

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 22 MAY 2019

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## MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 22 MAY 2019 AT 5.30PM.

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

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

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

Officers:

Mrs Naomi Searle, Acting Chief Executive Officer  
Mr Oliver Darby, Director, Engineering and Works Services  
Mr Tony Nottle, Director, Finance and Corporate Services  
Mr Matthew Riordan, Manager Strategic Planning  
Ms Sarah Pierson, Manager, Governance and Corporate Services  
Mrs Emma Heys, Governance Coordinator

Apologies:

Cr Rob Bennett

Approved Leave of Absence:

Nil

Media:

“Busselton-Dunsborough Mail”

Public:

0

3. PRAYER

The prayer was delivered by Paster Geoff Combridge of the Coast City Church.

**4. APPLICATION FOR LEAVE OF ABSENCE****COUNCIL DECISION****C1905/091**

Moved Councillor J McCallum, seconded Councillor C Tarbotton

That Leave of Absence be granted to Councillor Rob Bennett for the Ordinary Council Meetings held 22 May 2019, 12 June 2019 and 26 June 2019.

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

Nil

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

Nil

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

Nil

**Question Time for Public**

Nil

**8. CONFIRMATION AND RECEIPT OF MINUTES****Previous Council Meetings****8.1 Minutes of the Council Meeting held 8 May 2019****COUNCIL DECISION****C1905/092**

Moved Councillor J McCallum, seconded Councillor R Paine

That the Minutes of the Council Meeting held 8 May 2019 be confirmed as a true and correct record, with an amendment to include Item 13.2 'DRAFT STRUCTURE PLAN – ADOPTION FOR FINAL APPROVAL – LOT 2656 BUTTERLY ROAD, YALLINGUP' within the Table of Contents of the minutes.

**CARRIED 8/0****Committee Meetings**

Nil

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

Council were presented with a petition, received by the City on the 26 August 2018, calling for a gravel section of Quininup Road, Wilyabrup to be sealed. The petition was signed by Ann Spencer on behalf of the residents of Quininup Road, Wilyabrup.

**COUNCIL DECISION****C1905/093**

Moved Councillor K Hick, seconded Councillor J McCallum

That the Petition received on the 26 August 2018, to seal a gravel section of Quininup Road, Wilyabrup, from Ann Spencer on behalf of the residents of Quininup Road, Wilyabrup, be received and referred to the Chief Executive Officer for action, being to provide a response to all petitioners.

**CARRIED 8/0****Presentations**

Nil

**Deputations**

Nil

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

Nil

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

Nil

**Adoption by Exception Resolution**

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

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1905/094** Moved Councillor C Tarbotton , seconded Councillor P Carter

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

- 13.1 ADOPTION OF FINAL WATERWAY MANAGEMENT PLANS FOR THE LOWER VASSE RIVER AND TOBY INLET
- 13.2 LOCAL PLANNING SCHEME 21 - REPORT OF REVIEW
- 17.1 Councillors' Information Bulletin

**CARRIED 8/0**

**EN BLOC**

### **13. PLANNING AND DEVELOPMENT SERVICES REPORT**

#### **13.1 ADOPTION OF FINAL WATERWAY MANAGEMENT PLANS FOR THE LOWER VASSE RIVER AND TOBY INLET**

<b>SUBJECT INDEX:</b>	Vasse Geographe Strategy
<b>STRATEGIC OBJECTIVE:</b>	The health and attractiveness of our waterways and wetlands is improved to enhance community amenity.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Environmental Management
<b>REPORTING OFFICER:</b>	Senior Sustainability/Environment Officer - Mathilde Breton
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Lower Vasse River Waterway Management Plan 
	Attachment B Toby Inlet Waterway Management Plan 
	Attachment C Your Say Busselton - Lower Vasse River Waterway Management Plan Survey 
	Attachment D Your Say Busselton - Toby Inlet Waterway Management Plan Survey Report 
	Attachment E Proposed changes to the Lower Vasse River Waterway Management Plan 

### **PRÉCIS**

This report presents final Waterway Management Plans (WMPs) for the Lower Vasse River and Toby Inlet, prepared by the City as part of the Revitalising Geographe Waterways (RGW) program and outlines feedback received during the public consultation period.

### **BACKGROUND**

The health of the Lower Vasse River and Toby Inlet are of significant concern to our community. Physical modifications, altered flow regimes, nutrient enrichment and sedimentation are serious issues in these waterways, impacting ecology and public amenity. The Lower Vasse River experiences algal blooms every summer, dominated by harmful blue-green algae. Toby Inlet has large accumulations of sediments, and is prone to macroalgal blooms due to poor water quality.

An independent review of waterways management in the Geographe Bay Catchment in 2014 highlighted the lack of a lead management body and comprehensive management planning for key water assets. The review led to the formation of the Vasse Ministerial Taskforce and the RGW program, which focuses on improving water quality in key water assets. As part of the RGW program, the City committed to preparation of WMPs for the Lower Vasse River and Toby Inlet. These are two of 30 projects being undertaken as part of the RGW program.

The draft WMPs were endorsed by Council for public advertising on 12 December 2018. Draft WMPs are attached as Attachments A and B

The RGW program requires that the WMPs are completed by June 2019.

### **STATUTORY ENVIRONMENT**

The Lower Vasse River and Toby Inlet waterways are mostly Crown Land with no designated manager. The only exception is a 2.5km section of the Toby Inlet water body at the most downstream end, which is in reserves managed by the City. The City also manages a number of foreshore reserves adjacent to both the Lower Vasse River and Toby Inlet.

The *Rights in Water and Irrigation Act 1914* (RIWI Act) concerns the management of watercourses, and the Department of Water and Environmental Regulation is the agency responsible for implementation of the RIWI Act. In part, the objects of the *Rights in Water and Irrigation Act 1914* are -

- a) to provide for the management of water resources, and in particular-
  - (i) for their sustainable use and development to meet the needs of current and future users; and
  - (ii) for the protection of their ecosystems and the environment in which water resources are situated, including by the regulation of activities detrimental to them;

The RIWI Act includes provisions to control interference with watercourses, which will apply to future implementation of the WMPs in regards to works that involve changes to the bed, banks and flow of these systems.

