

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 11 MAY 2016

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN MEETING ROOM ONE, COMMUNITY RESOURCE CENTRE, 21 CAMMILLERI STREET, BUSSELTON, ON 11 MAY 2016 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.32pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Coralie Tarbotton
Cr Ross Paine
Cr Terry Best
Cr John McCallum
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Gordon Bleechmore

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 Matthew Smith, Director, Finance and Corporate Services
Mr Martyn Glover, Executive Director
Miss Lynley Rich, Manager, Governance Services
Miss Hayley Barge, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

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

Public:

7

3. PRAYER

The prayer was delivered by Pastor Lee Sykes from Cornerstone Church.

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice**

Nil

Public Question Time

Mrs Kate Reading in relation to Item 11.1 asked if the Council would consider the name 'Vasse Road' being used on the length of Bussell Highway through Vasse as it holds important history to the area.

The Mayor advised that the name Vasse Road could pose problems due to the existence of Vasse Highway but will be subject to public consultation and further approvals.

Mrs Reading asked if the Council would consider the name 'Newtown Road'.

The Mayor advised that the names put forward would be considered.

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

The Mayor acknowledged those involved in organising the National Volunteer Awards Sundowner function that was held at the Geographe Bay Yacht Club on 9 May and congratulated those who were nominated and received awards.

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Nil

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings**9.1 Minutes of the Council Meeting held 27 April 2016**Council Decision****C1605/105**

Moved Councillor P Carter, seconded Councillor R Reekie

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

CARRIED 9/0**Committee Meetings**

Nil

ITEMS BROUGHT FORWARD AND 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, the Officer Recommendations, will be adopted en bloc.

Council Decision and Officer Recommendation**C1605/106**

Moved Councillor J McCallum, seconded Councillor G Bleechmore

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

- 10.2 PROPOSED REVOCATION OF LOCAL PLANNING POLICY 9B: BUSHFIRE PROTECTION PROVISIONS
- 13.1 NGILGI CAVES TRANSFER OF MANAGEMENT ORDER TO MARGARET RIVER BUSSELTON TOURISM ASSOCIATION
- 14.1 MAYORS FOR PEACE PROGRAM
- 14.3 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0**EN BLOC**

10. PLANNING AND DEVELOPMENT SERVICES REPORT**10.2 PROPOSED REVOCATION OF LOCAL PLANNING POLICY 9B: BUSHFIRE PROTECTION PROVISIONS**

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

PRÉCIS

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

BACKGROUND

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

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

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

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

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

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

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

STATUTORY ENVIRONMENT

State Regulation

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

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

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

The *Deemed* provisions affect the assessment of development, but do not apply to housing development on land less than 1,100m². The BCA requirement however, still apply to housing on lots less than 1,100m² meaning they are still subject to BAL assessment and construction requirements in accordance with AS 3959. The *Deemed* provisions aside from housing on lots less than 1,100m² require, despite any other exemptions from planning approval, that if the land is identified as BAL 40 or BAL FZ a planning approval is required.

City of Busselton Local Planning Scheme 21

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

CI 6.13 Special Control Area

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

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

RELEVANT PLANS AND POLICIES

State Planning Policy 3.7 and Guidelines

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

The Guidelines also provide solutions including templates for identifying Bushfire Protection (design) Criteria, and in preparing Bushfire Management Plans (FMPs) and Bushfire Risk Management (minimization) Plans. It also provides procedures for determining *Unavoidable Development* (where no alternative location exists), *Vulnerable Landuses* (limited capacity of occupants ie hospitals, nursing homes, schools) and *Minor Development* (dwellings on lots greater than 1100m²).

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

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

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

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

Local Planning Policy 9 – Bushfire Protection Provisions

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

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

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

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

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

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

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

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

In this regard no elevated risks are identified.

CONSULTATION

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

OFFICER COMMENT

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

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

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

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

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

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

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

CONCLUSION

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

OPTIONS

Options that the Council could conceivably consider include -

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Council Decision and Officer Recommendation**C1605/107** Moved Councillor J McCallum, seconded Councillor G Bleechmore

That the Council resolve;

1. Pursuant to clause 3(4) (Schedule 2) *Development (Local Planning Schemes) Regulations 2015*, to revoke - Local Planning Policy 9 – Bushfire Protection Provisions
2. Pursuant to clause 6.13.2 of the City of Busselton Local Planning Scheme 21, revoke the Bushfire Hazard Assessments maps.
3. Pursuant to Pursuant to clause 6(b) (Schedule 2) *Development (Local Planning Schemes) Regulations 2015*, cause to be published a *Notice of Revocation* addressing the revocation of Local Planning Policy 9 – Bushfire Protection Provisions, and the Bushfire Hazard Assessment map.

CARRIED 9/0**EN BLOC**

13. FINANCE AND CORPORATE SERVICES REPORT

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

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

PRÉCIS

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

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

BACKGROUND

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

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

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

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

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

On 10th December 2014 Council were asked to consider a report on this proposal and resolved:
“**C1412/316**” That the Council:

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

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

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

STATUTORY ENVIRONMENT

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

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

RELEVANT PLANS AND POLICIES

NA

FINANCIAL IMPLICATIONS

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

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

Long-term Financial Plan Implications

None

STRATEGIC COMMUNITY OBJECTIVES

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

Key Goal Area 2

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

Key Goal Area 3

- Recognition for high quality events and year round tourist offering

Council Strategy

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

RISK ASSESSMENT

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

CONSULTATION

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

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

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

OFFICER COMMENT

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

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

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

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

CONCLUSION

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

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

OPTIONS

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Council Decision and Officer Recommendation

C1605/108

Moved Councillor J McCallum, seconded Councillor G Bleechmore

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

CARRIED 9/0

EN BLOC

14. CHIEF EXECUTIVE OFFICER'S REPORT

14.1 MAYORS FOR PEACE PROGRAM

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

PRÉCIS

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

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

BACKGROUND

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

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

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

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

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

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC COMMUNITY OBJECTIVES

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

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

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

RISK ASSESSMENT

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

CONSULTATION

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

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

OFFICER COMMENT

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

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

CONCLUSION

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

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

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

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

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

OPTIONS

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Council Decision and Officer Recommendation

C1605/109

Moved Councillor J McCallum, seconded Councillor G Bleechmore

That the Council:

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

CARRIED 9/0

EN BLOC

14.3 COUNCILLORS' INFORMATION BULLETIN

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

PRÉCIS

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

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

INFORMATION BULLETIN

14.3.1 Planning and Development Statistics

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

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

14.3.2 State Administrative Tribunal (SAT) Appeals

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

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

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

14.3.4 Shire of Murray – Letter of Appreciation

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

14.3.5 Department of Planning – Carburnup Hamlet Response Letter

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

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

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

Council Decision and Officer Recommendation

C1605/110 Moved Councillor J McCallum, seconded Councillor G Bleechmore

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

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

CARRIED 9/0

EN BLOC

ITEMS CONSIDERED BY SEPARATE RESOLUTION

At this juncture, in accordance with Clause 5.6 (3)(a) & (b) of the Standing Orders, those items requiring an Absolute Majority or in which Councillors had declared Financial, Proximity or Impartiality Interests were considered.

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

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

PRÉCIS

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

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

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

This report recommends that Council:

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

BACKGROUND

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

The Administration and Civic building is being constructed within the boundaries of the existing site located at the corner of Causeway Road and Southern Drive, Busselton. This Project is a complete redevelopment of the City's existing administration and civic facilities and comprises three key elements (with a projected total area of approximately 6,943 m² gross floor area, including new Council Chambers and Civic reception facilities):

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

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

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

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

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

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

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

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

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

STATUTORY ENVIRONMENT

Regulation 11(1) of the LG Regulations requires tenders to be publicly invited before a local government enters into a contract for the supply of goods or services for which the consideration is expected to be more than \$150,000. The costs associated with the Supply and Installation of the Office Workstations will be significantly above this threshold. However in terms of Regulation 21 of the LG Regulations a Local Government may, prior to inviting tenders, follow a formal EOI process for the purpose of making a preliminary selection from amongst prospective tenderers in order to limit who can tender. Regulation 21 specifies as follows:

21. Limiting who can tender, procedure for

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

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

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

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

In accordance with Part 4 of the LG Regulations, tenders are to be publicly invited before a Local Government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000. Following the conclusion of the EOI process, the CEO would proceed to tender in accordance with his existing delegation to establish tender selection criteria in accordance with Council Policy 031. On the basis that the same delegation to the CEO requires any tender awarded by the CEO to be under the value of \$350,000, it is also proposed in this report to delegate specific authority to the CEO to award this tender, on the expectation that it will exceed the value of \$350,000. A condition on the specific delegation is proposed such that the authority would be exercised only after consultation with the Councillor members of the City's internal Administration Building Working Group.

