas. This has occurred in similar situations in the surrounding area and becomes an unsightly aesthetic at the residential and POS interface. The City previously requested this design be reconsidered but, to date, this has not been forthcoming.

Modifications to the Structure Plan are recommended to resolve these matters, which is provided for within the Schedule of Modifications at Attachment K and illustrated at Attachment L. These recommended modifications would involve widening the northern section of proposed POS area 5 along the north-south alignment. A strip of residential land on the eastern side of this POS should then be removed, with the road abutting the POS on that side. Those next rows of dwellings should face west, with frontages directed towards the POS. This will result in the POS being bordered on two sides by a road, which is supported by LN. Further to this, the western-most strip of R40-R60 land should be relocated to the western boundary of this POS area.

These modifications will increase the size of the POS space to make more land available for 'active recreation', while also locate the area of higher density more appropriately towards the future Waterfront Activity Node.

Community Title POS

The proponent has identified POS 6 & 7 to take the form of communal open space within a grouped housing development, the responsibility of the adjoining landowners. These POS access ways will provide a link between open spaces and the canals, encouraging and promoting use of open spaces. The proponent has advised that these are not proposed to function as local parks with sporting functions.

Whilst the permeability for pedestrians through the development is acknowledged and encouraged, private open space should not be counted towards the 10% POS calculation. LN 2015 does not allow public access ways to be included within the POS calculations as less than 15 metres wide is considered to be a pedestrian access way and not credited as POS (page 93 and 95). The proponent has argued that these "linear open spaces", being 7 metres and 10.5 metres in width, are not proposed to function as PAWs as they will be landscaped with nodes for seating.

The proponent further argues that WAPC Development Control Policy 1.3 (DC 1.3) allows for up to 50% of the overall POS contribution to be met through communal open space within a strata development.

"3.3.3 Consistent with legislation, policy and practice in respect of conventional subdivision, for a proposal involving more than a small number of lots, the WAPC may require a contribution towards the provision of public facilities, such as open space, school sites and the like. The WAPC may allow a maximum of 50 per cent of the total 10 per cent public open space to be provided as communal open space within the survey strata subdivision subject to the open space being useable and developed for general recreation purposes..." [Emphasis added]

However, this has been taken out of context. DC 1.3, relating to Strata Titles, does not refer to 50% of the subdivisional area within a Structure Plan, this is referring to the 10% POS requirement for the survey strata plan.

A further requirement of LN is that POS must be vested in the Crown as a Reserve, therefore private open space cannot be considered as Public Open Space. Based on recent history within the District, if private open space is under control of adjacent landowners, it is unlikely those same residents will want public access through the area for security concerns and antisocial behaviour, etc. Ultimately the access way will likely end up gated, thus restricting public access anyway.

Excluding these two areas (POS 6 and 7) further reduces the POS contribution from 9.8% to 9.2%.

Further discussions with the applicant following advertising has resulted in an agreement to remove this land from the POS calculation. It is therefore recommended that the Schedule of Modifications require the Structure Plan be amended to remove this land from the POS calculation.

Transport Impact Assessment

The final version of the draft TIA is yet to be agreed between the City and the developer, with the remaining outstanding matters relating to:

1. Intersection treatments on Layman Road – The two main entry roads for the development will access off Layman Road (shown on Attachment I as the red 'Access Street A'). The City has advised that roundabouts should be provided at the intersection of these two internal roads and Layman Road, to provide for efficient and safe access and egress at those intersections and act as traffic calming devices along Layman Road. It has been agreed between the applicant and City officers that this matter can be considered closer to the time of subdivision of that area, for which a recommendation is included to require a modification to the Structure Plan to ensure this is captured within Part 1 of the Structure Plan report.
2. Service road off Layman Road – City officers do not support the location of the service road connecting into Layman Road between the two main access roads into the development (also shown on Attachment I as the green dashed line alongside Layman Road). This has the potential to create conflict with traffic utilising those intersections and generally on Layman Road and should be removed. This impact is exacerbated without the provision of roundabouts at the intersections. This position is reflected in the Schedule of Modifications.
3. On street parking adjacent to all POS – The developer has advised that the provision of on-street parking adjacent to POS will be considered at the subdivision stage. However, City officers believe that showing this detail at the Structure Plan stage will ensure they can be accommodated within the proposed road reserves. This provision of parking near POS areas reflects the requirements of LN and is recommended within the Schedule of Modifications.

