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CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 14 FEBRUARY 2018

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	DECLARATION OF OPENING/ ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS	3
2.	ATTENDANCE	3
3.	PRAYER	4
4.	PUBLIC QUESTION TIME.....	4
5.	ANNOUNCEMENTS WITHOUT DISCUSSION.....	4
6.	APPLICATION FOR LEAVE OF ABSENCE.....	4
7.	PETITIONS AND PRESENTATIONS	4
8.	DISCLOSURE OF INTERESTS	4
9.	CONFIRMATION AND RECEIPT OF MINUTES	4
	Previous Council Meetings.....	4
	9.1 Minutes of the Council Meeting held 31 January 2018.....	4
	Committee Meetings.....	5
	9.2 Minutes for the Policy and Legislation Committee Meeting held 1 February 2018.....	5
	ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION	5
10.	REPORTS OF COMMITTEE	6
	10.1 Policy and Legislation Committee - 1/02/2018 - PREPARATION OF DUNSBOROUGH TOWN CENTRE ACTIVITY CENTRE PLAN & URBAN DESIGN GUIDELINES.....	6
	10.2 Policy and Legislation Committee - 1/02/2018 - CAR PARKING MANAGEMENT IN THE DUNSBOROUGH TOWN CENTRE	16
11.	PLANNING AND DEVELOPMENT SERVICES REPORT	28
	11.2 AMENDMENT 27 TO LOCAL PLANNING SCHEME 21 AND ASSOCIATED STRUCTURE PLAN - LOT 10 COMMONAGE ROAD, DUNSBOROUGH - CONSIDERATION FOR FINAL APPROVAL.....	28
12.	ENGINEERING AND WORKS SERVICES REPORT.....	37
13.	COMMUNITY AND COMMERCIAL SERVICES REPORT.....	37
14.	FINANCE AND CORPORATE SERVICES REPORT	38
	14.1 RFT23/17 - DESKTOP COMPUTER REPLACEMENT PROGRAM.....	38
15.	CHIEF EXECUTIVE OFFICER'S REPORT	44
	15.1 COUNCILLORS' INFORMATION BULLETIN	44

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED	48
10. REPORTS OF COMMITTEE	48
10.3 Policy and Legislation Committee - 1/02/2018 - ENDORSEMENT OF THE CONSOLIDATED PARKING SCHEME 2018 AND DELEGATED AUTHORITY TO THE CEO TO AMEND THE SCHEME.....	48
10.4 Policy and Legislation Committee - 1/02/2018 - REVIEW OF COUNCIL DELEGATION LG6C RATES AND SERVICE CHARGES	53
ITEMS FOR DEBATE	56
11. PLANNING AND DEVELOPMENT SERVICES REPORT	56
11.1 APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (LIMESTONE) AND CRUSHING FACILITY AT LOT 3 (130) & LOT 237 LUDLOW PARK ROAD WONNERUP (RECONSIDERATION PURSUANT TO S31 ORDER FROM THE STATE ADMINISTRATIVE TRIBUNAL).....	56
16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	75
17. CONFIDENTIAL REPORTS	75
18. QUESTIONS FROM MEMBERS	75
19. PUBLIC QUESTION TIME.....	75
20. NEXT MEETING DATE	75
21. CLOSURE	75

MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 14 FEBRUARY 2018 AT 5.30PM.

1. DECLARATION OF OPENING/ ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.46pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

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

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Anthony Rowe, Acting Director, Planning and Development Services
Mr Cliff Frewing, Acting Director, Community and Commercial Services
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

“Busselton-Dunsborough Mail”

Public:

7

3. PRAYER

Nil

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

Nil

Public Question Time

Mrs Julia Avery asked the Council how could she encourage the City Council, and in particular Mr Paul Needham to reconsider the Eastern Link Project as she lives in close proximity to the proposal and was concerned about her aging mother. The Presiding Member took this question on Notice.