RELEVANT PLANS AND POLICIES

Council Policy 031 Tender Selection Criteria applies.

FINANCIAL IMPLICATIONS

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

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

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

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

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

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

RISK ASSESSMENT

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

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

From a whole of project perspective, the City is working to a tight timeframe with potential delays presenting a high risk of contract variations. The delegations to the CEO to shortlist the acceptable tenderers and then award the workstations contract after consultation with the Councillor members of the Administration Building Working Group are proposed in order to ensure the timely progression of the project to avoid potential delays caused by the City that may lead to contract variations.

CONSULTATION

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

OFFICER COMMENT

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

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

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

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

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

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

Endorsement of Selection Criteria

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

Delegation to CEO

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

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

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

OPTIONS

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

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

development of the Administration Building is on a very tight time schedule, officers believe it would cause an unnecessary delay to require another Council decision which will be based almost entirely on price.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

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

Council Decision and Officer Recommendation

C1605/111

Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

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

A) Relevant Experience - Weighting 50 %

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

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

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

B) Key Personnel skills and experience - Weighting 20%

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

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

<ul style="list-style-type: none"> Any additional information. <p>Supply details in an Attachment and label it “Key Personnel”.</p>
<p>C) Respondent’s Resources - Weighting 20%</p> <p>Respondent’s should demonstrate their ability to supply and sustain the necessary:</p> <ul style="list-style-type: none"> Works; and any contingency measures or back up of resources including personnel (where applicable). <p>As a minimum, Respondents should provide a current commitment schedule and plant/equipment schedule in an Attachment and label it “Respondent’s Resources”.</p>
<p>D) Demonstrated Understanding - Weighting 10%</p> <p>Respondent should detail the process they intend to use to achieve the Requirements of the Specification. Areas that must be covered include:</p> <ul style="list-style-type: none"> Providing an indicative project schedule/timeline including commencement date, milestones and proposed completion date; The process/methodology for the delivery of the Requirements; A demonstrated understanding of the scope of work, specifically noting the key components of the project for review and their method of assessment. The recommended reporting format for each respective area/type of assessment. <p>When assessing the proposed process/methodologies and the indicative project schedule/timeline submissions that indicate productive plant and equipment, work/inspection methods and construction sequences that achieves the earliest completion of the Requirements, may be scored more favorably.</p> <p>Supply details and provide an outline of your proposed methodology in an Attachment labelled “Demonstrated Understanding”.</p>
<p>NOTE: PRICE IS EXCLUDED FROM THE SELECTION CRITERIA FOR THE EOI PROCESS</p>

- Delegates to the Chief Executive Officer the power to decide which, if any, of those expressions of interest that are received, are from persons who he thinks to be capable of satisfactorily supplying the goods and services required for the Supply and Installation of the Office Workstations.
- Delegates authority to the Chief Executive Officer, following the tender process in accordance with the selection criteria established in Council Policy 031, to award the contract for the supply and installation of Office Work Stations for the new City of Busselton Civic and Administration Facility, subject to not exceeding the budget of \$573,278 and the authority being exercised after consultation with the Councillor members of the City’s internal Administration Building Working Group.

**CARRIED 9/0
BY ABSOLUTE MAJORITY**

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

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

PRÉCIS

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

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

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

The Officer Recommendation is in three key parts:

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

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

BACKGROUND

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

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

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

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

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

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

As no resolutions for Council consideration were supported during the Special Meeting of Electors, the Council resolved, on 9 March 2016, to adopt the Amendment for final approval, in accordance with the (then) Schedule of Modifications, with the exception of two aspects of the Amendment, namely of amendment clause 4.5 (Drive-Through Facilities in the Business Zone) and amendment clause 5.58 (Dunsborough Lakes Developer Contributions), for which consideration was to be

deferred until a later meeting of Council. Those clauses were as follows in the advertised Amendment:

1. Drive- Through Facilities in the Business Zone

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

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

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

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

“5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE

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

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

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

2. Dunsborough Lakes Developer Contributions

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

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

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

STATUTORY ENVIRONMENT

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

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

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

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

RELEVANT PLANS AND POLICIES

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

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

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

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

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

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

RISK ASSESSMENT

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

CONSULTATION

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

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

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

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

OFFICER COMMENT

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

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

Each matter is addressed under separate sub-headings below.

1. Drive-through Facilities in the Business Zone

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

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

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

2. Dunsborough Lakes Development Contributions

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

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

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

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

3. Miscellaneous corrections to the Advertised Maps

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

Lot 964 Yoganup Place, Yoganup

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

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

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

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

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

Lot 601 Armstrong Place, Dunsborough

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

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

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

CONCLUSION

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

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

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

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

OPTIONS

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

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

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

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

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

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

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

C. In relation to Amendment 1 generally -

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

1. CapeROC Initiative

- 1.1 Amending Table 1 "Zoning Table" by –

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

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

- bb. In relation to the 'Rural Residential' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'P';
- cc. In relation to the 'Rural Residential' zone and in relation to the use class 'Rural Pursuit', insert the symbol 'A';
- dd. In relation to the 'Rural Residential' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales' and 'Wind Farm', insert the symbol 'X';
- ee. In relation to the 'Rural Landscape' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- ff. In relation to the 'Rural Landscape' zone and in relation to the use class 'Rural Produce Sales' and 'Rural Pursuit', insert the symbol 'A';
- gg. In relation to the 'Rural Landscape' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', and 'Wind Farm', insert the symbol 'X';
- hh. In relation to the 'Conservation' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- ii. In relation to the 'Conservation' zone and in relation to the use class 'Rural Produce Sales', insert the symbol 'A';
- jj. In relation to the 'Conservation' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- kk. In relation to the 'Bushland Protection' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- ll. In relation to the 'Bushland Protection' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X'; and
- mm. Removing the use classes 'Poultry Farm', 'Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated permissibilities.

- 1.2 Modifying clause 4.5 "Exceptions to the zoning table" by amending clause 4.5.3(a) to read as follows:

"(a) within the Rural Residential zone on any lot less than 4,000 m² in area, any purpose other than a single house (including any incidental development), ancillary accommodation, guesthouse, holiday home (single house), home business, home office, home occupation, bed and breakfast or public utility;"

- 1.3 Amending clause 5.14 "Residential Enterprise" to read as follows:

"5.14 HOME BUSINESS

5.14.1 A home business shall –

- (a) not occupy an area greater than 50m², provided further that the area within which it is conducted is not visible from the street or a public place;*

- (b) *be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays;*
- (c) *not have more than one advertising sign and the sign displayed does not exceed 0.2m² in area; and*
- (d) *not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.*

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

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

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

“5.16 *INDUSTRY – COTTAGE*

An Industry – Cottage shall –

- (a) *not occupy an area in excess of 100m²; and*
- (b) *not display a sign exceeding 0.2m² in area.”*

1.5 Amending Schedule 1 “Interpretations” by –

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

- v. *“Plant Nursery’* means premises used for propagation, the growing and either retail or wholesale selling of plants, whether or not ancillary products are sold therein;”
 - vi. *“Reception Centre’* means premises used for hosted functions on formal or ceremonial occasions;”
 - vii. *“Service Station’* means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —
 - (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or
 - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;”
 - viii. *“Tourist Accommodation’* means single occupancy accommodation units, which may be self-contained and may include associated central facilities for the exclusive use of guests, and includes serviced apartments;”
 - ix. *“Winery’* means premises used for the production of viticultural produce and associated sale of the produce;”
- c. Amending the following titles and definitions:
- i. ‘Agriculture’ to read:

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

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

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

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

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

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) designed to accommodate short-term guests with no guest accommodated for periods totalling more than 3 months in any 12 month period;”
- v. ‘Residential Enterprise’ to read:
- “*Home Business*’ means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –
- (a) does not employ more than 2 people not members of the occupier’s household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) does not involve the retail sale, display or hire of goods of any nature except where those goods are manufactured or produced at the residence;
 - (d) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
 - (e) does not involve the use of an essential service of greater capacity than normally required in the zone;”
- vi. ‘Cottage Industry’ to read:
- “*Industry – Cottage*’ means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry —
- (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and
 - (b) if the premises is located in a residential zone — does not employ any person other than a member of the occupier’s household; and
 - (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put;
- and may include the wholesale and appointment only sale of products produced on site.”
- vii. ‘Rural Industry’ to read:
- “*Industry – Rural*’ means premises used —
- (a) to carry out an industry handling, treating, processing or packing rural products grown, reared or produced in the locality; or

- (b) for a workshop servicing plant or equipment used for rural purposes in the locality;”
- viii. ‘Place of Public Worship’ to read:
- “*Place of Worship*’ means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;”
- ix. ‘Roadside Stall’ to read:
- “*Rural Stall*’ means a place, temporary structure or moveable structure used for the retail sale of agricultural produce produced on the property on which it is situated as an activity totally incidental to and dependent upon the principal use of the land for agricultural purposes;”
- x. ‘Forestry’ to read:
- “*Tree Farm*’ means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;”
- xi. ‘Veterinary Hospital’ to read:
- “*Veterinary Centre*’ means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;”
- d. Inserting the following new definitions:
- i. “*Brewery*’ means premises used for the production and consumption of beer, cider or spirits but does not include any other land use defined elsewhere in this Schedule;”
- ii. “*Exhibition Centre*’ means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;”
- iii. “*Home Office*’ means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –
- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;”
- iv. “*Park Home Park*’ means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;”
- v. “*Rural Produce Sales*’ means any premises used for the purpose of retail sale of products which are grown, reared or produced on site, including a

cellar door operation and retail sales associated with Industry – Cottage or Industry – Rural;”

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

2. Town Centre Strategies

2.1 Modifying clause 4.2.2 ‘Business zone’ Policies by –

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

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

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

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

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

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

2.3 Amend clause 5.3.2 to read as follows:

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

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

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

2.5 Amend clause 5.19 'Residential Development in the Business Zone' to read as follows:

"5.19 DEVELOPMENT IN THE BUSINESS ZONE

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

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

2.6 Amend Schedule 2 "Additional Uses" by –

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

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

- b. Deleting Additional Use No. 63 relating to Lot 60 (House 191) Naturaliste Terrace, Dunsborough, and amend the Scheme maps accordingly.
- c. Deleting Additional Use No. 73 relating to Lot 8 (House 226) Naturaliste Terrace, Dunsborough, and amend the Scheme maps accordingly.

2.7 Amend Schedule 3 "Special provision areas" by –

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

2.8 Amend the Scheme maps by –

- a. Amend the Scheme in relation to land currently zoned 'Business' within the Busselton City Centre to include a residential density code of R-AC3, being:
 - i. Lots bound by Peel Terrace, Brown Street, West Street and Marine Terrace;
 - ii. The portion of Lot 73 Peel Terrace currently zoned 'Business'; and
 - iii. Lots 74 and 75 Peel Terrace;And subject to the following exclusions:
 - i. All lots also contained within the Adelaide Street Special Character Area;
 - ii. The portion of Lot 73 Peel Terrace currently reserved for 'Community Purposes'.
- b. Amend the Scheme map in relation to land currently zoned 'Business' within the Dunsborough Town Centre to include a residential density code of R-AC3, being:
 - i. Lots bound by Caves Road, Cape Naturaliste Road, Dunn Bay Road and Seymour Boulevard;
 - ii. Lots bound by Cape Naturaliste Road, Dunn Bay Road, Naturaliste Terrace and Reserve 42673;
 - iii. Lots bound by Dunn Bay Road, Naturaliste Terrace and Hannay Lane;
 - iv. Lots 1-7 (233) Naturaliste Terrace, Lots 1-17 (31) Dunn Bay Road, and Lot 104 (29) Dunn Bay Road.
- c. Rezoning land currently zoned 'Tourist' and 'Special Purpose' with frontage to Dunn Bay Road, Dunsborough to 'Business' and applying a residential density code of R-AC3.

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

3. Scheme Area

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

"1.3 SCHEME AREA

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

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

"3.3 LOCAL RESERVES

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

- 3.3 Amending Schedule 1 "Interpretations" by –

- a. inserting the following new definitions:

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

- b. Amending the following definition to read:

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

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

- 3.5 Amending the Scheme maps by –

- a. Aligning the Scheme area boundary to the Low Water Mark and including Lot 350 Queen Street, Busselton;
- b. Delineating the Mean High Water Mark as provided by Landgate on the day of 22 June 2015;

4. Miscellaneous Scheme Text Amendments

4.1 Modifying clause 4.4.2 by –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE

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

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

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

- 4.6 Amend clause 5.8.1 to read as follows:

"5.8.1 A person must not erect any building that -

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

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

"5.18 PERMANENT/RESIDENTIAL OCCUPATION OF TOURIST DEVELOPMENTS

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

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

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

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

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

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

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

“In the Agriculture or Viticulture and Tourism zones, a building must not be constructed within 100 metres of Bussell Highway or Caves Road, or 60 metres of Vasse Highway without planning approval, which must not be granted unless the local government is satisfied that the development is consistent with all relevant provisions of the Scheme. Where the local government receives such application it shall forward the application to Main Roads Western Australia for comment and take such comments into consideration when determining the application.”

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

4.10 Amending Schedule 1 “Interpretations” by removing the definition ‘Health Care Professional’.

4.11 Amending Schedule 14 “Exempted Advertisements” by –

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

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

5. Scheme Maps

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

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

	Address	Details – The proposed modification
5.12	Lot 583 (910) Ludlow-Highergreen Road, Abba River	Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'
5.13	Lot 582 (459) Princefield Road, Abba River	Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'
5.14	Lot 687 Princefield Road, Abba River	Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'
5.15	Lot 26 Vasse Highway, Yoongarillup	Rezone portion of the lot from 'Public Purpose – Drain' Reserve to 'Agriculture'
5.16	Lot 1 (71) Boundary Road and Lot 109 (8113) Bussell Highway, Metricup	Rezone portion of lots from 'Agriculture' to 'Special Purpose – Caravan Park'
5.17	Lot 21 (3806) Caves Road, Wilyabrup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'
5.18	Lot 2680 (811) Puzey Road, Wilyabrup	Rezone from 'Recreation' Reserve to 'Viticulture and Tourism'
5.19	Lot 1 (1092) Chapman Hill Road, Chapman Hill	Rezone from 'no zone' to 'Agriculture'
5.20	Lot 31 (261) Jindong-Treeton Road, Kaloorup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture' and the directly adjacent road reserve from 'Recreation' Reserve to 'no zone'
5.21	Portion of Lot 125 (3763) Caves Road, Wilyabrup	Rezone from 'Recreation' Reserve and 'no zone' to 'Viticulture and Tourism'
5.22	Lot 282 (516) Lindberg Road, Kalgup	Rezone portion from 'Recreation' Reserve to 'Agriculture'
5.23	Lot 3978 (980) Vasse Highway, Yoongarillup	Rezone from 'Recreation' Reserve to 'Special Purpose – Telephone Exchange'
5.24	Lot 100 (3) Caladenia Close, Lot 101 (6) Eagle Crescent and Lot 102 (23) Fern Road, Eagle Bay	Rezone portions of the lots from 'Public Purpose' Reserve to 'Residential R5'
5.25	Eagle Bay Special Character Area	Identify the Eagle Bay Special Character Area as shown on the Scheme Amendment map
5.26	Lot 999 (245) Cape Naturaliste Road, Dunsborough	Rezone from 'Special Purpose – School Site' to 'Special Purpose – Educational Establishment'
5.27	Lot 200 (1) Gifford Road and Lots 91 (3), 92 (3A), 93 (5A) and 94 (5) Hurford Street, Dunsborough	Rezone portions of the lots from 'no zone' to 'Residential R15', and remove the 'Recreation' Reserve designation and 'Landscape Value' Area from the Hurford Street road reserve
5.28	Old Dunsborough Special Character Area	Identify the Old Dunsborough Special Character Area as shown on the Scheme Amendment map
5.29	Dunsborough Landscape Value Area	Realign the 'Landscape Value' Area around the Dunsborough Residential zone, such that it is located between the 'Agriculture' zone and the 'Residential' zone, as shown on the Scheme Amendment map
5.30	Lot 600 (7) Armstrong Place, Dunsborough	Rezone from 'Recreation' Reserve to 'Special Purpose – Aged Person Housing'
5.31	Lot 42 (201) Geographe Bay Road, Quindalup	Rezone from 'Public Purpose' Reserve to 'Special Purpose – Youth Hostel'