As with POS, the edition of LN applied becomes significant, as the draft 2015 version requires wider street reserve widths than what was acceptable under the 2009 version. As already noted, the WAPC will be referencing LN 2015 and the proponent has been so advised. In a revision to the TIA submitted in support of the proposal, the proponent has recommended that the likely road cross sections can be accommodated within the proposed road reserves and that the LN 2015 widths would be "unnecessarily wide and inconsistent with the adjacent areas and existing roads that will connect to the structure plan area". The TIA further notes that the developer will liaise with the WAPC at the subdivision stage to establish the appropriate road reserve widths and applicability of LN 2009 or 2015. While this detail should ideally be identified up front on the Structure Plan, officers agree that this is a matter that can be determined at subdivision.

Proposals in relation to the pedestrian and cyclist network that are supported by the City include the provision of at least one footpath along all roads except for laneways, along with a 2 metre wide footpath constructed along the length of Layman Road, which will complete the link between Navigation Way, to the west of the site, and Gunwale Elbow, to the east. Footpaths within 400 metres of the waterfront activity node will be a minimum 2.5m wide as required by LN. The developer will also construct a short section of footpath along Armitage Drive between Navigation Way and Jabiru Place to close a gap in the path along this road.

Port Geographe Development Area

Much of the requirements of the PGDA relate to canal lots and the Port Geographe Village Centre. However, of those clauses that remain relevant to the proposal currently under consideration (as referred to within the Statutory Environment section of this report) the proposed Structure Plan is considered to adequately address the provisions of the Scheme at clause 5.9.

The Scheme, at clause 5.9.3(b)(i), requires POS to be developed in accordance with the Port Geographe Development Plan endorsed at the Gazettal date of the Scheme. The District Playing Fields originally identified on the Port Geographe Development Plan are considered to be no longer necessary. The 'rectangular' ovals are of limited size and value to the City in terms of meeting community infrastructure needs and it has been determined that consolidating active open space areas within the District would be more appropriate.

The provision of high level public access to the canals, as required by clause 5.9.3(b)(ii), is not applicable in this instance as no canals are proposed within the submitted Structure Plan area.

A full review of the Port Geographe Development Plan and the provisions of the Port Geographe Development Area within the Scheme is anticipated to be undertaken following determination of the Structure Plan currently under consideration. This review will evaluate subdivision and development requirements in terms of relevance to the area, in particular environmental considerations, and who is responsible for those requirements. As part of this process the Port Geographe Development Plan will need to be brought into full compliance with the Regulations, including the now standard Structure Plan report layout. It is also critical that 'planning closure' is made on the canals, although this may not be possible until such time as the developer submits a proposal on 'Area 2' of Lot 9002.

Matters arising from submissions

The main areas of concern raised during the public consultation process can be addressed under the following headings:

1. Change from the original Port Geographe Development Plan indicating a series of canals and man-made lake.
2. Increase in residential densities.
3. Transport network.

Change from the original Port Geographe Development Plan indicating a series of canals and man-made lake.

The frustration raised by a number of the submissions with regard to the changes from the original plan is understandable. Purchasing property is a big decision and it is commendable that landowners have conducted their own research prior to undertaking such a large investment. Unfortunately the realities of the situation are that the economics or practicalities of the developer continuing with the original development plans, now well over 20 years old, means that review and change need to be considered. Maintaining the water quality of further canals has proven to be problematic and quite simply, is not something that the local government or state government is able to enforce upon the developer. The alternative proposed network of interconnected POS, once developed and suitably modified as per the Schedule of Modifications, would be much more useable by the general public.

Increase in residential densities

A number of submissions objected to the increase in densities relative to those originally proposed, for reasons of amenity (noise and overlooking), increased traffic and building height.

Liveable Neighbourhoods identifies the importance of diversity in the provision of lot sizes and housing stock distributed throughout communities. This assists housing affordability and choice, allowing for products ranging from lots for single dwellings to lots suitable for grouped and multiple dwellings. Higher densities are expected in locations closer to local centres and areas of high amenity such as POS and waterfront areas. An increase of density will also provide for activation and improve viability of surrounding businesses, while adding to the vitality of the neighbourhood.

The final densities that are applied will be driven to a degree by market considerations at the time of subdivision.