Other legislation that may apply to future implementation of some on-ground works components of the WMPs is:

- *Aboriginal Heritage Act 1972* (WA)
- *Fish Resources Management Act 1994* (WA)
- *Wildlife Conservation Act 1950* (WA)
- *Biodiversity Conservation Act 2016* (WA)
- *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth)

## **RELEVANT PLANS AND POLICIES**

In 2016 Council adopted the Environment Strategy 2016 – 2021 with objectives for ‘Water Resources’ that include:

- To ensure proactive management of water assets within the Geographe catchment.
- To provide opportunity for the community to engage with and learn about water assets, and
- practical ways to minimise impacts at the individual level.

The Environment Strategy also identifies the following relevant strategic actions:

- Strategic Action 2.1 - Prepare management plans for the Lower Vasse River and Toby Inlet in close consultation with the local community and stakeholders.
- Strategic Action 2.2 - Continue to work with partners of the Vasse Taskforce to develop strategic and integrated approaches to management of Water Quality in the wetlands and waterways of Geographe catchment.

## **FINANCIAL IMPLICATIONS**

Implementation of minor management actions in the WMPs is expected to be undertaken as part of the existing Environmental Services budget.

## LONG-TERM FINANCIAL PLAN IMPLICATIONS

There may be Long Term Financial Plan implications with implementing the WMPs. In particular, pursuing the 'Living Streams' approach outlined in the WMP for the Lower Vasse River would potentially require significant investment, in excess of \$2M. It would see staged works to alter the physical environment and undertake ecosystem restoration to create conditions less favourable to algal blooms. Further research and planning is required before more specific financial implications can be tabled.

## STRATEGIC COMMUNITY OBJECTIVES

The recommendation in this report links to Key Goal Area 3 – Environment of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- 3.2: Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations; and
- 3.3: The health and attractiveness of our waterways and wetlands is improved to enhance community amenity

The WMPs also align directly with Strategy 3f of the Strategic Community Plan:

*Continue to work with key partners to improve the health of the waterways in the Geographe catchment.*

The consultation process for the Strategic Community Plan identified waterways management as a priority issue for the community, particularly improving management of the Lower Vasse River.

## RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks have been identified.

## CONSULTATION

### *Consultation to develop draft WMPs*

Extensive community consultation has been completed as an integral part of the planning process for the WMPs. This has included:

- Community information events "Focus on Toby Inlet" and "Focus on the Lower Vasse" to share information and identify key issues for community June 2015.
- Series of interviews to gather in-depth information regarding future management of both waterways March 2016.
- Community Views events in March 2016 to identify and rate management issues, valued characteristics and desired change.
- Public workshops to develop vision and management objectives February 2017.
- Formation of Community Reference Groups (CRG) for each WMP, by inviting membership from attendees to initial consultation sessions. With representation from the City, Department of Water and Environmental Regulation, and GeoCatch.

- CRG workshops to review and refine vision and management objectives April 2017.
- Presentation of draft management objectives to South West Boojarah Working Party May 2017.
- Public community update to review draft management objectives, and to present outcomes of RGW hydrological modelling June 2017.
- “Your Say” community survey on re creational activities for Toby Inlet.
- Update on progress to the South West Boojarah Working Party November 2017.
- Aboriginal Heritage Survey consultation bus tour of key sites February 2018.
- CRG workshops to develop management strategies and actions March 2018.
- Presentation of WMPs to Vasse Taskforce and review of management strategies and actions by Taskforce members and member agencies August 2018.
- Review of management strategies and actions by Project Team, with key stakeholder representatives, August 2018.
- Presentation of draft management strategies and actions to South West Boojarah Working Party October 2018.
- Review of working drafts of the WMPs by the CRG and Vasse Taskforce members October 2018.
- Ongoing representation on the Vasse Taskforce by staff and councillors 2016-2019.
- Consistent meetings of the Lower Vasse River and Toby Inlet Project Team, with representatives from City of Busselton, Department of Water and Environmental Regulation, GeoCatch, Water Corporation, Busselton Water, Department of Biodiversity, Conservation and Attractions.

The outcomes of consultation were used continually to develop the draft WMPs. Consultation provided direct input to visions, identifying and rating management issue, developing draft management objectives, and in developing management strategies and actions.

#### ***Public advertising of draft WMPs***

The draft WMPs for the Lower Vasse River and Toby Inlet were advertised for public comment from 16 January to 27 February 2019. Public information sessions were also held on 19 February 2019 for the Lower Vasse River and on 11 February 2019 for Toby Inlet. 17 people attended the Lower Vasse River information session and 15 people attended the Toby Inlet information session. Positive feedback was provided, with minor comments noted.

The community was invited to complete a survey via the City’s online public consultation platform Your Say Busselton. 11 submissions were received for the Lower Vasse River and 6 submissions for Toby Inlet. There was general support for the information contained in the draft WMPs and the strategies proposed. Reports with detailed responses to the surveys are listed as Attachments C and D.

Four additional written submissions (three for the Lower Vasse River and one for Toby Inlet) were also received. These provided additional information towards implementing the recommended draft strategies.

Comments were reviewed and informed minor modifications to the draft WMPs.

Once adopted by Council, the final WMPs will be presented to the Vasse Taskforce in June 2019.

**OFFICER COMMENT*****Feedback from Your Say Busselton***

Advertising of the draft WMPs through Your Say Busselton did not attract a large number of responses (11 for the Lower Vasse River and 6 for Toby Inlet). This is understood to be mostly due to the fact that extensive community and stakeholders consultation was undertaken prior to finalising the drafts. The feedback received should therefore be considered as a snapshot and is not necessarily reflective of the general community.

Most respondents agree that the WMPs are comprehensive documents (LVR 63.6% and TI 66.7%), recommending valuable management strategies and actions (LVR 54.5% and TI 83.3%) and clearly outlining future management of the waterways (LVR 36.4% and TI 66.7%).

Most respondents see the City as being the lead agency for managing the waterways. This is particularly prevalent for the Lower Vasse River (LVR 72.8% and TI 33.4%)

Over half of respondents (54.5%) are supportive of the Living Streams approach to managing the Lower Vasse River while 18.2% would only support minor physical change and additional planting and 18.2% would support sediment removal only. A small minority (9.1%) is not supportive of any changes to the river.

With regards to funding, a large proportion of respondents (LVR 54.5% and TI 33.3%) feels that the City should increase investment significantly and use this to seek more external funding, with others preferring sourcing external funding (LVR 27.3% and TI 66.7%) and using existing funding (LVR 18.2%).

Questions 8 to 23 asked for feedback on specific management strategies listed in the WMP. These were optional questions and only attracted partial responses. Level of supports ranged from 70% to 100% for the Lower Vasse River. Toby Inlet results are not presented as only two people responded. People were also invited to provide any additional comments.