	Address	Details – The proposed modification
5.32	Lot 2761 (29) Commonage Road, Quindalup	Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'.
5.33	Quindalup Special Character Area	Identify the Quindalup Special Character Area as shown on the Scheme Amendment map
5.34	Lots 1 (29) and 2 (2/31) Wardanup Crescent, Yallingup	Rezone portion of the lots from 'no zone' to 'Residential R10'
5.35	Lot 5 (20) Elsegood Avenue and Lot 21 (9) Dawson Drive, Yallingup	Rezone from 'Tourist' to 'Residential R10', as shown on the Scheme Amendment map
5.36	Lot 15 Quindalup Siding Road, Quindalup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'
5.37	Lots 40 (1721) and 41 (1701) Wildwood Road, Yallingup	Rezone portion of the lots from 'Public Purpose' Reserve to 'Viticulture and Tourism'
5.38	Lot 2000 Edith Cowan Court, Abbey and Lot 5614 Wagon Entrance, Broadwater (Reserve 48280)	Reserving from 'Residential R5', 'R20' and 'R30' to 'Recreation' Reserve
5.39	Lot 6 (2) Grace Court, West Busselton	Rezone from 'Public Purpose' Reserve to 'Special Purpose - Educational Establishment'
5.40	Lot 500 Grace Court, West Busselton	Rezone from 'Special Purpose – Various' to 'Special Purpose – Church Site, Educational Establishment, Child Care & Hall'
5.41	Lot 688 (1) Piano Box Boulevard and Lot 689 (34) Pickmore Circus, West Busselton	Rezone from 'no zone' to 'Residential R20'
5.42	Lot 501 (190) Bussell Highway, West Busselton	Rezone portion of lot from 'no zone' to 'Residential R15'
5.43	Lot 502 Bussell Highway, West Busselton (Reserve 41554)	Rezone portion of lot from 'no zone' to 'Recreation' Reserve
5.44	Lot 4691 (7) Kingfish Road, Broadwater	Rezone from 'Recreation' Reserve to 'Residential R15'
5.45	Lot 200 (165) Marine Terrace, Geographe	Rezone portion of lot from 'no zone' to 'Residential R15'
5.46	Lot 5016 (75) Ford Road, Geographe (Reserve 44384)	Rezone from 'Recreation' Reserve to 'Residential R20'
5.47	Lot 10 (86) Causeway Road and Lot 12 (69) Molloy Street, Busselton	Rezone portions of the lots from 'Special Purpose – Service Station' to 'Residential R20'
5.48	Lot 300 Leeuwin Boulevard, West Busselton	Rezone from 'Recreation' Reserve and 'no zone' to 'Residential R20'
5.49	Lot 2000 Deacon Walk, West Busselton	Reserve lot as 'Recreation' Reserve from 'Residential' zone
5.50	Lot 197 (1) MacKillop Avenue, West Busselton (MacKillop Catholic College)	Rezone from 'Public Purpose' Reserve to 'Special Purpose – Educational Establishment'
5.51	Lot 5320 (2) Kelly Drive, West Busselton (St Joseph's Primary School)	Rezone from 'Public Purpose' Reserve and 'no zone' to 'Special Purpose – Educational Establishment'
5.52	Lot 2002 Pinnacle Avenue, Ambergate (Reserve 50288)	Reserve portions of lot as 'Recreation' Reserve from 'Rural Residential' zone

	Address	Details – The proposed modification
5.53	Lot 44 Chapman Hill Road, Kalgup	Rezone from 'Public Purpose' Reserve to 'Agriculture'
5.54	Lot 16 Lindberg Road, Bovell	Rezone from 'no zone' to 'Agriculture'
5.55	Lot 25 (580) Vasse Highway, Yoongarillup	Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'
5.56	Lot 60 (3908) Bussell Highway, Ruabon	Rezone in part from 'Recreation' Reserve to 'Agriculture'.
5.57	Lots 127 (30), 128 (28), 129 (24), 130 (18) and 135 (31) Old Timber Court, Reinscourt	Rezoning portions of lots from 'Conservation' to 'Rural Residential'
5.58	All lots within Dunsborough Lakes with the exception of Lot 9033 Commonage Road, Dunsborough	Include all areas of Dunsborough Lakes, with the exception of Lot 9033 Commonage Road, Dunsborough, within the 'Dunsborough & Quindalup' Precinct of DCA 1
5.59	Lot 27 (606) Rendezvous Road, Vasse (Heron Lake)	Exclude lot from DCA 1 to be included within the Vasse Development Contributions Plan.
5.60	Map Legend	Insert the following into the Map Legend in alphabetical order under 'Special Purpose': "CECH CHURCH SITE, EDUCATIONAL ESTABLISHMENT, CHILD CARE & HALL" "EE EDUCATIONAL ESTABLISHMENT" "TE TELEPHONE EXCHANGE" "YH YOUTH HOSTEL"

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

Note: Councillor Paine proposed an alternative motion for Council consideration that would prohibit drive through facilities in the Busselton zone as per the advertised amendment.

MOTION

Moved Councillor R Paine

That the Council adopt the Officer Recommendation, subject to the removal of Resolution 9 from the Schedule of Modifications as per below:

	Resolution	Advertised as:	To be modified as:
9.	Recommendation 4.5: Prohibition of Drive-through Facilities in the Business Zone	4.5 a. Inserting a new clause 5.5.2 as follows and renumbering subsequent clauses and clause references accordingly: <i>“5.5.2 Notwithstanding clause 5.5.1 above, the following development is expressly prohibited:</i> (a) <i>Drive-through facilities in the Business zone, as specified by clause 5.20; and</i> (b) <i>Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 5.40.”</i> b. Inserting a new clause 5.20 as follows and renumbering subsequent clauses and clause references accordingly: “5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE <i>Drive-through facilities shall not be approved in the Business zone.”</i> c. Amending Schedule 1 “Interpretations” by inserting the following new definition: <i>“‘Drive-through facility’ means a facility incidental to another use, such as shop or takeaway food outlet, whereby a product or service is sold or provided direct to customers or patrons driving or seated in a motor vehicle.”</i>	That recommendation 4.5 of the resolution be amended to remove proposals relating to drive-through facilities and as such state as follows: “4.5 Inserting a new clause 5.5.2 as follows and renumbering subsequent clauses and clause references accordingly: <i>“5.5.2 Notwithstanding clause 5.5.1 above, the following development is expressly prohibited:</i> (a) <i>Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 5.40.”</i>

MOTION LAPSED FOR WANT OF A SECONDER

Note: As the motion lapsed, the Mayor sought a mover for the Officer Recommendation.

Council Decision and Officer Recommendation**C1605/112** Moved Councillor P Carter, seconded Councillor R Bennett

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

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

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

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

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

C. In relation to Amendment 1 generally -

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

1. CapeROC Initiative**1.1** Amending Table 1 "*Zoning Table*" by –**a.** Amending the following Use Class titles:

- i. 'Agriculture' to read 'Agriculture – Extensive';
- ii. 'Intensive Agriculture' to read 'Agriculture – Intensive';
- iii. 'Animal Husbandry' to read 'Animal Husbandry – Intensive';
- iv. 'Chalet Development' to read 'Chalet';
- v. 'Residential Enterprise' to read 'Home Business';
- vi. 'Cottage Industry' to read 'Industry – Cottage';
- vii. 'Rural Industry' to read 'Industry – Rural';
- viii. 'Place of Public Worship' to read 'Place of Worship';
- ix. 'Roadside Stall' to read 'Rural Stall';
- x. 'Forestry' to read 'Tree Farm'; and

xi. 'Veterinary Hospital' to read 'Veterinary Centre';

and associated references throughout the Scheme accordingly.