The matter of building height was raised by a number of submissions. This seemed to be primarily due to the provision of information provided within Part 2 of the Structure Plan report. Concept illustrations at section 3.7 indicate a number of buildings four storeys or higher around the future proposed Waterfront Activity Node. Also, the text description for the “high density/apartments” at section 3.2 references “views to the Port Geographe Marina and beyond”. The Structure Plan does not seek to increase height controls that currently exist under the Scheme, which places a control of 12 metres or three storeys in height within the area. Clause 5.9.2(o) of the Scheme further limits buildings on lots adjacent to Layman Road to 7.5m above the finished surface level of the lot, in order to restrict the amount of light spill into the wetlands. Reference within the document to views of the Marina is unusual, as it is unlikely views will be possible given the presence of dwellings (with many being two storeys) along Burgee Cove, Lanyard Boulevard and Keel Retreat.

Transport network

One of the more significant issues that was raised through the public submissions was the perceived impact of increased traffic along the Ostia Way and Waterline View route from Navigation Way.

A key theme throughout LN is for the provision of neighbourhoods with “highly interconnected movement network” providing route choice for vehicles, pedestrians and cyclists. As mentioned above, increasing the permeability of a neighbourhood reduces the cumulative impact of vehicles on a single route. One important consideration is that the level of traffic on any given road will be greater if there are less alternative routes.

The connection of new urban areas to existing, or proposed urban areas ensures permeability not only for the new residents, but also existing residents in the older neighbourhoods.

Straight street alignments are considered to be more ideal for users and provides more efficient use of land, although can lead to concerns for excessive speeds if not appropriately designed. The combination of short streets along the Ostia Way and Waterline View alignment encourages lower speeds, therefore become effective traffic calming devices (through staggered T intersections, roundabouts). Also, the frequent corners may be a frustration for some users and many are therefore likely to take straighter, more direct routes.

It is important to consider whether the existing street network, being Ostia Way through to Waterline View, is of sufficient width to allow for the necessary road pavement to cater for the projected traffic. For instance, the Ostia Way road reserve is 20m wide between Navigation Way and Mussel Court. This reduces to a width of 18m near the intersection with Headstay Cove. Waterline View on the other hand is 15m wide, but there is potential to increase this width if necessary as the Structure Plan area directly abuts this section of road.

The TIA, submitted in support of the Structure Plan proposal, advised that the existing external transport network is adequate to accommodate the structure plan generated traffic. Further, that traffic generated from outside the structure plan area has been excluded from the assessment given that only a small amount of ‘non-structure plan traffic’ are likely to travel through the site, for example those coming from the north of Navigation Way heading eastbound or external traffic wishing to access the waterfront area. The TIA expects that motorists would more likely utilise the higher order routes along Layman Road and Navigation Way rather than through the site.

Officers believe that this assumption should be backed up by further technical review, which would then inform whether the Waterline View road reserve width would require widening to accommodate any additional work that might be necessary as a result of subdivision. Provision for this is provided within the Schedule of Modifications.

CONCLUSION

As a result of the assessment detailed above, City officers recommend that the Council provides a recommendation to the WA Planning Commission to support the proposed Structure Plan subject to the prior to gazettal of Amendment 28 and the following modifications (as detailed in the Schedule of Modifications provided at Attachment K):

1. That the Structure Plan be modified to identify an appropriate finished floor level that meets the requirements of *State Planning Policy 2.6: State Coastal Planning Policy* (SPP2.6).
2. Revision of the *Local Water Management Strategy* to the satisfaction of the Department of Water and Environmental Regulation and the City of Busselton.
3. Modify the Structure Plan to ensure that the minimum 10% Public Open Space requirement of *Liveable Neighbourhoods 2015* is met.
4. Modify the Structure Plan map as set out in the attached plan at Attachment L (which involve shifting the location of some of the proposed medium density areas and redesigning / reorienting some roads and POS).
5. Modify the Structure Plan report such that the Public Open Space areas '6' and '7' are removed from the Public Open Space calculation, in accordance with the requirements of *Liveable Neighbourhoods*.
6. Modify the Structure Plan at Part 1, section 4 to insert the requirement that prior to the subdivision approval for the applicable stage, consideration be given for the development of roundabouts at the intersections with Layman Road.
7. Modify the *Transport Impact Assessment* at Appendix G of the Structure Plan report to remove the Service Road connecting with Layman Road between the two main access roads into the development.
8. Modify the Structure Plan and the *Transport Impact Assessment* at Appendix G of the Structure Plan report to provide for on-street parking adjacent to Public Open Space areas, in accordance with *Liveable Neighbourhoods*.

