

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
Agency Submissions				
1.	Department of Health (Environmental Health Directorate) PO Box 8172 Perth Business Centre WA 6849	No objection.	Noted.	That the submission be noted.
2.	ATCO Gas 81 Prinsep Road Jandakot WA 6164	No objection. Any change to a sensitive land use classification may necessitate additional protection to the existing gas network if it was not designed for that land use classification when constructed.	Noted. There are no changes proposed to individual developments as part of this Amendment. The proposals within this Amendment will apply to future developments.	That the submission be noted.
3.	Department of Jobs, Tourism, Science and Innovation Level 11, 1 William Street Perth WA 6000	Supportive of the principal objective of the Amendment which is to protect the retail primacy of the Busselton and Dunsborough town centres. The Department notes that the proposal has the supplementary benefit of protecting industrial zones ('Service Commercial', 'Light Industry' and 'General Industry' zones) from inappropriate retail development which may limit the operation of existing industrial land uses.	Noted.	That the submission be noted.
4.	Telstra (Telstra Plan Services) Locked Bag 3820 Brisbane QLD 4001	Telstra assets are located within the area of the proposal. Telstra recommends contacting Dial Before You Dig for a detailed site plan and engage a Telstra Accredited Plant Locator to determine the exact location of the asset.	Noted. There are no works proposed as part of this Amendment.	That the submission be noted.
5.	Department of Planning, Lands and Heritage (Heritage Services) Locked Bag 2506 Perth WA 6001	The majority of both State Registered Heritage Places and places included on the City of Busselton's Local Heritage List are located within the Centre Zone. It is noted that the intent to retain commercial and retail use in the centres may have a positive impact on the occupancy and ongoing use of heritage places. The proposed scheme amendment has been considered for its potential impact on heritage places within the Scheme area and it raises no concerns.	Noted.	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
6.	Department of Mines, Industry Regulation and Safety 100 Plain Street East Perth WA 6004	This proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	Noted.	That the submission be noted.
7.	Main Roads WA PO Box 5010 Bunbury WA 6230	No objection.	Noted.	That the submission be noted.
8.	Department of Water and Environmental Regulation (South West Region)	No objection.	Noted.	That the submission be noted.
9.	Water Corporation (Development Services Branch) PO Box 100 Leederville WA 6902	<p>1. In regards to the proposed R-AC3 code in the area east of Cammilleri Street between Peel Terrace and Adelaide Street. This area is serviced by a vacuum wastewater system that can't be upgraded without a significant rebuild of the entire system. The area is not suitable for any significant redevelopment that would increase the wastewater discharge flows as the cost to the developers would be quite significant. Therefore, the Water Corporation would not support the introduction of that zoning over this Land.</p> <p>2. With regards to the discharge from Breweries and Wineries to the Water Corporation's wastewater</p>	<p>1. There is no change proposed to density codes as part of this Amendment and there will not be a significant impact that may cause an increase in development or density in the area east of Cammilleri Street (either in the 'Regional Centre' zone or 'Residential' zone), directly due to the proposals within this Amendment.</p> <p>The R-AC3 code was introduced to the Busselton CBD through Amendment No. 1, gazetted in August 2017. The Water Corporation's submission at the time indicated that the density increases "may have implications for the water and sewerage systems in the locality" and that the proposed town centre zoning changes will be incorporated into a future review of water and wastewater planning for the area. The submission went on to state that consideration would be given by the Water Corporation for any upgrades to infrastructure and if upgrades to the local water and wastewater reticulation pipes will be needed at the development stage.</p> <p>2. That the suitability of any site for the discharge of trade waste into the Water Corporation's wastewater system will</p>	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>system. Some of the light Industrial area is unsewered and some is served with a vacuum system. Therefore the suitability of the site will vary, the discharges to the Corporation's wastewater system will be subject to a trade waste application. Therefore it is recommended that the suitability of the site should be ascertained prior to a development proposal.</p>	<p>need to be ascertained prior to development is noted. This requirement will form part of any development application.</p>	
10.	<p>Department of Primary Industries and Regional Development (Sustainability and Biosecurity) 3 Baron-Hay Court South Perth WA 6151</p>	<p>No objection.</p>	<p>Noted.</p>	<p>That the submission be noted.</p>
11.	<p>Department of Biodiversity, Conservation and Attractions (South West Region) PO Box 1693 Bunbury WA 6230</p>	<p>No comment. It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.</p>	<p>Noted.</p>	<p>That the submission be noted.</p>
12.	<p>Department of Education (Asset Planning and Services) 151 Royal Street East Perth WA 6004</p>	<p>No objection. The City should ensure that all future development applications have due regard to the requirements of the WAPC's Development Control Policy 2.4 – School Sites and draft Operational Policy 2.4 – Planning for School Sites. A Development Application should not be supported if it would result in a land use that is incompatible with a nearby school site. The Department would welcome the opportunity to review any proposal on land that is within close proximity of a public school site.</p>	<p>The draft Operational Policy 2.4 states that land uses such as service stations, restricted premises, licensed premises (eg. taverns, small bars and liquor stores), consulting rooms and industrial uses are considered undesirable next to school sites.</p> <p>Existing school sites within the District are generally located amongst 'Residential' zoned properties, often separated by public open space and/or road reserve, with a small number of exceptions.</p> <p>The draft Operational Policy will be taken into account in the planning for future school sites.</p>	<p>That the submission be noted.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
Public Submissions				
13.	E. Hanley 86 Commonage Road Dunsborough WA 6281	<p>1. Dunsborough townsite's retail space is at capacity with no retail shops available. Spillage of retail sales outside of Dunsborough townsite is necessary.</p> <p>2. Sought clarification on impact of proposed Amendment on the established business within Dunsborough Lakes Enterprise Park.</p>	<p>1. Previous changes to the Scheme have expanded the 'Centre' zone within the Dunsborough Town Centre, along with development incentives being incorporated into the Scheme, such as plot ratio and height controls. The Additional Use 'A74' on the residential fringe of the Town Centre allows for uses such as 'Shop', 'Office' and 'Consulting Rooms'.</p> <p>There are also a number of vacant sites within the Town Centre that have not been developed. A Commercial Growth Analysis (Pracsys, October 2018) prepared to inform the drafting of the Dunsborough Precinct Structure Plan (PSP) estimated the distribution of floor space within the Dunsborough Town Centre. The analysis estimated 18% of net lettable area was found to be in vacant land. The Dunsborough PSP itself will likely consider development controls to address commercial floor space needs.</p> <p>The need for additional retail space will be considered through this Precinct Structure Plan which will, amongst other things, plan for land requirements to support economic activities in considering the growth and development of the Dunsborough Town Centre.</p> <p>2. Information was provided to the submitter that the proposed Amendment would not impact on the existing business. The subsequent response from the submitter did not indicate support or objection to the proposal.</p>	That the submission be noted.
14.	R. Prowse U4/12 Napoleon Promenade, Vasse WA 6280	<p>1. Support Amendment to promote use of properties in the retail centres.</p> <p>2. Vasse Village should be included in preventing leakage from the city/retail centres.</p>	<p>1. Noted.</p> <p>2. The Amendment does potentially affect the Vasse Village Centre, but to a somewhat lesser degree than the Busselton and Dunsborough centres. The Vasse Village</p>	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>3. There is currently unprecedented demand for residential properties, more agricultural land needs to be rezoned to residential in the Vasse/Dunsborough and greater Busselton areas to keep pace with the demand. If more residential property was available the growth of the area would take care of vacancies in these city centres.</p>	<p>Centre is divided into 'Local Centre' zone and 'Service Commercial' zone, based on the endorsed Activity Centre Plan (now referred to as a Precinct Structure Plan). Vasse Village Centre is identified as a 'Neighbourhood Centre' within the Local Planning Strategy (LPS). Of the 'Light Industry' and 'Service Commercial' areas of Vasse, the LPS identifies the prevention of retail activity being established where it could be located in activity centres.</p> <p>3. The LPS, endorsed in 2020, sets out the long-term broad planning direction for the District. The LPS identifies areas for expansion, recognising areas of current urban growth, along with medium (10-15 years) and long (+25 years) term urban growth.</p> <p>Further to this, the LPS identifies a number of Planning Investigation Areas (PIA) (introduced by the Leeuwin-Naturaliste Sub-regional Strategy), for which further consideration for potential rezoning and subdivision will occur. The DPLH is currently preparing 'high level' reports for the WAPC on all PIAs, including Dunsborough, Abbey, Vasse North and Vasse South.</p>	
15.	T. Huxley 27 Endicott Loop, Dunsborough WA 6281	<p>Support</p> <p>Both towns are located in a regional area where people move to be in a place with a country feel, not high density, fast growing urbanisation of the area that detracts from the very reason the area is so desirable.</p> <p>Careful strategic planning and limiting of growth is needed to protect the viability of the natural amenity and surrounds we are here for.</p> <p>The town centres need to push back the desire for large commercial precincts, outside the centre zones to enable the village atmosphere to continue. Once the large</p>	<p>The concern for striking a balance between development and protection of the amenity that the community enjoy are matters relevant in developing the LPS and the upcoming Busselton and Dunsborough Precinct Structure Plans. Amendment 40 is focused on aligning permissibilities in the Scheme with the zone objectives and the LPS, particularly in terms of ensuring retail uses remain primarily in the Centre zones.</p>	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		department stores are allowed in, the smaller businesses suffer and the devaluation of the area begins.		