***Written submissions***

Four additional written submissions (three for the Lower Vasse River and one for Toby Inlet) were also received.

The submissions on the Lower Vasse River mainly provided additional information towards implementing the recommended draft strategies, in particular with in-situ treatment of water quality (including aeration, vegetated floating islands, oxygenation, algaecide, the use of bacteria and enzymes and ultrasonic control).

Minor modifications are proposed to the LVR WMP to address these concerns but most of these issues will be further explored when planning for implementing the recommended actions of the WMPs, in particular the Living Streams approach.

It is not practical to show the proposed modifications in tracked changes due to the structure of the WMP having been altered. The bulk of the changes were made under section 4.3 Water Treatment of the LVR WMP. Appendix E shows the advertised version and the final version of this section to facilitate viewing the proposed changes.

The written submission on Toby Inlet provided further information on the need to determine sediment composition, location and sources, which will be looked at in any sediment removal investigations for Toby Inlet as recommended in the WMP. As such, no modifications are proposed.

***WMPs implementation***

The WMPs do not include immediate commitments to implementation of specific management actions, but rather provide a framework for implementation that defines the roles and responsibilities of key stakeholders and outlines a process for action planning, works, evaluation and reporting. This will allow ongoing prioritisation and implementation of actions in line with available funding, and building on new information from research, monitoring and outcomes as management progresses.

Works are already underway to implement some management actions of the WMPs, in particular control of Mexican Waterlily and installation of updated interpretative signage. Further planning is also occurring to further develop the 'Living Streams' approach.

**CONCLUSION**

The completion and endorsement of the WMPs is a significant milestone in working towards improving the long-standing issue of poor water quality in our catchment. It also completes the last milestone for two projects of the RGW program for the City, due by June 2019. It concludes three years of extensive planning and consulting with stakeholders and the community and provides the City with a comprehensive and detailed roadmap for better managing the natural and cultural values of our local waterways.

It is important momentum is not lost and the City continues with progressing implementation of management actions where possible. It is also recognised other management actions will require further planning and additional funding before they can be implemented.

**OPTIONS**

The Council could request additional changes to the final WMPs before endorsement.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The final WMPs will be made available to the public by posting on the City of Busselton website within a month of the Council Decision. Actions of the WMPs will be implemented as resources and funding permit.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1905/095** Moved Councillor C Tarbotton , seconded Councillor P Carter

That the Council resolves to adopt the following as guides to future planning:

1. The Lower Vasse River Waterway Management Plan (Attachment A); and
2. The Toby Inlet Waterway Management Plan (Attachment B).

**CARRIED 8/0**

**EN BLOC**

### 13.2 LOCAL PLANNING SCHEME 21 - REPORT OF REVIEW

<b>SUBJECT INDEX:</b>	Review and Consolidation of local planning schemes
<b>STRATEGIC OBJECTIVE:</b>	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
<b>BUSINESS UNIT:</b>	Strategic Planning
<b>ACTIVITY UNIT:</b>	Strategic Planning
<b>REPORTING OFFICER:</b>	Manager, Strategic Planning - Matthew Riordan
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Development Control Framework - Review and Proposed Direction (Report to Council 26 April 2017)



#### **PRÉCIS**

This report seeks Council consideration of a required report of review for Local Planning Scheme 21 (Scheme). It is recommended that the Council recommend to the Western Australian Planning Commission (WAPC) that the Scheme does not need to be repealed and replaced, but does need to be amended. The report also sets out a proposed approach to amending the Scheme.

#### **BACKGROUND**

A local government must carry out a review of its local planning scheme in the fifth year after the scheme was first gazetted. The local government must then forward the results of its own review (in the form of a 'report of review' – and this report to the Council is intended to fulfil that purpose) to the WAPC within 6 months of the commencement of that fifth year. The WAPC then considers the report of review, and advises whether it agrees with the local government's recommendation or not.

As the Scheme was first gazetted on 15 October 2014, the fifth year commenced on 15 October 2018. The report of review was therefore due to be provided to the WAPC by 15 April 2019. Should the Council support the officer recommendation, the City would be able to provide the report within a month or so of that date.

Fundamentally, the report of review must make one of three possible recommendations –

1. The Scheme is satisfactory in its current form;
2. The Scheme should be amended; or
3. The Scheme should be repealed and a new scheme prepared in its place.

Where a local government has an adopted local planning strategy (LPS), the report of review must make similar recommendations about the LPS. The City does not, however, have an adopted LPS. The Council-adopted draft LPS has been pending final WAPC determination since late 2016.

In a report considered and endorsed at the Council's Ordinary Meeting of 26 April 2017 (Attachment A), which was drafted in substantial part in preparation for the then upcoming review, the Council considered and endorsed a proposed approach to reviewing and updating the development control framework for the City (including the planning framework). The endorsed approach at that time recognised that the Scheme was not satisfactory in its current form, but that it should be amended, rather than being repealed and replaced. Significant progress has been made in implementing Council's 2017 resolution, in particular through a series of omnibus amendments to the Scheme.

## STATUTORY ENVIRONMENT

The key statutory environment is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), principally Regulations 65-67. The most important elements of that statutory environment, because they are so fundamental to the issues addressed in this report, were outlined in the preceding, 'Background', section of this report.

Also of note from the statutory environment is that a local planning scheme amendment process (e.g. an amendment to 'rezone' land), if it has not been substantially completed prior to the subject scheme being repealed and replaced (and the amendment can then be 'rolled-in' to the new scheme prior to its gazettal), must be recommenced as an amendment to the new scheme (so elements of the process already undertaken must be repeated). That is somewhat problematic, as it can either result in pressure to defer gazettal of the new scheme until such time as the amendment is ready to be 'rolled-in' to the new scheme, or the proponent, local government and State agencies must bear the costs and complications associated with going through the amendment process again (which might be somewhat simpler, as the substantive issues should have already been addressed, but will nevertheless come at a cost in both time and resources, and if the issues are controversial, will not necessarily prevent further controversy).

Importantly, regulation 65(2) also sets out information that must be included in the report of review, as follows –

- (a) the date on which the local planning scheme was published in the Gazette in accordance with section 87(3) of the Act;
- (b) the date on which each amendment made to the scheme was published in the Gazette in accordance with section 87(3) of the Act;
- (c) the date on which the scheme was last consolidated under Part 5 Division 5 of the Act;
- (d) an overview of the subdivision and development activity, lot take-up and population changes in the scheme area since the later of –
  - (i) the date on which the scheme was published in the Gazette in accordance with section 87(3) of the Act; and
  - (ii) the date on which the scheme was last reviewed;
- (e) an overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.