Modify the *Transport Impact Assessment* at Appendix G of the Structure Plan report to include a detailed review of traffic generated externally to the Structure Plan area that may utilise the 'Ostia Way to Waterline View' route.

OPTIONS

Should the Officer Recommendation not be supported, the following options could be considered –

1. Resolve to adopt the draft Structure Plan for final approval subject to further (or alternative) modification(s); and/or
2. Resolve not to adopt the draft Structure Plan for final approval for reasons to be specified.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation will occur within two weeks of the date of decision.

OFFICER RECOMMENDATION

1. That the Council:
 - a. Pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the draft Structure Plan for Lot 9002 Layman Road, Geographe for Final Approval subject to the changes included in the Schedule of Modifications at Attachment K and associated sketch at Amendment L of this report.
 - b. Pursuant to Schedule 2, regulation 19 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the Schedule of Submissions at Attachment J prepared in response to the public consultation undertaken in relation to this draft Structure Plan.
 - c. Pursuant to Schedule 2, regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a report on the draft Structure Plan be provided to the Western Australian Planning Commission within the timeframe agreed with the Commission.
2. Pursuant to Schedule 2, regulations 22 and 23 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should the WAPC require modifications be made to the draft Structure Plan, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by officers to be likely to significantly affect the purpose and intent of the draft Structure Plan, in which case the matter shall be formally referred by to the Council for assessment and determination.

COUNCIL DECISION AND AMENDED OFFICER RECOMMENDATION**C1904/071**

Moved Councillor P Carter, seconded Councillor R Paine

1. That the Council:
 - a. Pursuant to Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the draft Structure Plan for Lot 9002 Layman Road, Geographe for Final Approval subject to the changes included in the Schedule of Modifications at Attachment K and associated sketch at Amendment L of this report with the following alteration to Attachment K:
 - i. That the reason for proposed Modification No. 1 be added to as follows:

“The applicant has advised that the project will not be able to economically meet the 3.8m AHD currently suggested by State agencies as being an appropriate response to State Planning Policy 2.6. Whilst the applicant is required to provide further investigation of the site, the Western Australian Planning Commission is respectfully requested to determine the matter in a pragmatic way.”

Conceptually, there are considered to be three key reasons why the City considers a lower finished floor level might be appropriate:

- *Because it is a reasonably likely prospect that an alternative means of addressing the risk will indeed emerge;*
 - *Because the risk in the context of the competing risk that the development (i.e. the Port Geographe development area as a whole) does not continue to completion in a timely fashion, given that the relatively slow and inconsistent progress of the development to date has been problematic already; and*
 - *Because the application of SPP2.6 without broader consideration creates investor uncertainty, which may have broader implications.”*
- b. Pursuant to Schedule 2, regulation 19 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the updated Schedule of Submissions at Attachment J (provided under separate cover), prepared in response to the public consultation undertaken in relation to this draft Structure Plan.
- c. Pursuant to Schedule 2, regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a report on the draft Structure Plan be provided to the Western Australian Planning Commission within the timeframe agreed with the Commission.
2. Pursuant to Schedule 2, regulations 22 and 23 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should the WAPC require modifications be made to the draft Structure Plan, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by officers to be likely to significantly affect the purpose and intent of the draft Structure Plan, in which case the matter shall be formally referred to the Council for assessment and determination.

CARRIED 8/0

Reason:

Amendment 1 the first proposed modification, which provides additional information to the Schedule of Modifications at Attachment K of the report, seeks to clarify the Council's position on the matter of the finished floor level issue and the assessment of the proposal against State Planning Policy 2.6.

Amendment 2 the full Schedule of Submissions was provided to Councillors as a separate attachment prior to the Agenda Briefing session on Tuesday 2nd April 2019 due to technical issues with the City's website. The Officer Recommendation is proposed to be updated to reflect the revised Schedule of Submissions.

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 6.00pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 63 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 24 APRIL 2019.

DATE: _____ PRESIDING MEMBER: _____