16.	R.F. and J. Mountney 74-76 West Street, 8 Bussell Hwy, Busselton WA 6280	<p>Objection.</p> <p>1. The prohibition of land uses from the Service Commercial and other zones will be detrimental to existing businesses and to the establishment of new businesses in the Scheme area. Local governments should be providing support and strengthening local economies, the effects of this prohibition are counterintuitive.</p> <p>2. Evidence has not been presented which demonstrates the amendment would achieve its aim of stimulating the growth of the Busselton and Dunsborough city/town centres. The City's own retail consultant has identified several issues with the Busselton city centre which aren't caused by economic growth in the Service Commercial zone.</p>	<p>Noted.</p> <p>1. Amendment 40 seeks to align uses more appropriately with the objectives of the zones. The objectives of the 'Service Commercial' zone, for instance, includes:</p> <ul style="list-style-type: none"> • to accommodate commercial activities that require good vehicle access and/or large sites, • provide a range of wholesale sales, showrooms, trades and services that are generally not appropriate or cannot be accommodated in the Centre zones, • provide for development which will not result in a detrimental impact on surrounding commercial centres and has regard to the strategic importance and need to maintain the commercial primacy of the Regional Centre and Centre zones. <p>The Urbis Retail and Commercial Analysis, backed up by the peer review conducted by Pracsys, recommends that shop/retail uses need to be focused within the Centres and extols the benefits of co-locating retail together. This is also supported by the draft State Planning Policy 4.2 'Activity Centres', which identifies use classes that are considered to be 'Activity centre uses'.</p> <p>2. Multiple recommendations have been made by the Retail Analysis, divided into the following categories:</p> <ul style="list-style-type: none"> • Policy Controls • Infrastructure Investment • Placemaking and Council Initiatives • Partnership and Advocacy <p>This Amendment aims to address these issues in the context of other projects also planned such as the Busselton City Centre Precinct Structure Plan, including</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to remove reference to the 'Service Commercial' zone.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the proposed clause 3.5.3(e) is modified to include, at the end of the clause, the words: "<i>or are ordinarily ancillary, subsidiary or incidental to the predominant use</i>".</p> <p>That the Amendment be modified such that the permissibility of 'Bulky Goods Showroom' in the 'Regional Centre', 'Centre' and 'Service Commercial' zones is retained as a 'P' use in these zones.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>3. If, for example, a hardware store can't sell "domestic hardware", a stationery store can't retail "paper", a camping and outdoors store can't sell clothes, and a children's play centre can't have a small café for parents, these businesses won't move into the city centre where there is limited space and high rents — they will go to other local government areas or not establish themselves at all. Customers will drive to Bunbury or Perth to go to these stores, bypassing Busselton altogether.</p>	<p>urban design guidelines and the revitalisation of Mitchell Park. Other major projects include improving the connection between the Foreshore and the City Centre, upgrading the Busselton Margaret River Regional Airport and building a performing arts and convention centre. The City's economic development team focuses on assisting the development and growth of the local economy and supporting local businesses.</p> <p>3. A number of these examples would fall into the category of 'incidental activity'. Officers takes a fairly pragmatic approach towards incidental uses/activities and it is seen as important to find ways to avoid losing any necessary flexibility. Therefore, in order to improve clarity for landowners, proponents, decision makers and tribunals, officers recommend that the following words are included at the end of the proposed clause:</p> <p style="text-align: center;"><i>"...or are ordinarily ancillary, subsidiary or incidental to the predominant use."</i></p> <p>This is particularly appropriate for the "camping and outdoors store" and "children's play centre" examples provided.</p> <p>The term "domestic hardware" has been incorrectly interpreted as building supplies in a number of submissions. The term refers to items such as tableware, cooking utensils, bakeware and cutlery. There are several stores within the District whose core business is selling these goods; these businesses are appropriately classed as a 'Shop' and located within the CBD. A modification to proposed clause 3.5.3(e) is recommended to change the term "domestic hardware" to "houseware retailing". Further discussion on this matter, as well as 'incidental activities', is detailed within the report.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>4. The City's retail consultant Urbis proposes to improve cross-visitation between the city centre and the Service Commercial area to "attract more visitors and more spending to the retail core" (page 24). This proposal will do the opposite and will harm the city centre, contrary to the recommendations of the City's own experts.</p>	<p>In terms of "limited space in the CBD", at the time of the Retail Analysis (completed early in 2020), a number of empty commercial spaces existed and Busselton was considered to have a relatively high vacancy rate. Through 2020 and 2021 the economic landscape is vastly different, largely caused by the COVID pandemic and resultant closed State and international borders. It is unknown how long this situation will continue, but is not expected to be sustainable.</p> <p>Nevertheless, the redevelopment of the Busselton Central Shopping Centre is intended to increase available retail floor space by approximately 6,000m².</p> <p>The Busselton City Centre is considered to be largely under-developed, with a generous area being zoned to the then 'Business' zone under District Town Planning Scheme No. 20 in 1999. Now the 'Regional Centre' zone, this area is roughly bound by the Foreshore/Marine Terrace, Brown Street, Peel Terrace and West Street. Suitable development sites are documented in the Busselton City Centre Conceptual Plan (2014) such as between Camilleri and Brown Streets, and Albert and Peel Terrace, as well as areas between Duchess Street to Marine Terrace, outside the Queen Street core.</p> <p>4. The recommendation to improve connections will be considered through development of the Busselton City Centre Precinct Structure Plan and recently approved modifications to Busselton Foreshore Structure Plan, strengthening connections, particularly pedestrian links, between the Foreshore and CBD.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>5. Our business relies in part on passing trade, and the more successful businesses there are in the area, the more people who go past our business and the better the trade. Prohibiting retailers from selling certain items and prohibiting certain land uses narrows which businesses which can go into the area, reducing trade and harming all retailers (not just the prohibited ones).</p> <p>6. The current zoning regulations comply with the planning framework which encourages bulky goods retailing and showrooms in the 'Service Commercial' area (Local Planning Scheme and Strategy) in areas adjacent to activity centres (SPP4.2).</p>	<p>5. The objectives of the 'Service Commercial' zone encourage businesses that require good vehicular access and/or large sites. A number of uses remain open for consideration within the zone and this is reflected within the Zoning Table, including:</p> <ul style="list-style-type: none"> • 'Bulky Goods Showroom' (provided land uses are classed appropriately) and 'Trade Supplies', • 'Community Purpose', • 'Consulting Rooms' and 'Medical Centre', • 'Garden Centre', • 'Motor Vehicle, Boat or Caravan Sales' and 'Motor Vehicle Repair', • 'Service Station' and 'Motor Vehicle Wash', • 'Takeaway Food Outlet', <p>and others.</p> <p>6. The Amendment is aimed at ensuring genuine bulky goods retail meets the true intent for this land use and that land set aside for genuine bulky goods retail is protected from being taken up by shop/retail uses. Therefore the Amendment does not undermine the LPS and is not contrary to the aims of the Scheme. Out of centre development of shop/retail uses that undermines the hierarchy of activity centres should be discouraged, which is supported by the draft SPP4.2.</p> <p>The proposed modifications to the Amendment in relation to proposed sub-clause 3.5.3(e) and the permissibilities of the land use may reflect more certainty for appropriate development of bulky goods retailing within the 'Service Commercial' zone.</p>	
17.	D. & K. Carroll 3/17 Bussell Highway, Busselton WA 6280	<p>Objection.</p> <p>1. The prohibition of land uses from the Service Commercial and other zones will be detrimental to existing businesses and to the establishment of new</p>	This submission was identical to submission no. 16. Please refer to the Officer Comment adjacent to that submission.	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>businesses in the Scheme area. Local governments should be providing support and strengthening local economies, the effects of this prohibition are counterintuitive.</p> <p>2. Evidence has not been presented which demonstrates the amendment would achieve its aim of stimulating the growth of the Busselton and Dunsborough city/town centres. The City's own retail consultant has identified several issues with the Busselton city centre which aren't caused by economic growth in the Service Commercial zone.</p> <p>3. If, for example, a hardware store can't sell "domestic hardware", a stationery store can't retail "paper", a camping and outdoors store can't sell clothes, and a children's play centre can't have a small café for parents, these businesses won't move into the city centre where there is limited space and high rents — they will go to other local government areas or not establish themselves at all. Customers will drive to Bunbury or Perth to go to these stores, bypassing Busselton altogether.</p> <p>4. The City's retail consultant Urbis proposes to improve cross-visitation between the city centre and the Service Commercial area to "attract more visitors and more spending to the retail core" (page 24). This proposal will do the opposite and will harm the city centre, contrary to the recommendations of the City's own experts.</p> <p>5. Our business relies in part on passing trade, and the more successful businesses there are in the area, the more people who go past our business and the better the trade. Prohibiting retailers from selling certain</p>		

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>items and prohibiting certain land uses narrows which businesses which can go into the area, reducing trade and harming all retailers (not just the prohibited ones).</p> <p>6. The current zoning regulations comply with the planning framework which encourages bulky goods retailing and showrooms in the Service Commercial area (Local Planning Scheme and Strategy) in areas adjacent to activity centres (SPP4.2).</p>		
18.	A. Poppas 1/17 Bussell Hwy, Busselton WA 6280	<p>Objection.</p> <p>1. The proposed changes will not support or stimulate any economic growth in the CBD or encourage extra pedestrians due to the limited parking and limited shop rental space in the CBD. The CBD will shrink in pedestrian traffic and will actually be a detriment to existing businesses both in the CBD and in the service commercial area.</p>	<p>1. The comments provided within the submission have not been substantiated.</p> <p>In 2019 the City commissioned a Car Parking Utilisation and Turnover Survey to support the preparation of a Precinct Structure Plan for the Busselton City Centre. The purpose of the survey, together with a current and projected future needs analysis of car parking, was to assess the performance of the City's existing car parking management arrangements and also identify specific areas of under and over supply within the Busselton City Centre.</p> <p>The survey concluded that the Busselton City Centre does not have a shortage of parking supply. The survey also found that there is sufficient existing parking capacity to accommodate projected demand forecast for the next twenty years which supports assumptions in regard to likely Busselton Performing Arts and Cultural Centre (BPACC) parking demand. Furthermore, this indicates no requirement or impetus at this stage to construct additional car parking on the City's land at Harris Road in the near term.</p>	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
			<p>Despite the perceived lack of parking in the Busselton CBD, it is unlikely pedestrians need to walk more than 250 metres from a parked car to their intended destination. Encouraging more pedestrians in the main street is proven to increase vibrancy, passing/opportunistic purchases and trade, and therefore additional spend in local businesses.</p> <p>The Busselton CBD is to a significant degree underdeveloped and has enormous potential for expansion, within the bounds of the 'Regional Centre' zone. The purpose of the Retail Analysis was to determine the current and future level of floor space demand and supply within the City Centre. The Analysis indicated that floor space demand in the next five years will largely be taken up by the expansion of Busselton Central. Over the 10 year period from 2024 to 2034 there is potential demand to support another 3,600 sqm of retail space, although this could be achieved through utilisation of existing vacant retail tenancies or redevelopment of these sites.</p> <p>The LPS includes the strategy (at 8.2(c)) to <i>"support and pro-actively plan for activity centre development... to be developed as centres of the social and cultural life of their communities and not just as shopping centres"</i>.</p> <p>Whilst the Amendment refers to the retention of shop/retail within the Centre zones, the entertainment and accommodation uses are also crucial within the City Centre to strengthen the role of the Centre as the <i>highest order retail, entertainment, leisure and commercial precinct in the Busselton District"</i>, as identified in the Retail Analysis.</p> <p>Focusing these entertainment, leisure and accommodation uses within the City Centre will assist in improving links with the Foreshore, being the main tourism drawcard in the area.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>2. With all the businesses outlined in this amendment that are not permitted or discretionary there does not seem to be many options for any type of business or growth in the region.</p>	<p>2. The permissibility of land uses are categorised in accordance with the objectives of the zones concerned. In relation to uses that are permitted within the 'Service Commercial' zone, please refer to comments provided in response to submission number 16, at point 5.</p> <p>The officer comment at point 1, above, also discusses the potential for expansion within the 'Regional Centre' zone of the Busselton CBD and the importance of repurposing vacant tenancies.</p>	
19.	K. Fennessy 2 Bussell Highway, Busselton WA 6280	<p>Objection.</p> <p>1. The prohibition of land uses from the Service Commercial and other zones will be detrimental to existing businesses and to the establishment of new businesses in the Scheme area. Local governments should be providing support and strengthening local economies, the effects of this prohibition are counterintuitive.</p> <p>2. Evidence has not been presented which demonstrates the amendment would achieve its aim of stimulating the growth of the Busselton and Dunsborough city/town centres. The City's own retail consultant has identified several issues with the Busselton city centre which aren't caused by economic growth in the Service Commercial zone.</p> <p>3. If, for example, a hardware store can't sell "domestic hardware", a stationery store can't retail "paper", a camping and outdoors store can't sell clothes, and a children's play centre can't have a small café for parents, these businesses won't move into the city centre where there is limited space and high rents — they will go to other local government areas or not</p>	This submission was identical to submission no. 16. Please refer to the Officer Comment adjacent to that submission.	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>establish themselves at all. Customers will drive to Bunbury or Perth to go to these stores, bypassing Busselton altogether.</p> <p>4. The City's retail consultant Urbis proposes to improve cross-visitation between the city centre and the Service Commercial area to "attract more visitors and more spending to the retail core" (page 24). This proposal will do the opposite and will harm the city centre, contrary to the recommendations of the City's own experts.</p> <p>5. Our business relies in part on passing trade, and the more successful businesses there are in the area, the more people who go past our business and the better the trade. Prohibiting retailers from selling certain items and prohibiting certain land uses narrows which businesses which can go into the area, reducing trade and harming all retailers (not just the prohibited ones).</p> <p>6. The current zoning regulations comply with the planning framework which encourages bulky goods retailing and showrooms in the Service Commercial area (Local Planning Scheme and Strategy) in areas adjacent to activity centres (SPP4.2).</p>		
20.	J. Oldfield 33 Barlee Street & 34 Cook Street, Busselton WA 6280	<p>Concerns.</p> <p>1. There are Businesses in the LIA that have retail as part of their services. They work alongside the on-site fitting, storage, manufacturing side of the business and are the day to day office contact for that part of the business. They would be severely disadvantaged if the retail section had to move into the CBD. Two rents and extra staff to man the LIA premises would</p>	<p>1. In relation to 'incidental uses', please refer to comments provided in response to submission number 16, at point 3.</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to include, at the end of the clause, the words: "<i>or are ordinarily ancillary, subsidiary or incidental to the predominant use</i>".</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>make it impossible for such businesses to compete and continue to operate.</p> <p>2. What happens to the businesses in the Bunnings complex if retail is banned? Or is that under a different heading? Does big business hold sway over small business?</p>	<p>2. The majority of the uses within the 'Bunnings' complex are approved as 'Bulky Goods Showroom' uses (previously called 'Showroom'), along with a 'Recreation – Private' and 'Warehouse/Storage' facilities. These uses meet the current requirements of the Scheme as well as the proposed changes under Amendment 40.</p>	
21.	P. & S. Ioppolo 4/17 Bussell Highway, Busselton WA 6280	<p>Objection.</p> <p>1. The prohibition of land uses from the Service Commercial and other zones will be detrimental to existing businesses and to the establishment of new businesses in the Scheme area. Local governments should be providing support and strengthening local economies, the effects of this prohibition are counterintuitive.</p> <p>2. Evidence has not been presented which demonstrates the amendment would achieve its aim of stimulating the growth of the Busselton and Dunsborough city/town centres. The City's own retail consultant has identified several issues with the Busselton city centre which aren't caused by economic growth in the Service Commercial zone.</p> <p>3. If, for example, a hardware store can't sell "domestic hardware", a stationery store can't retail "paper", a camping and outdoors store can't sell clothes, and a children's play centre can't have a small café for parents, these businesses won't move into the city centre where there is limited space and high rents – they will go to other local government areas or not establish themselves at all. Customers will drive to</p>	<p>This submission was identical to submission no. 16. Please refer to the Officer Comment adjacent to that submission.</p>	<p>That the submission be noted.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>Bunbury or Perth to go to these stores, bypassing Busselton altogether.</p> <p>4. The City's retail consultant Urbis proposes to improve cross-visitation between the city centre and the Service Commercial area to "attract more visitors and more spending to the retail core" (page 24). This proposal will do the opposite and will harm the city centre, contrary to the recommendations of the City's own experts.</p> <p>5. Our business relies in part on passing trade, and the more successful businesses there are in the area, the more people who go past our business and the better the trade. Prohibiting retailers from selling certain items and prohibiting certain land uses narrows which businesses which can go into the area, reducing trade and harming all retailers (not just the prohibited ones).</p> <p>6. The current zoning regulations comply with the planning framework which encourages bulky goods retailing and showrooms in the Service Commercial area (Local Planning Scheme and Strategy) in areas adjacent to activity centres (SPP4.2).</p>		
22.	R.C. & A.E. Phillips 19 Bussell Highway, Busselton WA 6280	<p>Objection.</p> <p>1. The prohibition of land uses from the Service Commercial and other zones will be detrimental to existing businesses and to the establishment of new businesses in the Scheme area. Local governments should be providing support and strengthening local economies, the effects of this prohibition are counterintuitive.</p>	This submission was identical to submission no. 16. Please refer to the Officer Comment adjacent to that submission.	That the submission be noted.