- b. Inserting the use classes 'Ancillary Accommodation', 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm'.
- c. In relation to the 'Residential' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'P';
- d. In relation to the 'Residential' zone and in relation to the use class 'Park Home Park', insert the symbol 'A';
- e. In relation to the 'Residential' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- f. In relation to the 'Business' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- g. In relation to the 'Business' zone and in relation to the use class 'Brewery' and 'Exhibition Centre', insert the symbol 'A';
- h. In relation to the 'Business' zone and in relation to the use class 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- i. In relation to the 'Restricted Business' zone and in relation to the use class 'Brewery' and 'Exhibition Centre', insert the symbol 'A';
- j. In relation to the 'Restricted Business' zone and in relation to the use class 'Ancillary Accommodation', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- k. In relation to the 'Tourist' zone and in relation to the use class 'Park Home Park', insert the symbol 'D';
- l. In relation to the 'Tourist' zone and in relation to the use class 'Brewery' and 'Exhibition Centre', insert the symbol 'A';
- m. In relation to the 'Tourist' zone and in relation to the use class 'Ancillary Accommodation', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- n. In relation to the 'Industrial' zone and in relation to the use class 'Brewery', insert the symbol 'D';
- o. In relation to the 'Industrial' zone and in relation to the use class 'Ancillary Accommodation', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- p. In relation to the 'Agriculture' zone and in relation to the use class 'Ancillary Accommodation' and 'Rural Pursuit', inserting the symbol 'P';
- q. In relation to the 'Agriculture' zone and in relation to the use class 'Rural Produce Sales', inserting the symbol 'D';

- r. In relation to the 'Agriculture' zone and in relation to the use class 'Brewery', 'Exhibition Centre' and 'Wind Farm', inserting the symbol 'A';
- s. In relation to the 'Agriculture' zone and in relation to the use class 'Park Home Park', inserting the symbol 'X';
- t. In relation to the 'Agriculture' zone and in relation to the use class 'Industry – Cottage' and 'Rural Stall', replacing the symbol 'D' with the symbol 'P';
- u. In relation to the 'Agriculture' zone and in relation to the use class 'Chalet', replacing the symbol 'A' with the symbol 'D';
- v. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Ancillary Accommodation' and 'Rural Pursuit', inserting the symbol 'P';
- w. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Rural Produce Sales', inserting the symbol 'D';
- x. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Brewery', 'Exhibition Centre' and 'Wind Farm', inserting the symbol 'A';
- y. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Park Home Park', inserting the symbol 'X';
- z. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Agriculture – Intensive', 'Industry – Cottage' and 'Rural Stall', replacing the symbol 'D' with the symbol 'P';
- aa. In relation to the 'Viticulture and Tourism' zone and in relation to the use class 'Animal Husbandry', 'Chalet' and 'Industry – Rural', replacing the symbol 'A' with the symbol 'D';
- bb. In relation to the 'Rural Residential' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'P';
- cc. In relation to the 'Rural Residential' zone and in relation to the use class 'Rural Pursuit', insert the symbol 'A';
- dd. In relation to the 'Rural Residential' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales' and 'Wind Farm', insert the symbol 'X';
- ee. In relation to the 'Rural Landscape' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- ff. In relation to the 'Rural Landscape' zone and in relation to the use class 'Rural Produce Sales' and 'Rural Pursuit', insert the symbol 'A';
- gg. In relation to the 'Rural Landscape' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', and 'Wind Farm', insert the symbol 'X';
- hh. In relation to the 'Conservation' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- ii. In relation to the 'Conservation' zone and in relation to the use class 'Rural Produce Sales', insert the symbol 'A';

- jj. In relation to the 'Conservation' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X';
- kk. In relation to the 'Bushland Protection' zone and in relation to the use class 'Ancillary Accommodation', insert the symbol 'D';
- ll. In relation to the 'Bushland Protection' zone and in relation to the use class 'Brewery', 'Exhibition Centre', 'Park Home Park', 'Rural Produce Sales', 'Rural Pursuit' and 'Wind Farm', insert the symbol 'X'; and
- mm. Removing the use classes 'Poultry Farm', 'Recreation Agriculture', 'Recreation Area' and 'Rural Enterprise' and associated permissibilities.
- 1.2 Modifying clause 4.5 "Exceptions to the zoning table" by amending clause 4.5.3(a) to read as follows:
- "(a) within the Rural Residential zone on any lot less than 4,000 m² in area, any purpose other than a single house (including any incidental development), ancillary accommodation, guesthouse, holiday home (single house), home business, home office, home occupation, bed and breakfast or public utility;"*
- 1.3 Amending clause 5.14 "Residential Enterprise" to read as follows:
- "5.14 HOME BUSINESS*
- 5.14.1 A home business shall –*
- (a) not occupy an area greater than 50m², provided further that the area within which it is conducted is not visible from the street or a public place;*
- (b) be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays;*
- (c) not have more than one advertising sign and the sign displayed does not exceed 0.2m² in area; and*
- (d) not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.*
- 5.14.2 Where a local government grants planning approval for a home business, such planning approval –*
- (a) must be personal to the person to whom it was granted;*
- (b) must not be transferred or assigned to any other person;*
- (c) does not run with the land in respect of which it was granted; and*
- (d) must apply only in respect of the land specified in the planning approval."*

- 1.4 Amending clause 5.16 "Cottage Industry" to read as follows:

"5.16 INDUSTRY – COTTAGE

An Industry – Cottage shall –

(a) not occupy an area in excess of 100m²; and

(b) not display a sign exceeding 0.2m² in area."

1.5 Amending Schedule 1 "Interpretations" by –

- a. Removing the definitions 'Poultry Farm', 'Recreation Agriculture', 'Recreation Area', and 'Rural Enterprise';
- b. Amending the following definitions to read:
 - i. *"'Abattoir' means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;"*
 - ii. *"'Animal Establishment' means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;"*
 - iii. *"'Hotel' means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;"*
 - iv. *"'Market' means premises used for the display and sale of goods from stalls by independent vendors;"*
 - v. *"'Plant Nursery' means premises used for propagation, the growing and either retail or wholesale selling of plants, whether or not ancillary products are sold therein;"*
 - vi. *"'Reception Centre' means premises used for hosted functions on formal or ceremonial occasions;"*
 - vii. *"'Service Station' means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for –*
 - (a) *the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or*
 - (b) *the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;"*
 - viii. *"'Tourist Accommodation' means single occupancy accommodation units, which may be self-contained and may include associated central facilities for the exclusive use of guests, and includes serviced apartments;"*
 - ix. *"'Winery' means premises used for the production of viticultural produce and associated sale of the produce;"*
- c. Amending the following titles and definitions:
 - i. 'Agriculture' to read:

“*Agriculture - Extensive*’ means premises used for the raising of stock or crops but does not include agriculture — intensive or animal husbandry — intensive;”

ii. ‘Intensive Agriculture’ to read:

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

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries; or
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);”

iii. ‘Animal Husbandry’ to read:

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

iv. ‘Chalet Development’ to read:

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

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to accommodate short-term guests with no guest accommodated for periods totalling more than 3 months in any 12 month period;”

v. ‘Residential Enterprise’ to read:

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

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

- (e) does not involve the use of an essential service of greater capacity than normally required in the zone;”
- vi. ‘Cottage Industry’ to read:
- “‘*Industry – Cottage*’ means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade or light industry producing arts and crafts goods if the carrying out of the trade or light industry —
- (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (b) if the premises is located in a residential zone — does not employ any person other than a member of the occupier’s household; and
- (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put;
- and may include the wholesale and appointment only sale of products produced on site.”
- vii. ‘Rural Industry’ to read:
- “‘*Industry – Rural*’ means premises used —
- (a) to carry out an industry handling, treating, processing or packing rural products grown, reared or produced in the locality; or
- (b) for a workshop servicing plant or equipment used for rural purposes in the locality;”
- viii. ‘Place of Public Worship’ to read:
- “‘*Place of Worship*’ means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;”
- ix. ‘Roadside Stall’ to read:
- “‘*Rural Stall*’ means a place, temporary structure or moveable structure used for the retail sale of agricultural produce produced on the property on which it is situated as an activity totally incidental to and dependent upon the principal use of the land for agricultural purposes;”
- x. ‘Forestry’ to read:
- “‘*Tree Farm*’ means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5;”
- xi. ‘Veterinary Hospital’ to read:
- “‘*Veterinary Centre*’ means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;”

- d. Inserting the following new definitions:
- i. *“Brewery’* means premises used for the production and consumption of beer, cider or spirits but does not include any other land use defined elsewhere in this Schedule;”
 - ii. *“Exhibition Centre’* means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;”
 - iii. *“Home Office’* means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –
 - (a) is solely within the dwelling; and
 - (b) does not entail clients or customers travelling to and from the dwelling; and
 - (c) does not involve the display of a sign on the premises; and
 - (d) does not require any change to the external appearance of the dwelling;”
 - iv. *“Park Home Park’* means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8;”
 - v. *“Rural Produce Sales’* means any premises used for the purpose of retail sale of products which are grown, reared or produced on site, including a cellar door operation and retail sales associated with Industry – Cottage or Industry – Rural;”
 - vi. *“Rural Pursuit’* means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are used for –
 - (a) the rearing or agistment of animals; or
 - (b) the keeping of bees; or
 - (c) the stabling, agistment or training of horses; or
 - (d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
 - (e) the sale of produce grown solely on the premises;”
 - vii. *“Wind Farm’* means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;”

2. Town Centre Strategies

2.1 Modifying clause 4.2.2 ‘Business zone’ Policies by –

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

“(c) To provide for medium to high density residential development within the

Busselton City Centre and Dunsborough Town Centre.”