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

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Nil

8. DISCLOSURE OF INTERESTS

Nil

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****9.1 Minutes of the Council Meeting held 31 January 2018****COUNCIL DECISION****C1802/013**

Moved Deputy Mayor J McCallum, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 31 January 2018 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings9.2 Minutes for the Policy and Legislation Committee Meeting held 1 February 2018**COUNCIL DECISION****C1802/014** Moved Councillor K Hick , seconded Deputy Mayor J McCallum

That the minutes of the Policy and Legislation Committee meeting held on 1 February 2018.

CARRIED 9/0**ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION**

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

Items Brought Forward For Discussion**En Bloc Motion****COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION****C1802/015** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

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

- 10.1 Policy and Legislation Committee - 1/02/2018 - PREPARATION OF DUNSBOROUGH TOWN CENTRE ACTIVITY CENTRE PLAN & URBAN DESIGN GUIDELINES
- 10.2 Policy and Legislation Committee - 1/02/2018 - CAR PARKING MANAGEMENT IN THE DUNSBOROUGH TOWN CENTRE
- 11.2 AMENDMENT 27 TO LOCAL PLANNING SCHEME 21 AND ASSOCIATED STRUCTURE PLAN - LOT 10 COMMONAGE ROAD, DUNSBOROUGH - CONSIDERATION FOR FINAL APPROVAL
- 14.1 RFT23/17 - DESKTOP COMPUTER REPLACEMENT PROGRAM
- 15.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0**EN BLOC**

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 1/02/2018 - PREPARATION OF DUNSBOROUGH TOWN CENTRE ACTIVITY CENTRE PLAN & URBAN DESIGN GUIDELINES

SUBJECT INDEX:	Town & City Centres
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning & Development
REPORTING OFFICER:	Strategic Planner - William Hosken
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Dunsborough Town Centre Conceptual Plan⇒ Attachment B Extract from proposed Amendment No. 29 to Local Planning Scheme 21⇒ Attachment C Proposed Extent of Dunsborough Activity Centre Plan and Urban Design Guidelines⇒ Attachment D Extract of 'Schedule 1 – Design Principles' from Draft State Planning Policy 7⇒ Attachment E Extract from Local Commercial Planning Strategy⇒

This item was considered by the Policy and Legislation Committee at its meeting on 1 February 2018, the recommendations from which have been included in this report.

PRÉCIS

The Council is requested to endorse the proposed preparation of an Activity Centre Plan (ACP) and Urban Design Guidelines (UDG) for the Dunsborough Town Centre as means to provide guidance and direction for future development. This report details the rationale for doing so and proposes a program, including public consultation, for preparing these documents over the coming 12 months.

BACKGROUND

Over the past five years, the City of Busselton has been actively planning to facilitate improvements to the function, attractiveness and vitality of the Dunsborough Town Centre.

The City is working towards formulating a practical and robust local planning framework for the future development of the Dunsborough Town Centre. It is intended that this framework will, by considering the most appropriate planning controls and incentives through which this can be provided, provide guidance and direction for the desired built form and the interface between private development and the public realm.

To date, this has included the following initiatives:

Dunsborough Town Centre Conceptual Plan (DTCCP)

A review of past planning instruments and technical studies, on-ground assessments of parking and access issues, and several occasions and forms of consultation (with landowners, residents and community groups) culminated in the adoption of the DTCCP (**Attachment A**) by Council in January 2014. The DTCCP provided a framework for a range of initiatives (planning and otherwise) to be identified and consulted on, and the City has subsequently progressed various projects adopted therein including streetscape and public open space enhancements.

The DTCCP highlighted the need for further detailed investigation into the design of development within the Dunsborough Town Centre via the identification of 'Development/ Redevelopment Cells' that require site-specific design guidance/ integration. Each of these Cells reflects a generally consistent pattern of existing development such that the likely future development options are similar to, and in some cases dependent upon, other sites within that Cell.