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>2. Evidence has not been presented which demonstrates the amendment would achieve its aim of stimulating the growth of the Busselton and Dunsborough city/town centres. The City's own retail consultant has identified several issues with the Busselton city centre which aren't caused by economic growth in the Service Commercial zone.</p> <p>3. If, for example, a hardware store can't sell "domestic hardware", a stationery store can't retail "paper", a camping and outdoors store can't sell clothes, and a children's play centre can't have a small café for parents, these businesses won't move into the city centre where there is limited space and high rents — they will go to other local government areas or not establish themselves at all. Customers will drive to Bunbury or Perth to go to these stores, bypassing Busselton altogether.</p> <p>4. The City's retail consultant Urbis proposes to improve cross-visitation between the city centre and the Service Commercial area to "attract more visitors and more spending to the retail core" (page 24). This proposal will do the opposite and will harm the city centre, contrary to the recommendations of the City's own experts.</p> <p>5. Our business relies in part on passing trade, and the more successful businesses there are in the area, the more people who go past our business and the better the trade. Prohibiting retailers from selling certain items and prohibiting certain land uses narrows which businesses which can go into the area, reducing trade and harming all retailers (not just the prohibited ones).</p>		

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>6. The current zoning regulations comply with the planning framework which encourages bulky goods retailing and showrooms in the Service Commercial area (Local Planning Scheme and Strategy) in areas adjacent to activity centres (SPP4.2).</p>		
23.	<p>Primewest (Busselton) Pty Ltd, Lot 300 Strelly Street, Busselton</p> <p>Represented by Planning Solutions</p>	<p>Objection.</p> <p>1. Lack of evidence to support claim of impact due to retail leakage to 'Service Commercial' and 'Light Industry' zoned areas. None of the identified weaknesses and threats (in the Retail Analysis) relate to the primary purpose of Amendment 40 to reduce retail leakage.</p>	<p>Noted.</p> <p>1. It is agreed there is limited evidence in the Retail Analysis to support these impact claims. However, this does not mean that negative impacts do not exist, just that they have not yet been measured and, to be clear, measuring such impacts was not the fundamental purpose of the Retail Analysis.</p> <p>The Power Centre is identified as a competing centre that impacts the City Centre in the body of the Retail Analysis. The relationship between the 'Shop' (Discount Department Store) and 'Shop' (Supermarket) at the Power Centre and (current/predicted) vacancy levels lies in the missed opportunity for the City Centre to accommodate these or similar uses in either vacant spaces or otherwise developable land. Continued out of centre development would inhibit vacancies in the City Centre from being occupied as spend would be encouraged and undertaken elsewhere.</p> <p>Draft SPP 4.2 identifies the following outcome "<i>The primacy of activity centres is reinforced, and out-of-centre development that undermines the hierarchy of activity centres is discouraged</i>". This is a priority of the State Planning Framework as out of centre developments impact the viability and vibrancy of activity centres, which in turn affects vacancy levels.</p> <p>Shop/retail uses in the identified areas are appropriate when developed to a scale that meets the needs of workers</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to remove reference to the 'Service Commercial' zone.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the proposed clause 3.5.3(e) is modified to include, at the end of the clause, the words: "<i>or are ordinarily ancillary, subsidiary or incidental to the predominant use</i>".</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>2. There is a lack of evidence to support claim of vacancies related to retail leakage to 'Service</p>	<p>and visitors to Service Commercial and Light Industrial areas (i.e. lunch bars, take away food outlets, and small convenience stores such as those in Service Stations). This is supported by SPP 4.2 that indicates commercial uses in industrial areas should provide predominantly for the needs of workers. As out of centre development is only allowed in Mixed Business precincts when uses cannot be accommodated in or adjacent to activity centres, it is assumed that the same requirement to address worker needs should be applied. The scale of development that has occurred in the Power Centre is well beyond this level and does compete with the Busselton City Centre.</p> <p>Amendment 40 proposes to align the Zoning Table with the zone objectives and the Local Planning Scheme, by ensuring shop/retail uses remain focused within recognised and identified Activity Centres.</p> <p>With regard to the Retail Analysis, page 5 identifies as a Challenge and a Threat: <i>"As the Vasse Centre and the Busselton Service Commercial area continue to consolidate their role for convenience retail and showroom retail respectively, it will be increasingly important for the Busselton City Centre to consolidate and refine its role as the highest order retail, entertainment, leisure and commercial precinct in the Busselton District."</i></p> <p>The objection does not acknowledge this statement within the Retail Analysis. Regardless, the Amendment has identified planning issues that need to be addressed outside of the Retail Analysis. The purpose of the Analysis was to support development of the Busselton Precinct Structure Plan, not to specifically justify Amendment 40.</p> <p>2. It is agreed there is a lack of analysis to support claims that retail leakage has led/leads to vacancies in the CBD.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>Commercial' and 'Light Industry' zoned areas. Businesses that have moved out of the Busselton City Centre into 'Service Commercial' areas are essentially 'Bulky Goods Showroom' uses and were not suited to the City Centre.</p> <p>3. The Amendment will affect the ability to attract 'Bulky Goods Showroom' uses to Busselton.</p>	<p>Conversely, the claim within the objection that vacancies are 'not high' in the Busselton City Centre is not substantiated either.</p> <p>The businesses identified in the submission that did relocate (Retravisio and Carpet Court) are genuine 'Bulky Goods Showroom' uses and these are supported by the Scheme.</p> <p>The recent shop/retail development in the 'Service Commercial' zone (the Power Centre) has occurred at the opportunity cost of development in the Busselton City Centre, meaning that vacancies in the City Centre might not necessarily have been created and/or could have more readily been filled had the out of centre development not occurred. Ongoing out of centre development would continue to undermine the consolidation and viability of the City Centre to continue successful development as the primary centre.</p> <p>This outcome would strongly conflict with draft SPP4.2 wherein "The primacy of activity centres is reinforced, and out-of-centre development that undermines the hierarchy of activity centres is discouraged".</p> <p>3. The proposals within Amendment 40 allows for 'Bulky Goods Showroom' uses in activity centres, 'Service Commercial' and 'Light Industry' zones. Nevertheless, there are two components of the Amendment that could be perceived to discourage some operators from locating in Busselton; (1) the change to the 'Bulky Goods Showroom' definition, and (2) the restriction of sales of certain products.</p> <p>A primary intention of Amendment 40 is to address the leakage of shop/retail from designated Activity Centres,</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>4. Amendment 40 will affect the ability of Busselton to attract investment such as 'Shop' (Discount Department Store) and 'Shop' (Supermarket) if they were forced to located in the Busselton City Centre.</p>	<p>particularly the Busselton City Centre. The current definition of 'Bulky Goods Showroom' now includes a test that can be applied without restriction of the types of uses allowed. This could allow shop/retail operators to argue that they should reasonably be allowed in the 'Service Commercial' zone, due to a need for large showroom areas and vehicle access to receive goods. This is not aligned with draft SPP 4.2, which identifies shop/retail uses as those that should appropriately be located within Activity Centres. The proposed change to the definition of 'Bulky Goods Showroom', by substituting the "or" with "and" between parts (a) and (b), is considered critical clarifying this point.</p> <p>With regard to the restriction of sales of certain products, proposed sub-clause 3.5.3(e) is recommended to be altered to remove reference to the 'Service Commercial' zone. This will reflect the existing clause 3.5.4(e), in that it only refers to the 'Light Industry' and 'General Industry' zones. This will reduce the proposed restrictions on the 'Service Commercial' zone, being located on the periphery of the Busselton City Centre, and better align with the recommended locations for bulky goods/large format retail identified in the draft SPP 4.2 Implementation Guidelines. Industrial areas are not the recommended location for shop/retail sales, as discussed at comment no. 1, above.</p> <p>4. The State Planning Framework, particularly through draft SPP 4.2, identifies that shop/retail uses that have located in the Power Centre would be better situated in Activity Centres such as the Busselton City Centre. This is reflected in the fact that there are multiple supermarkets, and until recently a Discount Department Store, well-established in the City Centre..</p> <p>There are a number of examples of more effective and appropriate locations where these uses could have been</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>5. Uses that are proposed to be prohibited are legitimate and appropriate uses in the 'Light Industry' zone in that they provide amenities for employees working within the light industrial areas, and allow flexible application of possible land uses within the zone ('amusement parlour', 'convenience store', 'market', 'medical centre', 'small bar', and 'tavern', with reference also to the limitations proposed on 'brewery' and 'winery' uses).</p>	<p>introduced. Busselton Central has had an extension approved that will support a Discount Department Store. The former Woolworths site could have been redeveloped to accommodate the Shop (Supermarket) or Markets now located at the Power Centre. The City has a significant landholding at Harris Road that could potentially be developed, and there are a number of other undeveloped areas in the City Centre well suited for such development within the following central blocks:</p> <ul style="list-style-type: none"> • Between Cammilleri and Brown Streets • Between Albert St and Peel Tce • Between Duchess St and Marine Tce, outside the Queen Street core <p>Suitable development sites were recognised and indicated in the Busselton City Centre Conceptual Plan (2014) have been readily available for reference by prospective business developers; as, too, City advice and assistance. The statement made by Deep End Services that these shop/retail uses would 'almost certainly' not have occurred but for the 'Service Commercial' and 'Light Industry' zone is considered to be factually incorrect.</p> <p>5. These uses that are proposed by Amendment 40 to become prohibited in the 'Light Industry' zone are identified as Activity Centre uses under draft SPP4.2 and are generally identified as <u>not suited</u> to light industrial areas. SPP4.2 (2010) states that commercial uses in industrial areas should be limited to meeting the core local convenience needs of workers.</p> <p>Limitations on breweries and wineries relate to the ability of these uses to offer food and beverage services similar to a bar or restaurant, which are important Activity Centre uses. These uses would not assist the operation of</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p data-bbox="456 580 1075 703">6. Ambergate North/Chapman Hill Road and Dunsborough Lakes Enterprise Park are excluded from proposed restrictions as they are zoned 'Special Use' and not 'Service Commercial' or 'Light Industry'.</p> <p data-bbox="456 874 1075 1062">7. Use of <i>State Planning Policy 4.2 Activity Centres for Perth and Peel</i> (SPP 4.2) in the justification for Amendment 40. Asserts SPP 4.2 incorrectly referenced as it does not contain provision relating to primacy of CBDs and retail leakage. SPP 4.22 does not apply to the Busselton area.</p>	<p data-bbox="1140 288 1780 539">businesses appropriate in the light industrial area, or meet the core daily needs of workers. Nor are they necessary given the light industrial areas of Busselton and Vasse are only a few minutes' drive from the Centres, unlike the Perth Metropolitan area. The Amendment proposes to instead promote the manufacture/production side of these particular land uses (breweries and wineries) in industrial areas.</p> <p data-bbox="1099 580 1780 831">6. Officers acknowledge this is an issue that needs to be addressed. However, the areas identified in the submission are legacy areas guided by Structure Plans and it would be inappropriate to make this a modification to Amendment 40. Instead the development aims and objectives of these areas will be better aligned through the preparation of the new Scheme (LPS 22), or a standalone Amendment. This is discussed in greater detail within the Officer Report.</p> <p data-bbox="1099 874 1780 1257">7. First and foremost the Amendment document states that the main purpose of SPP 4.2 (2010) is to specify broad planning requirements for the planning and development of new Activity Centres and the redevelopment and renewal of existing centres in Perth and Peel. The Amendment document also states that while the SPP primarily contends with the Perth and Peel region, it can also be used as a relevant guiding policy for regional centres. SPP 4.2 (2010) is referenced as a relevant policy implication (as a guiding policy) under heading 2.2, but is not mentioned within the explanation and justification section in Part 4.</p> <p data-bbox="1140 1299 1780 1422">SPP 4.2 (2010) contains a set of statements essentially aimed at the distribution of uses that will not undermine the hierarchy of Activity Centres. This includes a main objective of the policy in recognising the need for retail</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