That information, plus some other relevant information, is set out below -

- a) The Scheme was published in the Gazette on 15 October 2015.
- b) (i) The following amendments have been published in the Gazette -

<b>Amendment Number</b>	<b>Date of Publication in Gazette</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
AMD21/0007	16 June 2015	Lot 376 Kent Street and Lot 309 Prince Street, Busselton - rezoning from 'Reserve for Recreation' to 'Business'.
AMD21/0002	17 July 2015	Lot 1 (12) Little Colin Street, Broadwater (Cape View Apartments) - introduce Special Provision 56 (SP56) to permit 25% permanent occupancy.
AMD21/0012	11 December 2015	Lot 1992 Downs Road Ludlow - rezone portion from 'Agriculture' to 'Bushland Protection'.

<b>Amendment Number</b>	<b>Date of Publication in Gazette</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
AMD21/0009	5 February 2016	Lot 37 (62) West Street, Busselton (Busselton Squash Courts) - introduce Additional Use 80 (A80): 'Office' and 'Residential'.
AMD21/0016	24 March 2016	Lot 200 (44) Bell Drive, Broadwater (Aegis Aged Care Group) - rezone from 'Residential (R20)' to 'Residential (R40)'.
AMD21/0006	27 May 2016	Lot 3 (500) Bussell Highway, Broadwater - rezoning from 'Special Purpose (Drive-in)' to 'Special Purpose (Broadwater Development Area)' and 'Reserve for Recreation'.
AMD21/0017	19 August 2016	Lot 2761 (29) Commonage Road, Quindalup (Dunsborough Lakes Caravan Park) - introduce Special Provision 60 (SP60) to permit 15% unrestricted length of stay.
AMD21/0013	23 September 2016	Rezoning various lots from 'Residential (R20)', 'Tourist' and 'Reserve' to 'Conservation' and revise the Broadwater Structure Plan accordingly.
AMD21/0015	2 December 2016	Lot 4001 (251) Metricup-Yelverton Road, Yelverton – rezoning from 'Agriculture' to 'Bushland Protection'.
AMD21/0001	4 August 2017	Omnibus amendment 1 – various land use permissibility and interpretation changes (including the addition of new land uses), changes to height requirements, introduction of Additional Use 74 (A74) of 'Guesthouse', 'Medical Centre', 'Office', 'Professional Consulting Room's, 'Restaurant/Café', 'Shop' and 'Tourist Accommodation' to residential-zoned lots on the fringes of the Busselton and Dunsborough Business zones, including a requirement for urban design guidelines to be prepared - as well as various other scheme text and map refinements and corrections.
AMD21/0010	1 September 2017	Introduce a requirement to obtain development approval for development comprising 're-purposed dwellings' and 'second-hand dwellings'.
AMD21/0023	1 September 2017	Lot 9507 Layman Road Geographe – replacing unzoned road layout with 'Residential' zone and residential density consistent with adjoining residential land (R20 and R30), and introduction of a small parcel of 'Reserve for Recreation'.
AMD21/0018	22 December 2017	Lots 4 & 318 Layman Road, Wonnerup – rezone from 'Agriculture' to 'Conservation' and 'Reserve for Recreation'.
AMD21/0020	22 December 2017	Lot 500 Bussell Highway, Broadwater - rezoning from 'Tourist' to 'Residential (R40)' and 'Reserve for Recreation (Highway Buffer)'. Lot 502 Bussell Highway, Broadwater – rezoning from 'Tourist' to 'Residential (R40)', 'Reserve for Recreation

<b>Amendment Number</b>	<b>Date of Publication in Gazette</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
		(Highway Buffer)' and 'Unzoned Land (Road Reserve)'. Introduction of Special Provision area 62 (SP62) of 'Residential (R40)', requiring a structure plan being prepared for portions of Lot 500 and Lot 502 prior to any application for subdivision.
AMD21/0035	2 February 2018	Align a number of land use terms within the Scheme to the Model Provisions (Basic Amendment).
AMD21/0025	23 March 2018	Omnibus amendment 2 - an amendment to further align the Scheme with the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.
AMD21/0027	29 June 2018	Lot 10 Commonage Road, Dunsborough - rezoning from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'
AMD21/0011	24 August 2018	Lot 201 Balmoral Drive, Quindalup - rezoning portion of lot from 'Rural Residential' to 'Reserve for Public Purpose' and to modify the boundary of Additional Use 37 (A37) and add 'Restaurant' as an additional permissible use.
AMD21/0034	8 March 2019	Lot 34 Sheoak Drive, Yallingup – removal of Additional Use 39 (A39) of 'Community Centre, Child Care Centre, Recreation Facility, Art & Craft Studio, Rural Holiday Resort, Private Recreation, Licensed Restaurant, Reception Centre and Shop (having a gross leasable area of 150m <sup>2</sup> )'.

- (ii) The following amendments have been subject of resolutions to prepare, but not yet published in the Gazette -

<b>Amendment Number</b>	<b>Date of Resolution to Prepare and current stage in process</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
AMD21/0021	Initiated 12.4.2017 (Ministerial decision received; gazettal imminent)	Lot 11 and Pt. Lot 803 Chapman Hill Road, Busselton. Consolidate SP Areas 47&48 to shift focus from motor vehicle and marine sales to conventional light industrial and service commercial.
AMD21/0028	Initiated 24.4.2018: consent to advertise for public consultation expected after consideration at SPC in May or June, 2019.	Introduction of consolidated and Regs-compliant development zone provisions into scheme, including new 'Urban Development', 'Industrial Development' and 'Vasse Townsite' zones. Align various 'development zone provisions' in Schedule 3 of scheme with Regs. Remove development investigation areas and 'hard zone' subdivided and developed areas.