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

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

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

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

- 2.3 Amend clause 5.3.2 to read as follows:

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

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

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

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

“5.19 DEVELOPMENT IN THE BUSINESS ZONE

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

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

- 2.6 Amend Schedule 2 “Additional Uses” by –

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

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

- b. Deleting Additional Use No. 63 relating to Lot 60 (House 191) Naturaliste Terrace, Dunsborough, and amend the Scheme maps accordingly.
- c. Deleting Additional Use No. 73 relating to Lot 8 (House 226) Naturaliste Terrace, Dunsborough, and amend the Scheme maps accordingly.

2.7 Amend Schedule 3 "Special provision areas" by –

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

2.8 Amend the Scheme maps by –

- a. Amend the Scheme in relation to land currently zoned 'Business' within the

Busselton City Centre to include a residential density code of R-AC3, being:

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

And subject to the following exclusions:

- i. All lots also contained within the Adelaide Street Special Character Area;
 - ii. The portion of Lot 73 Peel Terrace currently reserved for 'Community Purposes'.
- b. Amend the Scheme map in relation to land currently zoned 'Business' within the Dunsborough Town Centre to include a residential density code of R-AC3, being:
- i. Lots bound by Caves Road, Cape Naturaliste Road, Dunn Bay Road and Seymour Boulevard;
 - ii. Lots bound by Cape Naturaliste Road, Dunn Bay Road, Naturaliste Terrace and Reserve 42673;
 - iii. Lots bound by Dunn Bay Road, Naturaliste Terrace and Hannay Lane;
 - iv. Lots 1-7 (233) Naturaliste Terrace, Lots 1-17 (31) Dunn Bay Road, and Lot 104 (29) Dunn Bay Road.
- c. Rezoning land currently zoned 'Tourist' and 'Special Purpose' with frontage to Dunn Bay Road, Dunsborough to 'Business' and applying a residential density code of R-AC3.
- d. Rezoning land currently zoned 'Industrial' and 'Restricted Business' within the Dunsborough Town Centre to 'Business' and applying a residential density code of R-AC3, being:
- i. Lots bound by Cape Naturaliste Road, Reserve 42673, Naturaliste Terrace and Reserve 42545.
- e. Rezoning Lot 106 (House No. 16) Cyrilleen Way, Dunsborough from 'Recreation' to 'Business' and applying a residential density code of R-AC3.
- f. Modifying the residential density coding to R80 over Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20) and 115 to 127 Geographe Bay Road, Lots 1-17 (3) Dunn Bay Road, Lots 1 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough.

3. Scheme Area

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

"1.3 SCHEME AREA

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

Water Mark.”

- 3.2 Amend clause 3.3 ‘Local Reserves’ to read as follows:

“3.3 LOCAL RESERVES

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

- 3.3 Amending Schedule 1 “Interpretations” by –

- a. inserting the following new definitions:

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

- b. Amending the following definition to read:

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

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

- 3.5 Amending the Scheme maps by –

- a. Aligning the Scheme area boundary to the Low Water Mark and including Lot 350 Queen Street, Busselton;
- b. Delineating the Mean High Water Mark as provided by Landgate on the day of 22 June 2015;

4. Miscellaneous Scheme Text Amendments

- 4.1 Modifying clause 4.4.2 by –

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

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

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

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

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

- a. Deleting clause 4.5.3(d) and renumbering subsequent clauses accordingly.

- b. Introducing a new sub-clause to clause 4.5.4 to read as follows:

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

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

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

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

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

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

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

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

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

“5.20 DRIVE-THROUGH FACILITIES IN THE BUSINESS ZONE

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

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

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

- 4.6 Amend clause 5.8.1 to read as follows:

“5.8.1 A person must not erect any building that -

(a) contains more than two storeys or exceeds a height of 9 metres where land is within 150 metres of the mean high water mark; or

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

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

“5.18 PERMANENT/RESIDENTIAL OCCUPATION OF TOURIST DEVELOPMENTS

5.18.1 Outside the residential zone, occupation by any person of the following

use classes approved under the Scheme as short stay accommodation is limited to a maximum of 3 months in any 12 month period. This applies to the following use classes:

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

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

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

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

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

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

“In the Agriculture or Viticulture and Tourism zones, a building must not be constructed within 100 metres of Bussell Highway or Caves Road, or 60 metres of Vasse Highway without planning approval, which must not be granted unless the local government is satisfied that the development is consistent with all relevant provisions of the Scheme. Where the local government receives such application it shall forward the application to Main Roads Western Australia for comment and take such comments into consideration when determining the application.”

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

4.10 Amending Schedule 1 “Interpretations” by removing the definition ‘Health Care Professional’.

4.11 Amending Schedule 14 “Exempted Advertisements” by –

a. Replacing the term “Information Sign” with “Information Panel” at (A)11.

b. Inserting a new ‘Note’ after clause (B)1 to read as follows:

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

by clause 5.40.”

5. Scheme Maps

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

	Address	Details – The proposed modification
5.1	Implement Cadastre Changes to all Scheme maps	Scheme maps to be updated with the most up to date cadastre data
5.2	Lot 306 (1191) Vasse – Yallingup Siding Road, Quindalup	Rezone portion of lot from ‘no zone’ to ‘Agriculture’
5.3	Lot 307 (9122) Quindalup South Road, Quindalup	Rezone portion of lot from ‘no zone’ to ‘Agriculture’
5.4	Lot 308 (1105) Vasse – Yallingup Siding Road, Quindalup	Rezone portion of lot from ‘no zone’ to ‘Agriculture’
5.5	Lot 309 (26) Quindalup South Road, Quindalup	Rezone portion of lot from ‘no zone’ to ‘Agriculture’
5.6	Lot 310 (67) Quindalup South Road, Quindalup	Rezone portion of lot from ‘no zone’ to ‘Agriculture’
5.7	Lot 3733 Coulls Road, Yallingup Siding	Rezone from ‘no zone’ to ‘Agriculture’
5.8	Yallingup Special Character Area	Identify the Yallingup Special Character Area as shown on the Scheme Amendment map
5.9	Lot 1451 (461) Princefield Road, Ruabon	Rezone portion of lot from ‘no zone’ to ‘Agriculture’
5.10	Lot 3124 Princefield Road, Abba River	Rezone from ‘no zone’ to ‘Agriculture’
5.11	Lot 964 Yoganup Place, Yoganup	Rezone portion from ‘Recreation’ Reserve to ‘Bushland Protection’ and ‘Agriculture’.
5.12	Lot 583 (910) Ludlow-Highergreen Road, Abba River	Rezone portion of the lot from ‘Public Purpose’ Reserve to ‘Agriculture’
5.13	Lot 582 (459) Princefield Road, Abba River	Rezone portion of the lot from ‘Public Purpose’ Reserve to ‘Agriculture’
5.14	Lot 687 Princefield Road, Abba River	Rezone portion of the lot from ‘Public Purpose’ Reserve to ‘Agriculture’
5.15	Lot 26 Vasse Highway, Yoongarillup	Rezone portion of the lot from ‘Public Purpose – Drain’ Reserve to ‘Agriculture’
5.16	Lot 1 (71) Boundary Road and Lot 109 (8113) Bussell Highway, Metricup	Rezone portion of lots from ‘Agriculture’ to ‘Special Purpose – Caravan Park’
5.17	Lot 21 (3806) Caves Road, Wilyabrup	Rezone portion of lot from ‘Recreation’ Reserve to ‘Agriculture’
5.18	Lot 2680 (811) Puzey Road, Wilyabrup	Rezone from ‘Recreation’ Reserve to ‘Viticulture and Tourism’
5.19	Lot 1 (1092) Chapman Hill Road, Chapman Hill	Rezone from ‘no zone’ to ‘Agriculture’
5.20	Lot 31 (261) Jindong-Treeton Road, Kaloorup	Rezone portion of lot from ‘Recreation’ Reserve to ‘Agriculture’ and the directly adjacent road reserve from ‘Recreation’ Reserve to ‘no zone’