			<p>hierarchy, structure and concentrating suitable commercial activity within Activity Centres.</p> <p>Section 5.6 of SPP 4.2 particularly refers to ‘out of centre development’ and states that land uses “likely to attract a significant number of employees or users and/or generate significant vehicle trips should generally be located in, or adjacent to, activity centres.” Further, that “where such uses cannot be accommodated within, or adjacent to, activity centres development should be restricted to established Mixed Business or equivalent zones with good access to public transport, rather than being dispersed.”</p> <p>The SPP goes on to make numerous statements about bulky goods retailing (section 5.6.1), including that such a retail use should not involve the sale of food, clothing or personal effects goods and that these uses should be located adjacent to, or in close proximity to, Activity Centres.</p> <p>It has been noted within the Officer Report that the DPLH has recently released a revised version of SPP 4.2 for public comment. This draft SPP 4.2 specifically states that <i>“the objectives, outcomes and measures of this policy may be applied outside of the abovementioned region scheme areas [Perth, Peel and Greater Bunbury], as applicable, to guide the preparation and review of local planning proposals. The application of this policy in such areas shall be at the discretion of the [WAPC] and have due regard to any relevant provisions relating to activity centres role, function and hierarchy in the Local Planning Framework...”</i>.</p> <p>SPP 4.2 and the draft SPP 4.2 are both given due regard in the formulation of this Amendment.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>8. By restricting the types of bulky goods retailing that can be undertaken in the Busselton Light Industrial Area, the City is undermining its own Local Planning Strategy (LPS) and counter to the aims of the Scheme. The LPS encourages bulky goods retailing in the Busselton LIA. The proposed prohibitions (in the form of proposed clause 3.5) will create uncertainty and confusion for retailers and property owners. This will ultimately discourage large format retail from establishing in Light Industrial and Service Commercial sites and retailers would not be permitted to sell their full range of products. For example:</p> <ul style="list-style-type: none"> • Bunnings – unable to sell food at their café, sausage sizzle, hats, gloves, work boots or work wear, or any ‘domestic hardware’. • Spotlight – unable to sell paper products (cardboard, scrapbooks, napkins), glassware (jars, mirrors, drinking glasses, glass bakeware), clothing items (bath robes). • A stationery supplier would not be able to sell paper products. • Children’s play centre will not be able to sell food or drinks for children or parents. • An indoor recreation centre will not be able to sell food or drinks. <p>9. The references in Amendment 40 claiming the definition of ‘Bulky Goods Showroom’ has broadened and ‘Shop’ has narrowed are unfounded. Deviation from the State definition will not align with State Government objectives.</p>	<p>8. The Scheme allows ‘Bulky Goods Showroom’ uses in the ‘Light Industry’ zone as a ‘D’ use and this is not proposed to change. Proposed or potential uses should be correctly classified and be consistent with the current planning framework. The Amendment is aimed at ensuring genuine bulky goods retail meets the true purpose and intent for this land use and that land set aside for genuine bulky goods retail be protected from being taken up by shop/retail uses. Therefore, the Amendment does not undermine the LPS and is not contrary to the aims of the Scheme.</p> <p>The examples provided by the submission would each fall into the definition of ‘incidental activities’. The Officer response to this matter of incidental activities, along with the meaning of ‘domestic hardware’, is provided at submission no. 16, comment 3.</p> <p>9. The definition of ‘Bulky Goods Showroom’ has been broadened as the new definition allows for two considerations to assess the suitability of non-defined floor space uses. Shop/retail operators could argue they should be allowed in ‘Service Commercial’ and ‘Light Industry’ areas due to the need for large showroom areas and vehicle access for customers to receive goods. For instance, a supermarket could argue it requires a large space and vehicular access for the receipt of goods. In this way, the</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>10. Changes to land use permissibility in the 'Light Industry' zone and restrictions on the operation of 'Breweries' and 'Wineries'. These uses provide amenities for employees working within the Light Industrial areas, and allow flexible application of possible land uses within the zone.</p>	<p>current land use definition is inconsistent with the WAPC endorsed LPS.</p> <p>The City seeks to collaborate constructively with the State Government to determine a suitable solution to ensure the 'Bulky Goods Showroom' definition does not undermine the planning framework, which clearly states that shop/retail uses should locate in Activity Centres. It is hoped that progressing this Amendment will initiate appropriate discussions. Amendment No. 40 is trying to ensure development adheres to the objectives and intent of the LPS and the State Planning Framework (including draft SPP 4.2) in protecting the primacy of Activity Centres by reducing out of centre development and protecting land that is highly appropriate for 'Bulky Goods Showroom' uses from being taken up by Shop/Retail uses.</p>	
			<p>10. As mentioned above, uses should be correctly classified and be consistent with the planning framework. The uses that are proposed to be altered to 'not permitted' within the 'Light Industry' zone (because they are typically associated with a social element) include 'Amusement Parlour', 'Small Bar' and 'Tavern'. Those that are essentially retail uses include 'Convenience Store', 'Corner Shop' and 'Market'. These social and retail uses are most appropriately located within the Centre zones, where they can be established within an appropriate walkable catchment and support similar uses and activities within the main business and retail Centre. 'Medical Centre' is also proposed to become 'not permitted' in the 'Light Industry' zone to ensure these developments are located so as to enable better access to other complementary services as well as public transport. This intention is entirely consistent with draft SPP 4.2, which identifies those uses as 'Activity Centre Uses' and that <i>"Local planning schemes should ensure that desired activity centre uses are located within</i></p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>11. Amendment 40 is justified on a tenuous link that restricting uses will help promote the tourism industry. 'Service Commercial' and 'Light Industrial' operators are not targeting tourists.</p>	<p><i>activity centres through appropriate zoning and use class permissibility."</i></p> <p>SPP 4.2 (2010) states that commercial uses in industrial areas should be limited to meeting the local convenience needs of workers. This matter was tested at the State Administrative Tribunal in <i>Realcom Group Pty Ltd v Metropolitan Redevelopment Authority [2020] WASAT 150</i> in considering a Liquor Store in an industrial park. The Tribunal found that (58) "the 'day-to-day needs of local employees' refers to the needs of employees whilst performing their functions as employees during the normal course of their employment..." and that this includes "...services for the provision of food but not the provision of alcohol." This would include uses such as lunch bars and takeaway food outlets as currently provided for by the Scheme. No changes are proposed to the permissibility of these uses within these zones. These uses allow for multi-purpose visits and provide suitable amenity for workers and visitors.</p> <p>The limitations on breweries and wineries relate to their ability to offer food and beverage services similar to a bar or restaurant and is consistent with draft SPP4.2 which states these are Activity Centre uses. Both the Busselton and Vasse Light Industrial Areas are within relative close proximity to the respective Activity Centres to enable workers to make use of those particular amenities.</p> <p>11. A main intention of Amendment No. 40 is to reduce shop/retail development from occurring outside of designated Activity Centres, which is an objective of the draft SPP 4.2. This is to strengthen the primacy of the Busselton City and Dunsborough Town Centres and avoid out of centre development that could potentially dilute the efficiency of those Activity Centres.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>12. The LPS has an inherent assumption that all retail (including 'Bulky Goods Showroom') should be located in the central area and any retailing established outside the central area is damaging.</p>	<p>A strong retail and restaurant 'hub' within those Activity Centres, with activated public streets and high levels of pedestrian amenity, becomes much more attractive to the tourist market. When this outcome becomes eroded and fragmented because shop/retail and restaurant/café uses spread into the 'Service Commercial' and industrial zones, the ability for Centres to create that vibrant and attractive node for tourists reduces, with flow on effects for the local community.</p> <p>Tourism is just one important aspect and consideration of Amendment 40. Uses allowed to locate within 'Light Industrial' areas and 'Service Commercial' areas should not be tourist attractors. An example is the 'Markets' at the Power Centre, being 'Service Commercial' zoned and likely to be a tourism attraction, where this development would have been better located within the City Centre to benefit from, and provide benefit to, complimentary land uses within a legible pedestrian precinct. Encouraging investment in the Centre is essential in creating new floor space that will link to the Foreshore. The City is using Amendment No. 40 to guide such developments to the Centre zones in future, instead of Service Commercial or Light Industrial areas, in alignment with the State Planning Framework.</p> <p>12. The LPS has been developed through an extensive process, including consultation with the community, and endorsed by the WAPC as recently in March 2020. It is therefore considered to be a contemporary and relevant document.</p> <p>Following initiation of Amendment 40, the draft SPP 4.2 was released for public comment. This document states that shop/retail uses should locate in activity centres and requires an 'impact test' for proposed shop/retail</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>13. Disagree with the Retail Analysis finding that there will be little to no demand for 'Bulky Goods Showroom' floor space despite strong population growth. If low 'Bulky Goods Showroom' projections were true the Council would have no concerns about future threats to the City Centre.</p>	<p>developments over a certain size, where these are proposed out of Centres. It is clear that the assumption that shop/retail uses should locate in activity centres is aligned with the State Planning Framework. Draft SPP 4.2 identifies 'Bulky Goods Showroom' uses as activity centre uses and also specifies that they should be located adjacent to an activity centre. Amendment 40 allows for <i>genuine</i> 'Bulky Goods Showroom' uses in appropriate zones outside of the City Centre ('Service Commercial' and 'Light Industry' zones).</p>	
		<p>14. Vacancy levels in the Busselton City Centre are not unusually high for a Town Centre and have decreased since 2018.</p>	<p>13. High levels of 'Bulky Goods Showroom' demand would not be addressed in the City Centre but in the 'Service Commercial' zone, and potentially, 'Light Industrial' areas. Amendment 40 proposes to limit shop/retail uses from developing in those 'Service Commercial' and 'Light Industrial' zones, as this will be key to ensuring these areas have sufficient available zoned land for their intended uses. As stated above, genuine 'Bulky Goods Showroom' uses are intended to be developed in 'Service Commercial' areas, and potentially 'Light Industrial' areas, in line with the planning framework.</p>	