<b>Amendment Number</b>	<b>Date of Resolution to Prepare and current stage in process</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
AMD21/0029	Initiated 13.12.2017 (Ministerial decision received; Gazettal imminent)	Broadly align scheme with Model Provisions (zones & zone objectives, including 'Drive-Through Exclusion Area' to 'Drive-Through Facility Control Area', and structure plan area for Dunbarton.
AMD21/0036	Initiated 24.4.2018; held in abeyance pending EPA assessment advice. Yet to be advertised for public consultation.	'Vasse East' land strategically identified in draft LPS (2016) and draft LNSRS for urban growth and development. Rezoning from 'Agriculture' and 'Rural Residential' to 'Urban Development'.
AMD21/0037	Initiated 30.1.2019 (currently being advertised for public consultation until 29.5.2019).	Lot 7 Forrest Beach Road, Wonnerup: rezoning from 'Agriculture' to 'Conservation', 'Reserve for Recreation' and 'Reserve for Public Purposes (Water Tank)'. Amendment will facilitate subdivision into 6 lots through auspices of subdivision incentives in Busselton Wetlands Conservation Strategy
AMD21/0038	Initiated 8 May 2019. To be advertised for 42-days in May-June 2019.	Introduction of Additional Use 82 in Schedule 2 of scheme to provide permissibility for following land uses: restaurant, winery, brewery, produce sales and chalet.
AMD21/0039	Initiated 24.4.2019. Referred to EPA for assessment ahead of public consultation.	Removal of redundant Special Provision 33 (relating to both subject Lot 202 Bussell Hwy and abutting lot 201 Seymour Street). Former 'split-zoning' (R40-60) amended to R40 (Lot 202) and R40 (Lot 201).
AMD21/0042	Initiated 10.4.2019. Referred to EPA for assessment advice ahead of public consultation.	Introduction of new clause in Part 5 'Special Control Areas' of scheme, viz: 'Western Ringtail Possum Habitat Protection Areas'

- (iii) The following further amendments have not yet been subject of resolutions to prepare, but are considered to have a high likelihood of being presented to the Council with a City officer recommendation supportive of a resolution to prepare -

<b>Amendment Number (0000 if not yet allocated)</b>	<b>City or external proponent?</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
AMD21/0014	City	Airport Protection Zone (awaiting further noise modelling, following final Minister for Environment decision on Noise Management Plan).
AMD21/0030	City	Implementation of recommendations of adopted planning strategies (post-LNSRS publication) and better alignment of scheme with SPPs.

<b>Amendment Number (0000 if not yet allocated)</b>	<b>City or external proponent?</b>	<b>Property/Purpose of Amendment (Summary Overview)</b>
AMD21/0031	City	Focus on improvement and rationalisation of Part 4 'General Development Requirements' and Part 5 'Special Control Areas' of the scheme.
AMD21/0032	City	Further addressing detailed mapping issues, along with consolidation/refinement of Schedule 2 'Additional Uses' and Schedule 3 'Special Provision Areas'
AMD21/0033	City	Review of residential density provisions in the scheme and consideration of justifiable up-codings in alignment with draft LPS (2016). Review of 'Special Character Area' provisions, together with current density concessions available through the scheme.
AMD21/0034	City	Addressing issues around rural land use and development provisions.
AMD21/0040	City	Review of Zoning Table in specific respect to retail land-uses outside centre zones
AMD21/0000	External	Potential rezoning(s) to accommodate land use and development at Lot 683 Cape Naturaliste Road and Lot 203 Bunker Bay Road, Bunker Bay.
AMD21/0000	External	Various landholdings in the ownership of the D'Espeissis family where scheme amendment(s) involving boundary adjustments, land transfers into reserves. Potential rezonings to allow concomitant development rights. Subject land includes West Dunsborough and across Cape Naturaliste.
AMD21/0000	External	Lots 23 and 41 Causeway Road, Busselton. Rezoning options from current (and probably redundant) zoning of 'Tourist'.
AMD21/0000	External	Rezoning of 'Conservation' zoned land to 'Residential' at/near Nilgup Park, Broadwater following re-consideration by landowner(s) and family (Broadwater Structure Planning to be rationalised and unified in parallel).
AMD21/0000	External	Returned Services League-owned land at Lot 69 Rosemary Drive, Busselton ('Residential R30') to be re-developed with adjoining Lots 48 & 49 Causeway Road ('Tourist') and Lot 100 Southern Drive (Residential R30') with a variety of appropriate land uses to cater for veterans in a 'regional hub'.
AMD21/0000	External	Rationalisation of zonings and redundant Additional Uses in complex land holdings at Commonage in 'Millbrook Estate'.
AMD21/0000	City	Amendment in parallel with targeted review and rationalisation by the City of dated structure plans and 'Rural Residential' (et al) zonings across the Commonage Policy Area Consolidated Structure Plan area.

Amendment Number (0000 if not yet allocated)	City or external proponent?	Property/Purpose of Amendment (Summary Overview)
AMD21/0000	City	Targeted consolidation and rationalisation of zonings across Dunbarton 'Rural Residential' area, especially sewer-sensitive areas, with up-zonings to low-density residential (e.g. 'Residential R5') and urbanised zones such as at 'Vasse East'.
AMD21/0000	External	'Tourist'-zoned land at eastern Provence, Yalyalup rezoned to 'Urban Development'.
AMD21/0000	External	Amendment to Dunsborough Lakes Structure Plan for Lot 9050 Clubhouse Drive from 'Tourist' to 'Residential'. Along with other considerations and potential options.

- c) The Scheme has not been consolidated in accordance with the formal requirements of Part 5, Division 5 of the Planning and Development Act 2005. Note this is a requirement that arises in parallel with the scheme review requirement, if a new scheme is not being prepared.
- d) The following is a summary of development activity and population growth since the Scheme was first published in the Gazette -

Financial Year	# of subdivision approvals issued	# of property titles created	# of building permits issued for new dwellings	Estimated resident population (District)
2014-2015	79	505	666	35,917 (2014 ABS ERP)
2015-2016	43	458	561	36,940 (2015 ABS ERP)
2016-2017	51	456	505	36,686 (2016 Census) / 37,776 (2016 ABS ERP)
2017-2018	29	336	478	38,375 (2017 ABS ERP)
2018-2019	18	228	264 (to end Feb 2019)	38,926 (2018 ABS ERP)

- e) There is no relevant region planning scheme. Amendments to the Scheme have been variously published in the Gazette (Amendments 1 and 25) substantially with the aim of bringing the Scheme into consistency with the Regulations, and further amendments to those ends have been subject of a resolution to prepare, but has not yet been published in the Gazette (Amendments 21, 28 and 29). Further amendments to similar ends, as well as achieving consistency with State planning policy, are also planned, as set out at Attachment A and point (b) (iii) above.