5.21	Portion of Lot 125 (3763) Caves Road, Wilyabrup	Rezone from 'Recreation' Reserve and 'no zone' to 'Viticulture and Tourism'
5.22	Lot 282 (516) Lindberg Road, Kalgup	Rezone portion from 'Recreation' Reserve to 'Agriculture'
5.23	Lot 3978 (980) Vasse Highway, Yoongarillup	Rezone from 'Recreation' Reserve to 'Special Purpose – Telephone Exchange'
5.24	Lot 100 (3) Caladenia Close, Lot 101 (6) Eagle Crescent and Lot 102 (23) Fern Road, Eagle Bay	Rezone portions of the lots from 'Public Purpose' Reserve to 'Residential R5'
5.25	Eagle Bay Special Character Area	Identify the Eagle Bay Special Character Area as shown on the Scheme Amendment map
5.26	Lot 999 (245) Cape Naturaliste Road, Dunsborough	Rezone from 'Special Purpose – School Site' to 'Special Purpose – Educational Establishment'
5.27	Lot 200 (1) Gifford Road and Lots 91 (3), 92 (3A), 93 (5A) and 94 (5) Hurford Street, Dunsborough	Rezone portions of the lots from 'no zone' to 'Residential R15', and remove the 'Recreation' Reserve designation and 'Landscape Value' Area from the Hurford Street road reserve
5.28	Old Dunsborough Special Character Area	Identify the Old Dunsborough Special Character Area as shown on the Scheme Amendment map
5.29	Dunsborough Landscape Value Area	Realign the 'Landscape Value' Area around the Dunsborough Residential zone, such that it is located between the 'Agriculture' zone and the 'Residential' zone, as shown on the Scheme Amendment map
5.30	Lot 600 (7) Armstrong Place, Dunsborough	Rezone from 'Recreation' Reserve to 'Special Purpose – Aged Person Housing'
5.31	Lot 42 (201) Geographe Bay Road, Quindalup	Rezone from 'Public Purpose' Reserve to 'Special Purpose – Youth Hostel'
5.32	Lot 2761 (29) Commonage Road, Quindalup	Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'.
5.33	Quindalup Special Character Area	Identify the Quindalup Special Character Area as shown on the Scheme Amendment map
5.34	Lots 1 (29) and 2 (2/31) Wardanup Crescent, Yallingup	Rezone portion of the lots from 'no zone' to 'Residential R10'
5.35	Lot 5 (20) Elsegood Avenue and Lot 21 (9) Dawson Drive, Yallingup	Rezone from 'Tourist' to 'Residential R10', as shown on the Scheme Amendment map
5.36	Lot 15 Quindalup Siding Road, Quindalup	Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'
5.37	Lots 40 (1721) and 41 (1701) Wildwood Road, Yallingup	Rezone portion of the lots from 'Public Purpose' Reserve to 'Viticulture and Tourism'
5.38	Lot 2000 Edith Cowan Court, Abbey and Lot 5614 Wagon Entrance, Broadwater (Reserve 48280)	Reserving from 'Residential R5', 'R20' and 'R30' to 'Recreation' Reserve
5.39	Lot 6 (2) Grace Court, West Busselton	Rezone from 'Public Purpose' Reserve to 'Special Purpose - Educational Establishment'
5.40	Lot 500 Grace Court, West Busselton	Rezone from 'Special Purpose – Various' to 'Special Purpose – Church Site, Educational Establishment, Child Care & Hall'

5.41	Lot 688 (1) Piano Box Boulevard and Lot 689 (34) Pickmore Circus, West Busselton	Rezone from 'no zone' to 'Residential R20'
5.42	Lot 501 (190) Bussell Highway, West Busselton	Rezone portion of lot from 'no zone' to 'Residential R15'
5.43	Lot 502 Bussell Highway, West Busselton (Reserve 41554)	Rezone portion of lot from 'no zone' to 'Recreation' Reserve
5.44	Lot 4691 (7) Kingfish Road, Broadwater	Rezone from 'Recreation' Reserve to 'Residential R15'
5.45	Lot 200 (165) Marine Terrace, Geographe	Rezone portion of lot from 'no zone' to 'Residential R15'
5.46	Lot 5016 (75) Ford Road, Geographe (Reserve 44384)	Rezone from 'Recreation' Reserve to 'Residential R20'
5.47	Lot 10 (86) Causeway Road and Lot 12 (69) Molloy Street, Busselton	Rezone portions of the lots from 'Special Purpose – Service Station' to 'Residential R20'
5.48	Lot 300 Leeuwin Boulevard, West Busselton	Rezone from 'Recreation' Reserve and 'no zone' to 'Residential R20'
5.49	Lot 2000 Deacon Walk, West Busselton	Reserve lot as 'Recreation' Reserve from 'Residential' zone
5.50	Lot 197 (1) MacKillop Avenue, West Busselton (MacKillop Catholic College)	Rezone from 'Public Purpose' Reserve to 'Special Purpose – Educational Establishment'
5.51	Lot 5320 (2) Kelly Drive, West Busselton (St Joseph's Primary School)	Rezone from 'Public Purpose' Reserve and 'no zone' to 'Special Purpose – Educational Establishment'
5.52	Lot 2002 Pinnacle Avenue, Ambergate (Reserve 50288)	Reserve portions of lot as 'Recreation' Reserve from 'Rural Residential' zone
5.53	Lot 44 Chapman Hill Road, Kalgup	Rezone from 'Public Purpose' Reserve to 'Agriculture'
5.54	Lot 16 Lindberg Road, Bovell	Rezone from 'no zone' to 'Agriculture'
5.55	Lot 25 (580) Vasse Highway, Yoongarillup	Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'
5.56	Lot 60 (3908) Bussell Highway, Ruabon	Rezone in part from 'Recreation' Reserve to 'Agriculture'.
5.57	Lots 127 (30), 128 (28), 129 (24), 130 (18) and 135 (31) Old Timber Court, Reinscourt	Rezoning portions of lots from 'Conservation' to 'Rural Residential'
5.58	All lots within Dunsborough Lakes with the exception of Lot 9033 Commonage Road, Dunsborough	Include all areas of Dunsborough Lakes, with the exception of Lot 9033 Commonage Road, Dunsborough, within the 'Dunsborough & Quindalup' Precinct of DCA 1
5.59	Lot 27 (606) Rendezvous Road, Vasse (Heron Lake)	Exclude lot from DCA 1 to be included within the Vasse Development Contributions Plan.

5.60	Map Legend	Insert the following into the Map Legend in alphabetical order under 'Special Purpose': "CECH CHURCH SITE, EDUCATIONAL ESTABLISHMENT, CHILD CARE & HALL" "EE EDUCATIONAL ESTABLISHMENT" "TE TELEPHONE EXCHANGE" "YH YOUTH HOSTEL"
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2. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to endorse the 'Schedule of Submissions' at Attachment A prepared in response to submissions received on the proposed Omnibus Amendment No 1 following public consultation between 4 November 2015 and 16 December 2015.
3. Pursuant to r.50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to support the modifications to proposed Omnibus Amendment No. 1 shown in the 'Schedule of Modifications' at Attachment B, prepared to address issues raised in submissions received following public consultation.
4. Pursuant to r.53 and r.55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to provide the proposed Omnibus Amendment No. 1 to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
5. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to the proposed Omnibus Amendment No 1 are required, these modifications are to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers to be likely to significantly affect the purpose and intent of the proposed Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.

CARRIED 8/1

Voting:

For the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor J McCallum, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

Against the motion: Councillor R Paine.