			<p>14. Neither the Retail Analysis nor the objection provide context to understanding what is a high or low performing Town Centre with regard to vacancies. The drop in vacancy appears to be linked to an increase in expenditure, likely associated with intrastate visitation due to COVID and is not likely reflective of the long-term health of the City Centre. Further modelling could feasibly be undertaken to better understand how the Busselton City Centre compares to high performing regional town centres and to regional town centres where high levels of out of centre development have been allowed to occur. However, this is not considered necessary, nor recommended at this time.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>15. The (former) Woolworths vacancy was not due to business decentralisation, without the vacant Woolworths floor space, vacancy would be only 8% of total floor space and that higher vacancy could be expected due to the economic downturn the State has experienced in the past 6 years. The large purpose-built Woolworths store is not easily adapted to the purpose of other tenants.</p> <p>16. Vasse centre development was not identified as a factor affecting the Busselton City Centre.</p>	<p>15. No, the Woolworths vacancy did not occur due to the Power Centre. However, Officers consider that the 'Shop' (Supermarket) or 'Market' could have been successfully developed at the former Woolworths site if it had not been allowed to develop at the Power Centre. The claim that the former Woolworths building is not easily adapted for other tenancies may be true for certain uses, however, new supermarkets have been opened in redeveloped buildings elsewhere. For example, at Altone Park shopping centre (Beechboro) a specialty supermarket (NP Oriental Supermarket) was recently redeveloped to accommodate an Aldi. It would seem feasible to modify an old Woolworths layout to accommodate the 'Shop' (Supermarket) use at the Power Centre. The site could also potentially house a market such as that at the Power Centre with appropriate redevelopment.</p> <p>The statement regarding the State's economic downturn is a moot point as the relevant industries are population driven and there has been population growth in the City of Busselton over this period. While the rate of growth may have slowed, the fact that there has been population growth and that vacancies have not been filled indicates that increased expenditure associated with such a trend is not making its way into the City Centre as preferred.</p> <p>16. The Retail Analysis does state that the Vasse Village has had some impact, but this centre is part of the Activity Centre hierarchy and plays a role clearly defined role in providing for the daily and weekly shopping needs of its current and future surrounding population. Draft SPP 4.2 states that shop/retail floor space should be distributed to provide equitable access for the community. The LPS has identified floor space allowances for the Vasse centre to meet local access needs for its catchment which would not undermine the Busselton City Centre. The Power Centre is an out of</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>17. Amendment 40 did not acknowledge structural problems in the Busselton City Centre, including its own spatial pattern of development over many blocks, poor connections, the vacant (former) Woolworths and a lack of parking in key areas.</p> <p>18. The Retail Analysis did not measure the benefit of having these retailers (Kmart, Aldi, Origins Market) in the Busselton economy.</p> <p>19. The uses at the Primewest Busselton site and in the 'Light Industry' zone in general do not compete with uses in the City Centre and are not suited to the City Centre.</p>	<p>centre development and while the uses that have been developed at the site were allowed, they were contrary to the Activity Centre hierarchy and there is more than enough land to accommodate them in the City Centre.</p> <p>17. Addressing structural problems of the Busselton City Centre was not the principal purpose of the amendment. This will be explored in far more detail through the preparation of the Busselton Precinct Structure Plan in 2022.</p> <p>18. The purpose of the Retail Analysis was not to assess the benefits of development. The turnover at the developments mentioned will only be partially additional to the expenditure that would have occurred without them (i.e. without 'Shop' (Supermarket) at the Power Centre, most consumers would likely have shopped at Supermarkets in the CBD; without the 'Shop' (Discount Department Store), most consumers would likely have shopped at the Discount Department Store that has now closed in the City Centre; etc.). It is not seen as plausible that many residents of the subject catchment would have chosen to drive to Bunbury to shop at the brand operators that are now located in the Power Centre instead of shopping locally as their offering is not that differentiated.</p> <p>Essentially, the out of centre shop/retail development that has occurred at the Power Centre has reduced the ability of the City Centre to have developed those uses.</p> <p>19. Genuine 'Bulky Goods Showroom' and 'Trade Supplies' are currently a 'D' use in the 'Light Industry' zone and proposed to become a 'D' use in the 'Service Commercial' zone (from a 'P' use). Amendment 40 allows these uses to locate outside the City Centre and even provides an additional</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>20. The changes to land use permissibilities limit the potential for some uses that could work well in Light Industrial areas. This includes medical centres and convenience stores.</p>	<p>zoning for Trade Supplies (in the 'General Industry' zone, where it was previously a prohibited use).</p> <p>20. The Retail Analysis identified the need to introduce suitable non-retail uses into the City Centre. 'Medical Centres' are identified as Activity Centre uses that should locate in activity centres. Allowing a 'Medical Centre' to open at the Primewest Busselton location (Strelly Street) could therefore actively undermine the ability of the City Centre to develop a new or additional viable 'Medical Centre'.</p> <p>The objection highlights that the Caltex located at the Primewest Busselton site currently addresses the convenience needs of the light industrial area. The Scheme, in its current form, allows for 'Lunch Bars' and 'Service Stations' to meet the needs of local worker populations. No change is being proposed through Amendment 40 in this respect.</p>	
24.	<p>Realview Holdings Pty Ltd Lots 173-179, 181 and 182 West Street and Bussell Highway, West Busselton (Busselton Power Centre)</p> <p>Represented by Planning Solutions</p>	<p>Objection.</p> <p>1. Lack of evidence to support claim of impact due to retail leakage to 'Service Commercial' and 'Light Industry' zoned areas. None of the identified weaknesses and threats (in the Retail Analysis) relate to the primary purpose of Amendment 40 to reduce retail leakage.</p> <p>2. There is a lack of evidence to support claim of vacancies related to retail leakage to 'Service Commercial' and 'Light Industry' zoned areas. Businesses that have moved out of the Busselton City Centre into 'Service Commercial' areas are essentially 'Bulky Goods Showroom' uses and were not suited to the City Centre.</p>	<p>1. Refer to comments provided in response to submission no. 23, at point 1, above.</p> <p>2. Refer to comments provided in response to submission no. 23, at point 2, above.</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to remove reference to the 'Service Commercial' zone.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the Amendment be modified such that the permissibility of 'Bulky Goods Showroom' in the 'Regional</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>3. Amendment 40 is inconsistent with previous planning at the Power Centre.</p> <p>4. The Amendment will affect the ability to attract 'Bulky Goods Showroom' uses to Busselton.</p> <p>5. Amendment 40 will affect the ability of Busselton to attract investment such as 'Shop' (Discount Department Store) and 'Shop' (Supermarket) if they were forced to located in the Busselton City Centre.</p> <p>6. Uses that are proposed to be prohibited are legitimate and appropriate uses in the 'Service Commercial' zone in that they provide amenities for employees working within the area, and allow flexible application of possible land uses within the zone ('amusement parlour', 'brewery', 'cinema/theatre' 'convenience store', 'corner shop', 'exhibition centre', 'hotel', 'market', 'motel', 'reception centre', 'restaurant/café', 'restricted premises', 'small bar', 'tavern' and 'winery', with reference also to the limitations proposed on 'brewery' and 'winery' uses). Also claim that these uses complement the current uses at the Power Centre.</p>	<p>3. The Power Centre was always intended to be developed as a Bulky Goods Showroom precinct with other uses that are considered suited to the 'Service Commercial' zone. As quoted in the submission, "the use class 'shop' is not a use that is permitted in the Restricted Business zone in response to the need to specifically provide for additional restricted business floor space". Amendment 40 seeks to protect the primacy of Activity Centres, as per the LPS and draft SPP 4.2, whilst ensuring 'Service Commercial' areas are able to accommodate 'Bulky Goods Showroom' and other uses that should more appropriately be located in that zone.</p> <p>4. Refer to comments provided in response to submission no. 23, at point 3, above.</p> <p>5. Refer to comments provided in response to submission no. 23, at point 4, above.</p> <p>6. The original 'Restricted Business' zone (the precursor to the 'Service Commercial' zone) did not allow for 'Shop', as mentioned within the submission, with the land being zoned in order to "provide for additional restricted business floor space".</p> <p>The Scheme allows for 'Lunch Bars', 'Service Stations' and 'Takeaway Food Outlets' within this zone and no change is proposed by the Amendment. These uses are allowed to sell food and beverage items, providing for the daily needs of workers and visitors to Service Commercial areas.</p> <p>The uses 'Cinema/Theatre', 'Small Bar', 'Tavern', 'Restricted Uses', 'Amusement Parlour', 'Exhibition Centre' and 'Hotel' are all identified as Activity Centre uses by the</p>	<p>Centre', 'Centre' and 'Service Commercial' zones is retained as a 'P' use in these zones.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
			<p>draft SPP4.2 and should be located in an Activity Centre such as the Busselton City Centre. These uses are entertainment and accommodation uses that are not required to address the daily needs of workers and visitors during working hours as would be appropriate for Service Commercial areas (Brewery and Winery are addressed separately below).</p> <p>It is essential that developable land be protected in Service Commercial areas, particularly the Power Centre, to provide for 'Bulky Goods Showroom' and other more suitable uses. Draft SPP4.2 states that "The preferred location of bulky goods/large format retail is in precincts on the periphery of activity centres and the regional road and public transport networks", which aligns with the Power Centre.</p> <p>Allowing night-time uses to locate at the Power Centre would be at the cost of having night-time uses in the City Centre and would limit and off-set the potential for the Busselton City Centre to develop its own vibrant night-time economy.</p> <p>Should a 'Brewery' or 'Winery' be serving the purpose of also providing for the night-time economy (i.e. serving food and beverages, playing music, etc) it would be much more appropriate for this use to be in the City Centre. Additionally, there is likely limited crossover between the Power Centre and the Busselton City Centre for such uses as walkability is compromised and it is not appropriate to encourage people to drive between night-time venues due to the likely consumption of alcohol. These uses are not required to meet the daily needs of workers and visitors to Service Commercial areas and should not, therefore, be provided for in these areas.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>7. The Power Centre will not affect the tourism potential of the Busselton City Centre. There is cross visitation by non-residents and the Market at the Power Centre would attract further tourism that would visit the City Centre.</p>	<p>These types of uses are not in-line with the intention of the Power Centre which is to support 'Bulky Goods Showroom' uses, apart from the specific shop uses identified in the LPS21 (i.e. 'Shop' (Supermarket) and 'Shop' (Discount Department Store)).</p> <p>The statements made in the submission regarding the complementary nature of night-time activities and the intention of the developer to continue creating shop/retail activities, demonstrates the need to implement clear planning guidance regarding these areas to preserve land suitable to 'Bulky Goods Showroom' and other uses that require a Service Commercial and Light Industrial zoning.</p> <p>7. There is an inconsistency within the submission in that Planning Solutions indicate that non-residents visit the Power Centre and a 31% cross over to the Busselton City Centre is additional visitation, whereas Deep End Services state that the uses at the Power Centre are not related to tourists. It is agreed that the current uses at the Power Centre are not necessarily tourism attractors and that the 31% cross over is not a benefit to the City Centre. Instead, it is suggested that shoppers at the Power Centre would go instead to the City Centre if not for the Power Centre development.</p> <p>The Market at the Power Centre will likely attract tourists, given it essentially serves a shop/retail function with food and beverages. Had the land use been developed at a suitable location in the City Centre, these visitors would have benefited from the co-location of similar uses in a pedestrian friendly environment.</p> <p>Further tourism development at the Power Centre could create a tourism destination that links to the foreshore, but bypass the City Centre (i.e. tourists visit the Power Centre</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>8. Ambergate North/Chapman Hill Road and Dunsborough Lakes Enterprise Park are excluded from proposed restrictions as they are zoned 'Special Use' and not 'Service Commercial' or 'Light Industry'.</p> <p>9. Use of <i>State Planning Policy 4.2 Activity Centres for Perth and Peel</i> (SPP 4.2) in the justification for Amendment 40. Asserts SPP 4.2 incorrectly referenced as it does not contain provision relating to primacy of CBDs and retail leakage. SPP 4.22 does not apply to the Busselton area.</p> <p>10. The reference in the Amendment to the LPS objective of reducing retail outside of activity centres is contradictory to the Retail Analysis that refers to the Service Commercial area and the Power Centre.</p>	<p>as a tourism destination, undertake shopping at the Power Centre then go directly to the Foreshore, another tourist destination). This would seriously undermine the City's ability to create a strong and activated tourism link between the City Centre and the Foreshore. In addition, draft SPP4.2 identifies tourism uses as Activity Centre uses. Amendment 40 seeks to limit uses that further strengthen inappropriate tourism attraction of Service Commercial areas.</p> <p>8. Refer to comments provided in response to submission no. 23, at point 6, above.</p> <p>9. Refer to comments provided in response to submission no. 23, at point 7, above.</p> <p>10. The submission attempts to suggest that the Power Centre could almost be considered part of the Busselton City Centre due to its inclusion in the Retail Analysis and statements from Officers that the Power Centre is on the 'fringe' of the City Centre. This overlooks the inclusion of the Dunsborough Town Centre in the analysis, which is clearly not part of the Busselton City Centre, and the purpose of the Service Commercial area. The Retail Analysis was correct to include the Service Commercial area and Power Centre in its analysis due to the significant concentration of shop-retail floor space that has developed there. The Power Centre has the third highest concentration of shop-retail floor space in the City (excluding unconsolidated Bussell Highway uses).