#### RELEVANT PLANS AND POLICIES

There are an extensive range of plans and policies that have been considered in preparing this report, including -

1. City of Busselton Community Strategic Plan 2017
2. Draft City of Busselton Local Planning Strategy 2016
3. City of Busselton Local Commercial Planning Strategy 2011
4. City of Busselton Local Rural Planning Strategy 2007

5. City of Busselton Local Environmental Planning Strategy 2011
6. City of Busselton Local Tourism Planning Strategy 2011
7. City of Busselton Local Cultural Planning Strategy 2011
8. Busselton City Centre Conceptual Plan 2014
9. Dunsborough Town Centre Conceptual Plan 2014
10. City of Busselton Local Planning Policy Manual
11. South West Planning and Infrastructure Framework (WAPC, 2015)
12. South West Regional Blueprint (SWDC, 2014)
13. Draft Leeuwin-Naturaliste Sub-Regional Planning Strategy (WAPC, 2018)
14. State Planning Policies (various dates)

### **FINANCIAL IMPLICATIONS**

The review and updating of the City's development control framework will require continued and significant investment. Some of the work required has been, and to some degree continues to be, deferred because there has been no final WAPC decision regarding the City's LPS. Nevertheless, the City has been undertaking a range of initiatives to review and update our development control framework, including amendments to the Scheme, reviews of structure plans, local planning policies and developer contributions arrangements, the development of activity centre plans and the City's coastal adaptation strategy (or 'CHRMAP' – Coastal Hazard Risk Management and Adaptation Plan).

To allow that work to continue, the City will need to continue to allocate significant officer resources but also, in future years, allocate additional funds to obtain specialist external advice and assistance. Some additional funds were able to be allocated for the current budget year, and the Council has informally indicated (through the most recent Long-Term Financial Plan review process), a willingness to support a further increase for 2019/20.

### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no Long-Term Financial Plan implications of the recommendations of this report, other than those noted above.

### **STRATEGIC COMMUNITY OBJECTIVES**

The recommendations of this report reflect Strategic Community Objective 2.1 of the City of Busselton Community Strategic Plan 2017; "Planning strategies that foster the development of neighbourhoods that meet our needs as we grow".

### **RISK ASSESSMENT**

An assessment of the risks associated with implementation of the officer recommendation has been undertaken against the City's risk assessment framework. No significant risks have been identified. The risks of preparing a new scheme, however, are considerable, as other processes to amend the scheme would be seriously affected, having a considerable impact on the planning authorities' abilities to manage the practical planning and development issues that arise in such a diverse, dynamic and fast-growing part of WA.

## CONSULTATION

Actions required to implement the WAPC's decision in this matter (which would entail either amendments to the Scheme, or its repeal and replacement) would involve consultation, reflecting amongst other things statutory requirements for such consultation. Given the nature of the decision(s) yet to be made, however, it has not been considered necessary to undertake consultation in the preparation of this report.

## OFFICER COMMENT

This report of review must make one of three possible recommendations –

1. The Scheme is satisfactory in its current form;
2. The Scheme should be amended; or
3. The Scheme should be repealed and a new scheme prepared in its place.

It is clear and the Council has already endorsed the position that the Scheme is not satisfactory in its current form. As such, there are two possible recommendations – that the Scheme be amended, or that the Scheme be repealed and a new scheme prepared in its place. In either case, it is considered clear that substantial change is required. That is in terms of the Scheme itself, as well as with respect to various subsidiary elements of the City's broader planning and development control framework, including Structure Plans, Local Planning Policies and Local Laws.

Making that task very challenging is the fact that the City of Busselton, by dint of the diversity of the District, has one of the most diverse and complex sets of planning issues of any local government in WA. Added to that, is the considerable and progressive, historical 'accretion' of the local planning framework. That means that the City has one of the most complex planning frameworks of any local government in WA. There are, for example, over 450 Structure Plans, Local Development Plans or similar that relate to land in the District. Further, within the Scheme itself, there are 80 different Additional Use designations and 62 sets of Special Provisions. The age, quality, conceptual basis and presentation of these planning instruments is also often inconsistent.

Rationalising and consolidating this complex framework is no doubt necessary and important; including to better align the City's framework with the overarching State framework (it is worth noting, though, that the City's Scheme is currently fairly closely aligned with the current, overarching State framework, and will be even more so once Amendments 21, 29 and 28 have been published in the Gazette). In doing so, there will no doubt be a need to change and in many cases standardise the substantive planning outcomes. That is both to align with the overarching State framework, but also because it will simply not be possible to consolidate the framework whilst retaining all of the idiosyncrasies that some may think are important.

Choosing just one seemingly fairly banal example, the approaches to control of fencing and building envelopes in rural-residential areas are often inconsistent. Some property owners are very supportive of controls which prohibit boundary fencing in some areas, and which specify building envelopes, whereas others are not supportive, and are strongly in favour of retaining the more liberal approaches adopted in some other areas. The community would expect that there would be consultation before there is a change of substantive planning direction with respect to these kinds of issues. There are a host of similar examples.

Considerable technical investigations and stakeholder consultation will also be required before many of the required changes can, in fact, be made. It is one thing to identify that a change is required, it is often quite another to work out exactly what that change is seeking to achieve and how that should be best reflected in the planning framework. For example, it is known that the current Landscape Value, Coastal Management and Floodway Special Control Area designations and associated controls

in the Scheme are no longer entirely appropriate. But the work to identify exactly what areas should be given such designations and exactly what controls might best apply in areas subject of them is considerable. To take just one of those examples, identifying the right changes to make to the Coastal Management Special Control Area requires, possibly amongst other things, the prior completion of the City's Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

If such changes are to be effected through preparation of a new scheme, the technical investigations and stakeholder consultation associated with making all changes must be undertaken before the new scheme can actually be prepared and finalised. The result is that an issue that needs to be addressed, and where the work has been done to work out what needs to be done to address that issue, does not actually get addressed until all of the work has been done to address all of the other issues. That in turn means that many issues go unaddressed for longer than would otherwise be necessary. The same problem would not arise to anywhere near the same degree if a new scheme does not have to be prepared and, instead, the Scheme is updated through a series of amendments.

An alternative might involve the preparation of a new scheme which does not seek to address all of the issues and instead only addresses those issues where the technical investigations and stakeholder consultation have been done, or can be done relatively simply. More difficult issues would then be addressed through subsequent amendments to the new scheme. It is not entirely clear, though, what that would achieve. It would also mean that both City-driven and externally-driven amendments could not proceed in the normal fashion for some period of time. Also of note is that, at the time of writing, the City does not have an adopted local planning strategy, meaning that a new scheme, were it to be prepared whilst that still remains the case, could not put into effect the strategic direction set out in an adopted local planning strategy. Instead, that would require amendment(s) to the new scheme.