11. ENGINEERING AND WORKS SERVICES REPORT

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

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

PRÉCIS

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

BACKGROUND

The 'Vasse Bypass'

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

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

Road naming process and Landgate

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

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

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

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

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

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

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

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

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

'Bussell Highway' history

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

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

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

Vasse-Yallingup Siding Road

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

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

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

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

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

Road names considered not suitable by Landgate

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

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

Related reports to the Council

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

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

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

FINANCIAL IMPLICATIONS

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

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

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

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

RISK ASSESSMENT

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

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

CONSULTATION

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

OFFICER COMMENT

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

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

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

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

CONCLUSION

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

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

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

OPTIONS

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

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

OFFICER RECOMMENDATION

That the Council endorses for public consultation:

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

Note: Officers put forward a revised Officer Recommendation for Council Consideration to ensure community input to potential road names can be provided.

Council Decision and Revised Officer Recommendation**C1605/113**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

That the Council:

1. Endorses the name 'Bussell Highway' for the new section of highway constructed approximately 2.1km west of the Busselton Bypass / Bussell Highway roundabout in Vasse, then approximately 1.8km south to where the new highway meets Bussell Highway (south of

the Vasse village), subject to the renaming of a section of Bussell Highway referred to in 2a) below.

2. Invites public submissions, notifies affected persons and consults with the local Aboriginal community relating to the naming of the following roads for a period of not less than 21 days. Submissions are invited on ideas for potential names for the roads including Windelup, Trade and Education.
 - a) The renaming of an approximate 2.4km section of Bussell Highway where the section of highway starts at the Busselton Bypass / Bussell Highway roundabout in Vasse, south-westerly through the Vasse village and terminates at a T-Junction with the new section of highway.
 - b) The renaming of a section of Vasse-Yallingup Siding Road between Commerce Road and Lynwood Street.
 - c) The renaming of a section of Vasse-Yallingup Siding Road between Lynwood Street and Bussell Highway.
 - d) The renaming of an approximate 300m section of Bussell Highway south of Florence Road that is now a cul de sac.

CARRIED 9/0

12. COMMUNITY AND COMMERCIAL SERVICES REPORT

12.1 BUSSELTON FORESHORE REDEVELOPMENT: HOTEL/SHORT STAY ACCOMMODATION PRECINCT

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

PRÉCIS

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

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

BACKGROUND

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

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

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

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

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

- 2012 (10,040m² over three sites)
- 2014 (9,400m² over five sites)
- 2016 (7,195m² over three sites) – (adopted in February 2016)

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

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

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

STATUTORY ENVIRONMENT

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

- (a) give local public notice of the proposed disposition by:
 - describing the property concerned;

- giving details of the proposed disposition (including names of the parties concerned; the consideration to be received by the local government and the market value of the disposition)
 - inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given
- (b) consider any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

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

RELEVANT PLANS AND POLICIES

Busselton Foreshore Statement of Intent

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

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

Busselton Foreshore Master Plan (BFMP)

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

Busselton Foreshore Development Guide Plan (BFDGP)

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

FINANCIAL IMPLICATIONS

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

Long-term Financial Plan Implications

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

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area 2:

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

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

Key Goal Area 3:

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

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

RISK ASSESSMENT

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

CONSULTATION

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

OFFICER COMMENT

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

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

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

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

Phase 1: Expressions of Interest (EoI)

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

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

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

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

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

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

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

Phase 2: Request for Proposals (RFP)

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

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

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

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

CONCLUSION

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

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

- (a) demonstrate procedural fairness principles in the disposal (leasing) of public land.; and,

(b) facilitate a competitive process to yield a range of proposals to assess

OPTIONS

Council may elect to:

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

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

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

OFFICER RECOMMENDATION

That the Council:

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

Note: Councillor Paine proposed an alternative motion for Council consideration whereby the marketing and EOI process would not be commenced.

MOTION

Moved Councillor R Paine

That the Council:

Not commence any further marketing of the hotel/short-stay tourist accommodations sites, including conducting an EOI process.

MOTION LAPSED FOR WANT OF A SECONDER

Note: Councillor Paine proposed a second alternative motion for Council consideration to change the selection criteria weightings for the EOI process.

MOTION

Moved Councillor R Paine

That the Council:

1. Amends the weightings in the selection criteria such that:

* High quality (minimum 4-star) development and range of services. Design standard, inclusions and functions. The higher the quality (star rating) the more competitive the submission (10%)

* Planning compliance (5%)

* Climate and Location: Building form and materials which address the Busselton Foreshore climate, views and noise exposure. Design and materials that demonstrate innovation in design to achieve energy efficiency (25%)

* Proven operator with brand identity and commercial viability. Short stay accommodation operation by a proven operator with brand identity. Preparedness to commit to the development (15%)

* Consideration and performance: Demonstrate the offered sub-lease terms and development proposal reflects viability, and quality (10%)

* Timing and staging: Demonstrate a programme and milestones (10%)

* Social/community Dividend. Demonstrate a commitment to partnering the City of Busselton in the delivery of public amenity and services outlined in the Busselton Foreshore Master Plan (25%)

2. Authorises the CEO to invite expressions of interest for development of three sites identified as short-stay accommodation in the revised Busselton Foreshore Master Plan (24 February 2016), using a two-phase, time-bounded recruitment process being:

* Phase 1: Expressions of Interest with submissions invited for a period of four weeks; and,

* Phase 2: Request for Proposals with submissions invited for a period of eight weeks following assessment of Phase 1 proposals.

* Considers a further report from the CEO at the conclusion of Phase 2 of the recruitment process, with the aim of nominating a 'preferred proponent'.

MOTION LAPSED FOR WANT OF A SECONDER

Note: Councillor Paine proposed a third alternative motion for Council consideration to change the selection criteria weightings for the EOI process.

MOTION

Moved Councillor R Paine

That the Council:

1. Amends the weightings in the selection criteria such that:
 - * High quality (minimum 4-star) development and range of services. Design standard, inclusions and functions. The higher the quality (star rating) the more competitive the submission (15%)
 - * Planning compliance (5%)
 - * Climate and Location: Building form and materials which address the Busselton Foreshore climate, views and noise exposure. Design and materials that demonstrate innovation in design to achieve energy efficiency (20%)
 - * Proven operator with brand identity and commercial viability. Short stay accommodation operation by a proven operator with brand identity. Preparedness to commit to the development (20%)
 - * Consideration and performance: Demonstrate the offered sub-lease terms and development proposal reflects viability, and quality (10%)
 - * Timing and staging: Demonstrate a programme and milestones (10%)
 - * Social/community Dividend. Demonstrate a commitment to partnering the City of Busselton in the delivery of public amenity and services outlined in the Busselton Foreshore Master Plan (20%)
2. Authorises the CEO to invite expressions of interest for development of three sites identified as short-stay accommodation in the revised Busselton Foreshore Master Plan (24 February 2016), using a two-phase, time-bounded recruitment process being:
 - * Phase 1: Expressions of Interest with submissions invited for a period of four weeks; and,
 - * Phase 2: Request for Proposals with submissions invited for a period of eight weeks following assessment of Phase 1 proposals.
 - * Considers a further report from the CEO at the conclusion of Phase 2 of the recruitment process, with the aim of nominating a 'preferred proponent'.

MOTION LAPSED FOR WANT OF A SECONDER

Note: As the motions proposed by Cr Paine had lapsed, the Mayor sought a mover for the Officer Recommendation.

Council Decision and Officer Recommendation**C1605/114**

Moved Councillor C Tarbotton, seconded Councillor J McCallum

That the Council:

1. Authorises the CEO to invite expressions of interest for development of three sites identified as short-stay accommodation in the revised Busselton Foreshore Master Plan (24 February 2016), using a two-phase, time-bounded recruitment process being :

- Phase 1: Expressions of Interest with submissions invited for a period of four weeks; and,
 - Phase 2: Request for Proposals with submissions invited for a period of eight weeks following assessment of Phase 1 proposals.
2. Considers a further report from the CEO at the conclusion of Phase 2 of the recruitment process, with the aim of nominating a 'preferred proponent'.

CARRIED 8/1

Voting:

For the motion: Councillor R Bennett, Councillor T Best, Councillor G Bleechmore, Mayor G Henley, Councillor J McCallum, Councillor C Tarbotton, Councillor P Carter and Councillor R Reekie.

Against the motion: Councillor R Paine.

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16. CONFIDENTIAL REPORTS

Nil

17. QUESTIONS FROM MEMBERS

Nil

18. PUBLIC QUESTION TIME

Nil

19. NEXT MEETING DATE

Wednesday, 25 May 2016

20. CLOSURE

The meeting closed at 5.49pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 89 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 25 MAY 2016.

DATE: _____ PRESIDING MEMBER: _____