</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>11. Specific examples of unintended and undesirable outcomes in relation to the outcome of Amendment 29 have not been demonstrated.</p> <p>12. The references in Amendment 40 claiming the definition of 'Bulky Goods Showroom' has broadened and 'Shop' has narrowed are unfounded. Deviation from the State definition will not align with State Government objectives.</p> <p>13. Objects to the change of 'Bulky Goods Showroom' from a 'P' use to a 'D' use in Service Commercial areas as it inconsistent with the zone objectives, the expressed objective to provide for a range of showrooms. Where a planning proposal is consistent</p>	<p>This clearly supports the need to restrict shop/retail uses from developing outside of activity centres in future. While the Discount Department Store development at the Power Centre development was formally planned, the 'Shop' (Supermarket) development occurred through an effective 'loophole' in the Scheme (which has since been corrected). Similar types of developments should accordingly be discouraged in future.</p> <p>Service Commercial areas need to be preserved for Bulky Goods Showroom uses and out of centre development of shop/retail uses that undermines the hierarchy of activity centres should be actively discouraged.</p> <p>11. As explained in the Amendment report, these unintended and undesirable outcomes were due to definition changes required to align with the Model Provisions of the Regulations. The Amendment report explains this in detail in relation to the 'Bulky Goods Showroom' and 'Shop' definitions. Changes to the permissibility of the land uses 'Trade Supplies' and Takeaway Food Outlet' have also been proposed within Amendment 40, increasing levels of permissibility in some zones.</p> <p>12. Refer to comments provided in response to submission no. 23, at point 9, above.</p> <p>13. It is acknowledged that having 'Bulky Goods Showroom' as a discretionary use could potentially increase 'red tape' for uses that should preferably locate in the 'Service Commercial' zone. It is therefore recommended to the Council that a modification to the Amendment be</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>with the zone objectives, the use is appropriate and it should be a permitted use.</p> <p>14. The proposed restriction on the sale of a variety of different products in the Service Commercial area is counter to the aims of the Scheme and prevent legitimate activities from occurring from our client's land. This will significantly impair economic growth and investment in the Service Commercial zone.</p> <p>15. The policy position of Amendment 40 undermines the very basis on which the former Restricted Business zone was established.</p> <p>16. Amendment 40 is justified on a tenuous link that restricting uses will help promote the tourism industry. 'Service Commercial' and 'Light Industrial' operators are not targeting tourists.</p> <p>17. The LPS has an inherent assumption that all retail (including 'Bulky Goods Showroom') should be located in the central area and any retailing established outside the central area is damaging.</p> <p>18. Disagree with the Retail Analysis finding that there will be little to no demand for 'Bulky Goods Showroom' floor space despite strong population growth. If low 'Bulky Goods Showroom' projections</p>	<p>supported such that the permissibility of 'Bulky Goods Showroom' in the 'Service Commercial' and Centres zones reverts to a 'P' use, provided a suitable definition for the use can be implemented.</p> <p>14. In relation to proposed clause 3.5.3(e), please refer to comments provided in response to submission no. 23, at point 3.</p> <p>15. This statement is incorrect. The original rezoning of the site was to create an area to specifically provide for additional restricted business floor space (showroom uses) while allowing for a Discount Department Store and not allowing for other shop/retail uses. Amendment 40 seeks to ensure land at in the Service Commercial zone will be preserved for 'Bulky Goods Showroom' uses, which is in line with the original 'Restricted Business' zoning.</p> <p>16. Refer to comments provided in response to submission no. 23, at point 11, above.</p> <p>17. Refer to comments provided in response to submission no. 23, at point 12, above.</p> <p>18. Refer to comments provided in response to submission no. 23, at point 13, above.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>were true the Council would have no concerns about future threats to the City Centre.</p> <p>19. Vacancy levels in the Busselton City Centre are not unusually high for a Town Centre and have decreased since 2018.</p> <p>20. The (former) Woolworths vacancy was not due to business decentralisation, without the vacant Woolworths floor space, vacancy would be only 8% of total floor space and that higher vacancy could be expected due to the economic downturn the State has experienced in the past 6 years. The large purpose-built Woolworths store is not easily adapted to the purpose of other tenants.</p> <p>21. Vasse centre development was not identified as a factor affecting the Busselton City Centre.</p> <p>22. Amendment 40 did not acknowledge structural problems in the Busselton City Centre.</p> <p>23. The Retail Analysis did not measure the benefit of having these retailers (Kmart, Aldi, Origins Market) in the Busselton economy.</p> <p>24. The spatial extent and particular land requirements and parking requirements of uses that have developed in the 'Service Commercial' zone make them unsuitable for the Busselton City Centre.</p>	<p>19. Refer to comments provided in response to submission no. 23, at point 14, above.</p> <p>20. Refer to comments provided in response to submission no. 23, at point 15, above.</p> <p>21. Refer to comments provided in response to submission no. 23, at point 16, above.</p> <p>22. Refer to comments provided in response to submission no. 23, at point 17, above.</p> <p>23. Refer to comments provided in response to submission no. 23, at point 18, above.</p> <p>24. This statement is true for the large format retail showrooms and car showrooms that have been identified in the submission. The retail uses, such as the Discount Department Store and supermarket, could have been successfully developed within the City Centre. This has been demonstrated by the fact that there are multiple supermarkets in the City Centre and space available for a discount department store within the approved Busselton Central redevelopment.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>25. With reference to the proposed changes to land use permissibilities in the Service Commercial zone:</p> <ul style="list-style-type: none"> • The reclassification of many commercial land uses to Not Permitted critically limits any flexibility to develop the zone with a broad range of uses envisaged in the objectives to the zone. • It restricts the Busselton Power Centre from developing as an orderly extension of the Busselton’s central area with the associated economic and employment benefits. • It prohibits uses that may not find suitable land or premises for their activities in the Regional Centre zone. • The exercise of Council’s discretion to previously permitted uses (e.g. bulky goods showroom) under the Service Business Zone could see applications that are consistent with the long 	<p>The availability of significant landholdings within the City Centre has been discussed in relation to submission no. 23 at point 4.</p> <p>Activity Centre developments will be attracted to the City Centre if there is sufficient demand to justify development and operational costs. Allowing activity centre uses to develop outside of an Activity Centre because there is cheaper land is contrary to the objectives of draft SPP4.2 that states these uses are supposed to locate in activity centres. For instance, an operator may want to develop a shopping centre on rural land along Bussell Highway as it would be cheap land with lots of room for development and parking, but this would not be appropriate as it does not align with the desired outcomes for that land or the proposed uses.</p> <p>25. The uses identified as ‘not permitted’ are uses that should locate in Activity Centres according to draft SPP4.2. A ‘Service Commercial’ zone is not meant to have the flexibility to develop with large amounts of shop/retail or entertainment uses. With regards to the reference to “broad objectives of the zone”, there were specific restrictions on the amount of shop/retail uses at the Power Centre with additional development meant to be for ‘Bulky Goods Showroom’ uses.</p> <p>The Power Centre is not an extension of the Busselton City Centre, it is a separate and distinct ‘Service Commercial’ area. The Amendment does not restrict the Power Centre from developing ‘Bulky Goods Showroom’ uses as per the LPS21 zoning and locations considered suitable for this use as identified in draft SPP4.2. In fact, a desirable outcome of the Amendment would protect land that is suitable for these showroom uses from being developed as Activity Centre uses.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>term planning of the area refused on the basis of spurious strategic planning or economic impact grounds.</p> <ul style="list-style-type: none"> • It will undermine confidence in the planning system and reduce certainty in outcomes where most commercial uses are either prohibited or at Council’s discretion. <p>26. Amendment 40 would diminish the diversity and activity of the ‘Service Commercial’ zone if it restricted the development of take away food establishments and small family run business such as Health Freak Café. Their restriction in Service Commercial areas may not result in more or better businesses of this type in the Central Area.</p>	<p>The prohibited uses identified in the submission are shop/retail, entertainment and tourism-related, that are better suited to the City Centre. The availability of significant developable land areas within the Central area has been detailed previously (submission no. 23 at point 4). This is again supported by the planning framework.</p> <p>The claim that applications for ‘Bulky Goods Showroom’ uses could be incorrectly rejected is not based on convincing evidence and assumes that the Council and City officers would not fairly assess applications.</p> <p>There is no evidence that having ‘Bulky Goods Showroom’ as a discretionary use would undermine confidence in local planning. However, it is acknowledged that it could potentially increase red tape for uses that should locate in the ‘Service Commercial’ zone. It is therefore recommended to the Council that a modification to the Amendment be supported such that the permissibility of ‘Bulky Goods Showroom’ in the ‘Service Commercial’ and Centres zones reverts to a ‘P’ use, provided a suitable definition for the use can be implemented.</p> <p>26. ‘Takeaway food outlets’ have remained an ‘A’ use for ‘Service Commercial’ areas, so the objection is redundant. Takeaway uses have been identified as a ‘D’ in the ‘Regional Centre’ and ‘Centre’ zones to promote and encourage their development in the City Centre, particularly those without a drive-through facility. These uses are often found in city and town centres, generally without the drive through option, and this is seen as appropriate.</p> <p>The “small family run restaurants” described in the submission will retain non-conforming use rights. However, these uses are best suited to the Busselton City Centre and</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
			<p>identified as Activity Centre uses under draft SPP4.2. It is not intended that 'Service Commercial' areas have these types of uses to support diversity. The shop/retail uses that locate in these areas should serve the daily working hour needs of the worker and visitor populations. Given the daytime nature of 'Service Commercial' zones, Restaurant/Café uses are not considered necessary to meet the needs of these populations.</p> <p>These uses are generally part of the night-time economy and the Retail Analysis identifies a lack of night-time activity in the City Centre. Allowing further out of centre development of these uses would hinder the City Centre's ability to attract and foster these uses and develop a stronger night-time economy as an outcome.</p>	