It is understood that the WAPC and Department of Planning, Lands and Heritage officers may have formed the view that updating the Scheme by way of amendments is too complicated. It is certainly true that it is complicated. The complication, however, arises principally because of the diversity of the issues and the complexity of the current framework. It is considered that it may well be no simpler, and possibly even more complicated, to prepare a new scheme. Further, many reductions in complexity that may arise are because some issues would instead need to be addressed through amendments after the new scheme has been prepared, rather than being addressed through the new scheme itself. Leaving those issues unaddressed may also, in and of itself, simply create different kinds of complexity, requiring more complex amendments after the new scheme has been prepared. That essentially leads back to the problem that is being faced currently – which is that any means of updating the scheme looks to be very complicated.

An option which may avoid some of the difficulties with preparing a new scheme, notably the effect on amendment processes during the period in which the new scheme is being prepared, would be to undertake a 'total amendment' of the scheme. That would consist of an amendment which completely replaces all of the current scheme, but not through a new scheme. That would allow for the structure of the scheme to be comprehensively changed to reflect the current State framework. That would also allow, however, both externally-driven and City-driven amendments that require more focused technical investigations and stakeholder consultation to proceed in parallel with the 'new scheme'. This approach is identified as the next best option, after simply amending the Scheme in the more normal fashion. There does not appear to be any statutory impediment to this kind of approach.

If the Council initiated a 'total amendment' of this kind, it would necessarily be a 'complex amendment' and therefore require WAPC consent to advertise. That would provide the WAPC with the same capacity to ensure the completeness of the process as would occur with a new scheme prepared in the more normal fashion. If the WAPC was concerned about its ability to require the Council to actually commence such an amendment, there would seem to be two options available. The first would be asking the Minister to exercise their powers to compel the local government to do so. The second and preferable may be to defer the WAPC decision on the scheme review pending the timely initiation of

such an amendment. Under the legislation, once an amendment or new scheme process has been commenced, it must be followed to its conclusion, which ordinarily is a final decision by the Minister, having considered a recommendation from the WAPC.

Should the WAPC not accept the recommendations of this report, careful consideration would need to be given to managing both amendments already underway, but not yet published in the Gazette, further amendments that are already being contemplated, as well as further amendments that may emerge during the process of preparing a new scheme. When the current Scheme was prepared, there was a 'moratorium' on new amendments, a decision which came into effect with a six month lead time. During that six month period, 17 new amendment proposals were submitted, and the effective moratorium period extended over several years. That resulted in a very significant spike in planning workload for the City, followed by a temporary reduction in workload. Several amendments also failed to be completed before the new scheme came into effect, and the issues that they sought to address remain unresolved to this day. A similar moratorium would be required if a new scheme is to be prepared as a consequence of this report of review, likely resulting in similar workload spikes and falls.

In closing, it is worth providing a critique of the State's current approach to ensuring that local government planning schemes are updated and aligned with the overarching State framework, which to a significant degree consists of the five yearly review requirement. That has been a requirement of WA planning law for several decades, although for much of that time it has not been closely monitored and enforced. Currently, it is a requirement that appears to be more closely monitored and enforced than has often been the case in the past. If the aim is to achieve consistency across the State, though, if not necessarily always in substantive outcomes, but certainly in terms of conceptual basis, structure and format, even the State's current, more pro-active approach looks flawed.

Amongst other things, over a five year period, one would expect the State planning framework to progressively change and evolve. Because local government scheme reviews, however, will arise at different times, the outcomes of each review will reflect the State framework at different points in time. There are other planning jurisdictions that have successfully overcome this problem, by effectively developing a jurisdiction-wide statutory framework, which can be progressively updated by, in WA's case, the State, and where changes are then automatically reflected in local planning frameworks.

In WA, this could be done by (probably progressively) expanding the scope of the deemed provisions. Other than some minor amendments undertaken within 12 months of first Gazettal, however, the Regulations have not been amended since 2015. The Minister could also make greater use of existing powers to require amendment of local planning schemes to comply with new State planning policies or similar. That would mean that even where changes to local planning schemes were necessary to implement changes to the overarching State framework, that could be done in a coordinated way, and the adoption of a new State planning policy would be reflected in all local planning schemes at more or less the same point in time and place in the policy cycle.

The State is already doing this, to a limited degree, through the Residential Design Codes (and their various predecessors), which are progressively updated. Because the Codes are incorporated into local planning scheme by reference, all local planning schemes are then automatically amended to align with changes made by the State. The other key example of where this is already done are the Bushfire risk management controls in the 'deemed provisions' (which form part of the Regulations). Those controls apply automatically throughout WA in areas identified as being in a 'bushfire prone area' by the State. Again, all local planning schemes are effectively automatically amended to align with changes made by the State.

Further, given that the principal problem with preparing a new scheme is that it affects the otherwise normal amendment process, even if the State were not to proceed in the direction briefly articulated above, the State could amend the Regulations such that amendments could continue from one scheme

to another, being integrated into the local planning scheme once the amendment process is complete. In short, the updating of schemes through preparation of new schemes looks to be unnecessary and archaic, adding significantly to the costs and complications of implementing State strategic and policy direction through local planning schemes, and resulting in an overly complicated and disaggregated planning system across WA.

## **CONCLUSION**

It is recommended that the Council accept and endorse this report as the required report of review and recommend to the WAPC that the Scheme be amended, not repealed and replaced.

## **OPTIONS**

The Council could resolve that the Scheme is satisfactory in its current form or that the Scheme be repealed and replaced.

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

Should the Council make a resolution consistent with the officer recommendation, implementation would consist of forwarding the report of review (i.e. this report and minuted resolution) to the WAPC within two weeks. The WAPC would have 90 days in which to consider the Council recommendation and either agree, or disagree, with that finding and so advise the City.

## **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1905/096**

Moved Councillor C Tarbotton , seconded Councillor P Carter

That the Council advise the Western Australian Planning Commission that -

1. In accordance with Regulation 66(3)(a) of Division 1, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it recommends that Local Planning Scheme 21 'should be amended' in a manner as generally described in the 'Officer Comment' section of the agenda report and the accompanying Attachment A.
2. Should the recommended approach outlined in point 1 above not be agreed by the Commission, the next recommended preference of the Council would be to undertake a 'total amendment' of Local Planning Scheme 21, in a manner as generally described in the 'Officer Comment' section of the agenda report.
3. The current report is accepted by the Council as constituting, in its entirety, the required 'Report of Review' in respect to Local Planning Scheme 21 and, as such, is to be forwarded to the Commission, in minuted form, with the request that the Commission agree to the position represented in this resolution.