25.	<p>P. Kelly Large Format Retail Association 10/828 High Street, Kew East Vic 3102</p>	<p>Object</p> <ol style="list-style-type: none"> 1. City is seeking to unfairly and illogically restrict Large Format Retail operators from locating in appropriately zoned locations. 2. Amendment No. 40 is inconsistent with the Local Planning Strategy (LPS). 3. Amendment No. 40 is inconsistent with State Planning Policy 4.2. 	<ol style="list-style-type: none"> 1. The City is not seeking to restrict Large Format Retail operators from locating in appropriately zoned locations. Amendment 40 allows 'Bulky Goods Showroom' uses in 'Service Commercial' and 'Light Industrial' areas as a 'D' use. 2. Amendment 40 aligns with the objectives and strategies of the LPS by trying to prevent shop/retail uses from developing out of centre and by allowing for 'Bulky Goods Showroom' uses in 'Service Commercial' and 'Light Industrial' areas. 3. Amendment 40's primary objective is to protect the primacy of the Busselton City Centre and reduce shop/retail leakage in the form of 'out-of-centre development'. Amendment 40 therefore aligns with SPP4.2, as well as the draft SPP4.2, which states the following outcome "<i>The primacy of activity centres is reinforced, and out-of-centre development that</i> 	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to remove reference to the 'Service Commercial' zone.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the Amendment be modified such that the permissibility of 'Bulky Goods Showroom' in the 'Regional Centre', 'Centre' and 'Service Commercial' zones is retained as a 'P' use in these zones.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>4. Amendment 40 is not supported by the Retail and Commercial Analysis.</p> <p>5. Strongly objects to the modification of the land use definition for 'Bulky Goods Showroom', to replace the word "...or..." between parts (a) and (b) with the word "...and...".</p> <p>6. Strongly objects to downgrading permissibility of 'Bulky Goods Showroom' and 'Trade Supplies' from 'P' (permitted) to 'D' (discretionary) within the 'Service Commercial' zone.</p>	<p><i>undermines the hierarchy of activity centres is discouraged".</i></p> <p>4. The Retail and Commercial Analysis identifies the need to reduce retail leakage, the impact of out of centre development and vacancy levels in the Busselton City Centre. It does not provide analyses to support claims made in Amendment 40, as that was not its primary purpose.</p> <p>5. The primary reason for Amendment 40 is to address the leakage of shop/retail from designated activity centres. The definition of 'Bulky Goods Showroom' has been broadened as it now includes a test that can be applied without restriction of the types of uses allowed. This could allow shop/retail operators to argue they should be allowed in the 'Service Commercial' zone due to the need for large showroom areas and vehicle access to receive goods. This is not aligned with draft SPP4.2 which identifies shop/retail uses as those that should be located within Activity Centres.</p> <p>The proposed changes to the Scheme introduced by Amendment 40 seeks to ensure that development adheres to draft SPP4.2 and the State Planning Framework by protecting the primacy of Activity Centres by reducing out of centre development and protecting land that is most appropriate for Bulky Goods Showroom uses from being taken up by shop/retail uses.</p> <p>6. It is agreed that 'Bulky Goods Showroom' and 'Trade Supply' uses are suited to 'Service Commercial' areas. The 'D' use still permits these uses and does not restrict their potential to develop in 'Service Commercial' areas.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>7. Strongly objects to downgrading permissibility of 'Convenience Store', 'Corner Shop' and 'Restaurant/Café' land uses, prohibiting them within the 'Service Commercial', 'Light Industry' and 'General Industry' zones as it will lead to "...single purpose precincts devoid of any form of food/drink offering".</p> <p>8. Strongly objects to the Modification of clause 3.5 of LPS21 ("Exceptions to the Zoning Table") to exclude the sale of selected product types (unless manufactured on the lot) within the 'Service Commercial', 'Light Industry' and 'General Industry' zones'.</p> <p>9. The Bulky Goods Showroom industry is being held back by inconsistent zoning laws. Quotes Productivity Commission stating that over prescriptive planning can impact investment.</p>	<p>There is no clear evidence that having 'Bulky Goods Showroom' as a discretionary use would undermine confidence in local planning. However, it is acknowledged that it could potentially increase red tape for uses that should preferably locate in the 'Service Commercial' zone. It is therefore recommended to the Council that a modification to the Amendment be supported such that the permissibility of 'Bulky Goods Showroom' in the 'Service Commercial' and Centres zones reverts to a 'P' use, provided a suitable definition for the use can be implemented.</p> <p>7. The Scheme currently allows food and beverage options through a number of land uses including 'Lunch Bar' and 'Service Station' in all three subject zones, with 'Takeaway Food Outlet' uses also allowed in 'Service Commercial' areas. No changes are proposed to the permissibility of these uses within these zones. The uses accommodate multi-purpose visits and provide suitable and desirable local amenity for workers and visitors.</p> <p>8. In relation to proposed clause 3.5.3(e), please refer to comments provided in response to submission no. 23, at point 3, above.</p> <p>9. The report cited by the Large Format Retail Association from the Productivity Commission looks at the issues from a very narrow economic perspective. However, the report highlights that Bulky Goods Showroom uses have an advantage compared to shop/retail uses in that they are often allowed to be situated in different zoning areas than shop/retail uses, and that shop/retail operators recognise this advantage. This demonstrates why the City is</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>10. Amendment 40 fails to acknowledge the full scope of issues identified in the Retail Analysis. Claims that the Retail Analysis is being misrepresented as justification for misguided scheme modifications.</p> <p>11. Inconsistencies between Amendment 40 and the LPS with regards to Strelly Street/Busselton Light Industrial Area. States that the Amendment No. 40 undermines the LPS.</p> <p>12. The statement in Amendment 40 regarding SPP4.2 (Activity Centres) is misrepresentative of the policy, referencing “retail leakage” and “dilution”.</p>	<p>concerned with allowing for too broad a definition of Bulky Goods Showroom uses.</p> <p>The prescriptiveness and potential adverse impact(s) of planning on investment in the Productivity Commission report is predominantly in reference to shop/retail uses, not Bulky Goods Showroom uses.</p> <p>10. Amendment 40 does not need (to and would not be expected to) address all the challenges identified in the Retail and Commercial Analysis. It relates in particular to reducing future out of centre retail developments.</p> <p>The primary purpose of the Retail and Commercial Analysis was not necessarily to support Amendment 40, but to help better inform planning for the future Busselton Precinct Structure Plan.</p> <p>11. Amendment 40 allows for Bulky Goods Showroom uses in the locations mentioned as ‘D’ uses. This is consistent with Table 4 of the LPS. The Amendment does not undermine the LPS. This objection refers broadly to the ‘modifications’ made by Amendment 40, these are addressed below in specific sections.</p> <p>12. SPP4.2 contains a set of statements that are essentially aimed at the distribution of uses that do not undermine the hierarchy of Activity Centres. Amendment 40 and SPP4.2 both seek to ensure the primacy of activity centres is protected and reinforced, and out-of-centre development that undermines the hierarchy of Activity Centres is discouraged.</p> <p>This matter is further discussed in response to submission no. 23, at point 7, above.</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>13. None of the weaknesses and threats identified in the Retail Analysis relate to the primary purpose of Amendment 40.</p> <p>14. There is only one reference to leakage in the Retail Analysis and it refers to the Power Centre. The Power Centre is not the result of leakage due to a blurring of 'Bulky Goods Showroom' and shop/retail definitions but that it was allowed for as an 'Additional Use' under LPS21. The City is trying to restrict Large Format Retail activities in suitably zoned areas.</p>	<p>13. This is not supported. The weakness "Limited night time economy drivers – few entertainment and leisure venues" relates directly to Amendment No. 40. Activity Centre uses such as restaurants, and entertainment uses such as small bars and taverns will be restricted in 'Service Commercial' and 'Light Industrial' areas. These uses are important components of developing a strong night-time economy, but should be clustered in order to function effectively. If these uses are spread, or develop 'out of centre', it would undermine that objective. These uses are simply not suited to 'Service Commercial' and 'Light Industrial' areas, nor are they required to meet the daily working-hour needs of workers and visitors to these areas.</p> <p>Further, the weakness "Existing vacancies which detract from the overall vibrancy and image of the Centre" relates directly to Amendment No. 40 as further 'out of centre' development would limit and otherwise hinder the potential for the Busselton City Centre to attract and support viable businesses to help activate and enhance the core business environment and consolidate a successful Centre. Draft SPP4.2 identifies the following outcome "<i>The primacy of activity centres is reinforced, and out-of-centre development that undermines the hierarchy of activity centres is discouraged</i>". This is a priority of the State Planning Framework as 'out of centre' developments adversely affect the viability and vibrancy of Activity Centres, which in turn affects their vacancy levels.</p> <p>14. Amendment 40 allows for 'Bulky Goods Showroom' in suitably zoned areas, the intent is not to restrict these uses.</p> <p>The 'Shop' (Discount Department Store) use was planned for this area originally with a clear intent for the remaining land to be 'Bulky Goods Showroom' uses. This is clearly stated in the Busselton Power Centre objecting submission</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>15. The proposed changes to Clause 3.5 are unworkable for many 'Bulky Goods Showroom' operators and will not achieve the City's objectives. The changes will cause future Bulky Goods Showroom proponents to go elsewhere.</p> <p>16. The use of a different definition (for 'Bulky Goods Showroom') would create red tape and uncertainty, acting as an impediment to investment in Busselton.</p>	<p>which quotes the following relating to the original intent of the Power Centre's 'Restricted Business' zoning: "The use class 'shop' is not a use that is permitted in the Restricted Business zone in response to the need to specifically provide for additional restricted business floor space, for which there is a significant shortage at this time." The 'Shop' (Supermarket) development at the Power Centre occurred through an effective 'loophole' in the Scheme (which has now been corrected). It was initially opposed for the same reasons that underpin Amendment 40; it facilitated undesirable and inappropriate retail leakage. The City has identified the clear potential for further retail leakage to occur through the model definition that has been developed in the Regulations and has drafted Amendment 40 accordingly. A principal aim and objective of the Amendment is to reduce shop/retail leakage from the Busselton City Centre and also preserve and protect 'Service Commercial' and 'Light Industrial' areas for the situation of more appropriate uses, such as genuine Bulky Goods Showroom.</p> <p>15. In relation to proposed clause 3.5.3(e), please refer to comments provided in response to submission no. 23, at point 3, above.</p> <p>16. Having a 'non-model' definition does not necessarily increase red tape or create uncertainty. Were the model definition to allow shop/retail uses to locate in areas better suited to Bulky Goods Showroom uses it would likely increase the cost of land/rent for Bulky Goods Showroom and reduce available land in desirable areas for them to locate/establish. This would occur as shop/retail uses generate higher levels of revenue per m² compared to</p>	

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>17. The use of the word 'and' would exclude legitimate 'Bulky Goods Showroom' uses that are not listed, for example stores that sell musical instruments. Further, the use of 'and' would exclude different formats of 'Bulky Goods Showroom' operators (i.e. those that only display on site and those that only deliver large items).</p>	<p>Bulky Goods Showroom uses and landowners could seek higher rents on this basis.</p> <p>17. Stores that sell musical instruments could fit within the definition as 'home entertainment goods' (at (a)(vii)) or 'leisure goods' (at (a)(xi)). Musical instruments are generally bulky in nature and would be a good fit for the type of store that should be regarded as a genuine 'Bulky Goods Showroom' use and would therefore also comply with the proposed modified definition.</p> <p>This is a good example of the broad nature of the existing definition. It also demonstrates why, without the 'and', it may be possible for a Supermarket business to argue that it meets the definition because it requires a large area to handle, display or store goods and that vehicular access is required to the premises to collect those goods.</p> <p>The fundamental purpose of Amendment 40 is, in part, attempting to ensure development adheres to the State planning framework (including draft SPP 4.2) by protecting the primacy of Activity Centres by reducing 'out of centre' development and protecting land that is highly appropriate for Bulky Goods Showroom uses from being taken up by shop/retail uses.</p>	
26.	<p>M. Marks Bunnings Group Ltd 16-18 Cato Street, Hawthorn East, Vic 3123</p> <p>Represented by J. Eden</p>	<p>Objection.</p> <p>1. The prohibition of sale of certain products from land in the 'Service Commercial', 'Light Industry', and 'General Industry' zones includes many products sold by Bunnings Warehouse:</p> <ul style="list-style-type: none"> • All domestic hardware • Safety boots, gloves, hats, hi-vis clothing, and other protective workwear • Bathroom mirrors (glassware) • Moving boxes (paper products) 	<p>1. The submission is largely based on a misconception of the term 'domestic hardware' and how the Scheme interprets incidental activities.</p> <p>The list of items provided by the submission would fall into the definition of incidental activities. The Officer response to incidental activities, along with 'domestic hardware', is provided at submission no. 16, comment 3.</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the proposed clause 3.5.3(e) is modified to</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<ul style="list-style-type: none"> • Café, vending machines • Sausage sizzles and cake stalls for community groups <p>The above product types are an essential component of the Bunnings' brand and Bunnings will not operate where the sale of certain product lines are prohibited.</p> <p>While the existing Bunnings Warehouse will have the benefit of non-conforming use rights, Bunnings will not be able to open a new Bunnings Warehouse or expand or relocate the existing Bunnings Warehouse in the City of Busselton with the restrictions proposed in Amendment No. 40. This would have a detrimental impact on the employment self-sufficiency of the City of Busselton if Bunnings (and other large format retailers) are unable to establish themselves in growth areas.</p> <p>2. A Bunnings Warehouse, is not a shop/retail use that was, or would in the future be, located in the Busselton City Centre. This is because tenancy sizes, parking, and access within the city centre environment are not appropriate for the products sold in Bunnings Warehouse. Additionally, Bunnings Warehouse is ideally collocated in areas with other home and building supply stores, such as those in the Home Depot at 115 Strelly Street.</p> <p>3. Foodstuffs (community group sausage sizzle, café) and the sale of specialised safety clothing, bathroom mirrors, and packing boxes in Bunnings Warehouse does not threaten retail in the 'Regional Centre' or 'Centre' zones.</p>	<p>2. The Amendment does not suggest that Bunnings would be an appropriate use for the City Centre. Should a new proposal for a Bunnings be put forward, it would likely be classified as 'Trade Supplies'.</p> <p>3. These items are deemed to be 'incidental' to the primary use. This concern has been addressed in response to submission no. 16, at point 3, above.</p>	<p>include, at the end of the clause, the words: "<i>or are ordinarily ancillary, subsidiary or incidental to the predominant use</i>".</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>4. In attempting to support the 'Regional Centre' and 'Centre' zones, Amendment 40 will discourage and prevent large format retail from establishing in the 'Service Commercial', 'Light Industry', and 'General Industry' zones without any tangible benefit to retailers in the 'Regional Centre' and 'Centre' zones.</p>	<p>4. This concern has been addressed in response to submission no. 23, at point 3, above.</p>	
27.	<p>S. Logan Total Tools 11 Straughan Close, Lysterfield VIC 3156</p>	<p>Objection.</p> <p>1. Amendment 40 seeks to modify clause 3.5 of LPS21 ("Exceptions to the Zoning Table") to exclude the sale of selected product types (unless manufactured on the lot) within the 'Service Commercial', 'Light Industry' and 'General Industry' zones.</p> <p>Total Tools stocks a wide range of products that would be arbitrarily prohibited by proposed clause 3.5 of LPS21, including:</p> <ul style="list-style-type: none"> • Tools and domestic hardware (being the majority of products sold) • Safety apparel, such as hats and gloves • Hi-vis clothing • Protective workwear such as footwear and PPE <p>The exclusions would prohibit the sale of a range of ancillary items stocked by Total Tools, including safety apparel. The inevitable result will be confusion and uncertainty, at best, as well as potentially lost tenants, inadvertent non-compliance, and unfair enforcement actions. As evidenced by the examples provided above, the proposed clause 3.5 product exclusions are simply unworkable for Total Tools, and will not achieve the City's objectives. Such an ill-conceived restriction has no place in a modern local planning scheme.</p>	<p>1. The submission appears to refer to a land use that would fall into the definition of 'Trade Supplies', being the retail sale of tools, equipment and machinery. The safety apparel and protective workwear etc., would be deemed incidental to the primary use.</p> <p>In relation to incidental activities, please refer to comments provided in response to submission number 16, at point 3.</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the proposed clause 3.5.3(e) is modified to include, at the end of the clause, the words: "<i>or are ordinarily ancillary, subsidiary or incidental to the predominant use</i>".</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>2. The arbitrariness of the ‘prohibited product types’ is particularly problematic for Total Tools. Many of our products may be utilised in both trade/commercial and domestic situations. How does the City propose to differentiate between tools that are ‘domestic hardware’ and tools that are not?</p>	<p>2. The term “domestic hardware” has been incorrectly interpreted as building supplies in a number of submissions. The Officer response to this matter is provided at submission no. 16, comment 3.</p>	
28.	<p>A. Erceg Dbay Road Pty Ltd 320 Lord Street, Perth WA 6000</p> <p>Represented by Planning Solutions</p>	<p>Objection.</p> <p>1. Strongly reject the City’s assertions of leakage of commercial activity and the decentralisation of retail activity having a negative effect on the vitality and success of retail uses.</p> <p>2. Land in the Dunsborough town centre is not threatened by activity elsewhere, has an appropriate mix of uses which attract investment.</p> <p>3. Strongly oppose forcing large format retailers to locate in the town centre. Creates issues for parking and access. Rent will increase. Without suitable alternatives, businesses will be forced to close or relocate outside of Busselton. Restriction of service</p>	<p>1. This concern has been addressed in response to submission no. 23, at point 1, above.</p> <p>2. The Dunsborough Town Centre performs a secondary role to the Busselton City Centre, conforming to the hierarchical expectations and strategic direction of the LPS. A <i>Commercial Growth Analysis</i> conducted for the Dunsborough Town Centre by Pracsys (2018) acknowledges that the land uses in the core of the activity centre reflect the Town’s role as a service centre for tourism.</p> <p>Dunsborough is currently experiencing a strong mix of development (and re-development) within the Town Centre, including recent applications to develop a prominent vacant site to accommodate a mixed use development featuring a ‘Brewery’, ‘Tavern’, ‘Restaurant/Café’, ‘Shops’ and ‘Tourist Accommodation’, and the proposed redevelopment of the existing motel and backpackers to a new Woolworths.</p> <p>3. The Scheme allows ‘Bulky Goods Showroom’ uses in the ‘Light Industry’ zone as a ‘D’ use and this is not proposed to change. The permissibility of this use in the ‘Service Commercial’ zone is recommended to be retained as ‘P’,</p>	<p>That the submission be noted.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>commercial and light industry areas will stop new retailers from establishing in the Busselton area, forcing customers to drive to Bunbury or Perth. Limits the potential for cross-visitation by customers who may also visit the centre while shopping the nearby service commercial precinct.</p>	<p>provided a suitable definition for the use can be implemented.</p> <p>Proposed or potential uses should be correctly classified and be consistent with the planning framework. The Amendment is aimed at ensuring genuine bulky goods retail meets the true purpose and intent for this land use and that land best set aside for genuine bulky goods retail is protected from being taken up by shop/retail uses.</p>	
29.	<p>M. Rowe Realmark Commercial 83 Birkdale St, Floreat WA 6014</p>	<p>Objection.</p> <ol style="list-style-type: none"> 1. The prohibition of land uses from the 'Service Commercial' and other zones will be detrimental to existing businesses and to the establishment of new businesses in the Scheme area. Local governments should be providing support and strengthening local economies, the effects of this prohibition are counterintuitive. 2. The proposed prohibition of selected product types from the 'Service Commercial' and 'Light Industrial' zones is illogical and unworkable. Businesses aspiring to open new or relocated premises will be seriously impacted by these restrictions, and likely choose not to invest in the City as a result. 3. The current zoning and permissibility arrangements are consistent with the strategic planning framework, which encourages large format retailing in 'Service 	<ol style="list-style-type: none"> 1. This matter is addressed in response to submission no. 24, at point 6, above. 2. With regard to the restriction of sales of certain products, proposed sub-clause 3.5.3(e) is recommended to be altered to remove reference to the 'Service Commercial' zone. This will reflect the existing clause 3.5.4(e), in that it only refers to the 'Light Industry' and 'General Industry' zones. This will reduce the proposed restrictions on the 'Service Commercial' zone, being located on the periphery of the Busselton City Centre, and the recommended location for bulky goods/large format retail as identified by the draft SPP 4.2 Implementation Guidelines. The industrial areas are not the recommended location for shop/retail sales, as discussed in response to submission no. 24, at point 1. 3. This matter is addressed in response to submission no. 16, at point 6, above. 	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to remove reference to the 'Service Commercial' zone.</p> <p>That the proposed clause 3.5.3(e) is modified to replace the term "domestic hardware" with "houseware retailing".</p> <p>That the Amendment be modified such that the permissibility of 'Bulky Goods Showroom' in the 'Regional Centre', 'Centre' and 'Service Commercial' zones is retained as a 'P' use in these zones.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>Commercial' and 'Light Industrial' areas (Local Planning Scheme and Strategy).</p> <p>4. Realmark have also reviewed the Large Format Retail Association's submission in depth, and fully support the suite of issues that were identified throughout the submission.</p>	<p>4. Noted.</p>	
Late Submissions				
30.	<p>Pentek Holdings Pty Ltd, 226 Naturaliste Terrace, Dunsborough</p> <p>Represented by Planning Solutions</p>	<p>Objection.</p> <p>1. Report makes a number of claims on retail leakage which are not correct and proposes measures not necessary or beneficial and may harm future trade in the town centre.</p> <p>2. The town centre businesses rely on visitation by residents from within the wider area. The trade is drawn to a range of retail and services not just in the town centre, but also in the surrounding areas including Enterprise Park. Moving larger premises (such as hardware stores, office supplies, and the like) allows the vacated tenancy to be subdivided or the site redeveloped, creating opportunities for investment and new businesses to emerge.</p> <p>Amendment 40 will force large retailers to locate in the town centre. New larger retailers can't locate in the town centre unless vacancies arose and the tenancy met the retailer's requirements for floor area, frontage, car parking, and access by larger delivery vehicles and the like. This makes it infeasible for new large format retailers to enter the town centre.</p> <p>3. By prohibiting products sold by hardware stores, office supplies, workwear, and the like from</p>	<p>1. This matter is addressed in response to submission no. 23, at point 1, above.</p> <p>2. Opportunities exist for consolidation and development of sites for larger retailers in both the Busselton and Dunsborough Centres, as is currently the case within the Dunsborough Town Centre with the recent Woolworths supermarket proposal.</p>	<p>That the submission be noted.</p> <p>That the proposed clause 3.5.3(e) is modified to include, at the end of the clause, the words: "<i>or are ordinarily ancillary, subsidiary or incidental to the predominant use</i>".</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>operating in service commercial areas, they simply will not establish new premises in these areas and customers attending these premises will continue to travel out of Busselton to Perth or Bunbury. This removes the opportunity for cross-visitation by customers also choosing to visit the town centre in the same trip and in turn limits the trading levels of businesses in the town centre.</p>	<p>3. The Officer response to incidental activities, along with 'domestic hardware', is provided at submission no. 16, comment 3.</p>	
31.	<p>Lot 1150 Pty Ltd, Lot 9001 Commonage Road, Dunsborough</p> <p>Represented by LB Planning</p>	<p>Submission specifically references a portion Lot 9001 Commonage Road, being the future extension of Dunsborough Lakes Enterprise Park.</p> <p>Highlights discrepancies that will arise should Amendment 40 be adopted in its current format. Site is zoned "Special Use (Dunsborough Lakes Development Area)" pursuant to the Scheme and land use is specified by the endorsed Structure Plan as 'Restricted Business' and 'Office'. A portion of the site is also identified as a "potential convenience site".</p> <p>Although the site's land use is essentially 'Service Commercial', its current use does not strictly fall within the Scheme provisions of the 'Service Commercial' zone, namely due to 'Office' being a non-permitted use under the Scheme. By virtue of proposed Amendment 40, this situation is further expanded as Amendment 40 proposes to remove the 'Convenience Store' use class from the 'Service Commercial' zone.</p> <p>While this proposed change will not directly affect the planning framework over the site in the short term, it will eventually when the land is developed and the City applies a hard zoning in accordance with the Scheme, via an amendment to the Scheme Map, as required by the WAPC. Given the ultimate hard zoning is likely to be</p>	<p>It is likely that through the preparation of a new and replacement Scheme (LPS22), Enterprise Park will be 'hard zoned' to the 'Service Commercial' zone, with an Additional Use permitted for 'Office'.</p> <p>A further Additional Use for 'Convenience Store' is likely to be identified over this site. This portion of Enterprise Park was identified as a preferred location for this use due to the allocated lot size (approximately 5,500m²), its location on Commonage Road and the dual road frontage.</p> <p>Another 'Convenience Store' site is located at the corner of Dunsborough Lakes Drive and Griffin Drive. This will likely be designated in the same way on the Scheme Map.</p>	<p>That the submission be noted.</p>

SUMMARY OF SUBMISSIONS

PROPOSAL: Amendment No. 40 – Modifications to the Zoning Table (AMD21/0040)

SUBMISSIONS CLOSED: 18th November 2020

No.	NAME & ADDRESS	NATURE OF SUBMISSION	OFFICER COMMENT	OFFICER RECOMMENDATION
		<p>'Service Commercial' this will of course create either a non-conforming use or restrict land use potential over the future lots on site, which is inconsistent with the intent of the Structure Plan.</p> <p>It is therefore requested that an additional use right to permit 'Office' and 'Convenience Store' use classes over the site, be applied by way of a future scheme amendment, prior to any future hard zoning to 'Service Commercial' being applied to the land.</p>		