**CARRIED 8/0**

**EN BLOC**

## **17. CHIEF EXECUTIVE OFFICERS REPORT**

### **17.1 Councillors' Information Bulletin**

<b>SUBJECT INDEX:</b>	Councillors' Information Bulletin
<b>STRATEGIC OBJECTIVE:</b>	Governance systems, process and practices are responsible, ethical and transparent.
<b>BUSINESS UNIT:</b>	Governance Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Executive Assistant to Council - Katie Banks
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Nil

### **PRÉCIS**

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

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

### **INFORMATION BULLETIN**

#### **17.1.1 2018/2019 TENDERS**

##### **PQS01/19 PLANT AND EQUIPMENT HIRE – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS**

- Requirement – hire of plant and equipment.
- The PQS was advertised on 9 February 2019 with a closing date of 7 March 2019.
- The closing date has been extended until 14 March 2019. A further State wide advertisement providing notification of the extension was provided by the City on 9 March 2019.
- Thirty submissions were received.
- In accordance with delegation LG3M the CEO has authority to establish the panel and to decide which applications to accept.
- It is anticipated that the panel of pre-qualified suppliers will be established by the CEO in May 2019.

##### **PQS02/19 SUPPLY OF CONCRETE SERVICES – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS**

- Requirement – supply of concrete services.
- The PQS was advertised on 9 March 2019 with a closing date of 2 April 2019.
- Seven submissions were received.
- In accordance with delegation LG3M the CEO has authority to establish the panel and to decide which applications to accept.
- A panel of 3 pre-qualified suppliers was established by the CEO in April 2019, which included (in order of ranking) Leschenault Excavations Pty Ltd, Axiis Contracting Pty Ltd and The Trustee of the Adam J Soulas Family Trust T/A Dunsborough Concrete Contracting.

**RFT01/19 SUPPLY OF MOBILE WASTE SHREDDER**

- Requirement – the supply of a mobile waste shredder to be delivered at the Dunsborough Waste Facility.
- A Request for Tender was advertised on 9 March 2019 with a closing date of 26 March 2019.
- Five submissions were received.
- The value of the contract is expected to exceed the CEO's delegated authority under Delegation LG3J and will require Council approval.
- It is anticipated that the contract will be awarded in May 2019.

**RFT02/19 PROVISION OF CLEANING SERVICES TO CITY OWNED FACILITIES**

- Requirement – the provision of cleaning services to City owned facilities.
- A Request for Tender was advertised on 9 March 2019 with a closing date of 4 April 2019.
- Eight submissions were received.
- The value of the contract is expected to exceed the CEO's delegated authority under Delegation LG3J and will require Council approval.
- It is anticipated that the contract will be awarded in May 2019.

**RFT03/19 ROCK COASTAL PROTECTION REFURBISHMENT: CRAIG STREET AND WONNERUP**

- Requirement – refurbishment of six rock coastal protection structures on Geographe Bay, including a groyne and seawall at Craig Street and four groynes at Wonnerup.
- A Request for Tender was advertised on 16 March 2019 with a closing date of 2 April 2019.
- Seven submissions were received.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- A contract was awarded by the CEO in April 2019 to Leeuwin Civil Pty Ltd.

**RFT04/19 SUPPLY OF TWO TRI-AXLE SIDE TIPPING TRAILERS**

- Requirement – supply of two tri-axle side-tipping trailers.
- A Request for Tender was advertised on 23 March 2019 with a closing date of 9 April 2019.
- Four submissions were received.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- It is anticipated that the contract will be awarded in May 2019.

**RFT05/19 CITY CENTRE EASTERN LINK**

- Requirement – following an Expression of Interest (EOI 01-18) process for making a preliminary selection among prospective tenderers, the City of Busselton invited tenders for the construction of the City Centre Eastern Link Road upgrade including stages 1,2A and 2B.
- Three tenderers were invited to submit a tender – Georgiou Group Pty Ltd, Ertech Pty Ltd and BMD Constructions Pty Ltd, with a closing date of 14 May 2019.
- The closing date has been extended to 28 May 2019.
- The value of the contract is expected to exceed the CEO's delegated authority under Delegation LG3J and will require Council approval.
- It is anticipated that the contract will be awarded in July 2019. However contract commencement is subject to the relevant conditions precedent being satisfied including environmental approvals being obtained.

### 17.1.2 Donations Contributions and Subsidies Fund – April 2019

The Council allocates an annual budget allowance to the Donations, Contributions and Subsidies (Sponsorship Fund). This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of the funds is delegated to the Chief Executive Officer, in accordance with published guidelines and funding availability.

Four applications were supported in April 2019, totalling \$2000.00 as outlined in the table below:

App. No.	Recipient	Purpose	Amount
<b>April 2019</b>			
56/1819	Maddison Fenwick	Seeking funds to assist with travel to attend the U15 Championships Hockey tournament in NSW. Maddison has been chosen to represent WA	\$300.00
57/1819	Relay for Life Busselton Committee	Seeking in kind support to cover the cost of holding the event at Churchill Park i.e. hall, ground and bin hire and event application fee. Funds are raised for Cancer Council WA who provide support to local residents through their office on Prince Street in Busselton.	\$1,000.00
58/1819	GeoCatch	Funds to assist with the printing of "Pets Away Possums Play" bin stickers to assist in raising awareness of their campaign.	\$500.00
62/1819	Arts Margaret River	The Young Writers and Readers Program tours primary and secondary schools as part of the Margaret River readers and Writers Festival. Funds were requested to assist with covering the cost of author fees to attend schools and promote the joy of reading from an early age. Busselton Primary School and Georgiana Molloy Anglican School have confirmed their participation in the program.	\$200.00
		<b>April Total</b>	<b>\$2,000.00</b>

At the end of April 2019, expenditure from the Donations, Contributions and Subsidies Fund totalled \$20,471.00, leaving a balance of \$9,529.00.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**C1905/097** Moved Councillor C Tarbotton , seconded Councillor P Carter

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

- [17.1.1 2018/2019 TENDERS](#)
- [17.1.2 Donations Contributions and Subsidies Fund – April 2019](#)

**CARRIED 8/0**

**EN BLOC**

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

Nil

**13. URGENT BUSINESS**

Nil

**14. CONFIDENTIAL REPORTS**

Nil

**15. CLOSURE**

The Presiding Member closed the meeting at 5.33pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 28 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 12 JUNE 2019.

DATE: \_\_\_\_\_ PRESIDING MEMBER: \_\_\_\_\_