Amendment No. 1 (Omnibus #1)

The DTCCP foreshadowed various changes to the zoning of land that were subsequently progressed as part of Amendment No. 1 to *Local Planning Scheme No. 21* (the Scheme). Amendment No. 1 included a range of significant changes to planning controls for the Busselton and Dunsborough centres, reflecting the implementation of the Conceptual Plans for each (although the pattern of zoning was simplified) as well as a number of the recommendations of the City of Busselton's Local Commercial Planning Strategy and Local Cultural Planning Strategy. These changes included:

- Introduction of an RAC-3 coding to encourage and support residential and mixed use development;
- Introduction of a range of incentives (including increased plot ratio) to encourage and support mixed-use development;
- Extension of the Dunsborough Town Centre via rezoning of the Clark Street industrial area;
- Introduction of Additional Use areas fringing the Town Centre to provide certain low-impact business/commercial opportunities and a legible transition between land uses in the centres and adjoining residential areas;
- Relaxation of building height controls to accommodate 4 to 5 storey developments; and
- Deletion of redundant Additional Uses and Special Provisions.

These new Scheme provisions were adopted by the Minister for Planning in August 2017, and officers consider that these significant changes warrant the preparation of subsequent planning instruments to provide direction and guidance on the desired form of development which may now occur.

Amendment No. 29 (Omnibus #4)

The City is working towards a framework to guide development within the Busselton and Dunsborough City/Town Centres which will ultimately include an ACP and new/ updated UDG for each. However, recent development proposals and the testing of the City's current statutory framework through the State Administrative Tribunal (in relation to some of these proposals) indicated the need for provisions to be included directly within the Scheme to strengthen the City's ability to respond appropriately to matters of good design.

Amendment No. 29, adopted for consultation by the Council on 13 December 2017, includes the proposed introduction of new development controls to be applied within the Dunsborough and Busselton centres. These provisions (refer **Attachment B**) were devised upon review of existing state and local policies and relative to the scope and purpose of the proposed ACP and UDG, which will ultimately serve in support of the Scheme.

Discussion on the proposed ACP and UDG for the Dunsborough Town Centre is provided in the 'Officer Comment' section of this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

The preparation of an ACP is required to occur consistent with Part 5 of Schedule 2 of the Regulations. The Regulations provide (Sch. 2, Part 5, Cl. 31) that an ACP may be prepared if required under a State Planning Policy or where the WA Planning Commission considers that this is necessary for the purposes of orderly and proper planning. In accordance with this requirement, City officers sought the consent of the Commission to prepare an ACP for the Dunsborough Town Centre and received endorsement on 23 September 2016.

As Dunsborough is an already established centre some of the information required under Part 5 Cl. 32 (c) of the Regulations will not be especially relevant, however this has been discussed with officers of the Department of Planning, Lands & Heritage (DPLH) and will be addressed as part of the submission of the ACP by the City.

Local Planning Scheme No. 21 (LPS 21)

As detailed in the 'Background' section of this report, the City is progressing a staged review of LPS 21 that includes significant changes to provisions governing development within town/ city centre areas.

Attachment C includes the area indicatively identified as being included within the proposed ACP and addressed by the UDG, and reflects the current zoning that includes land identified as 'Business' with an RAC-3 coding, 'Residential' with an R80 coding and subject to Additional Use 74, 'Recreation' reserves and no zone (road reserves).

The proposed UDG will be prepared as a local planning policy in accordance with the provisions of the Scheme (as per the deemed provisions at Division 2, Part 2 of the Regulations).

Draft State Planning Policy 7 – Design of the Built Environment (SPP 7)

SPP 7 was published as a draft policy by the WA Planning Commission in October 2016 to provide an overarching requirement for design of the built environment to be considered as part of assessing planning proposals, and will be applied to the preparation of an ACP for the Dunsborough Town Centre.

SPP 7 (and supporting policies) apply to and provide guidance for apartment (multiple dwellings) development and residential components of mixed use development, which is expected to become more likely within the Dunsborough Town Centre following the recent introduction of favourable provisions within the City's Scheme. SPP 7 provides a part of the planning framework applicable to development within the Dunsborough Town Centre but excludes general commercial development, which it is therefore necessary to address within the City's local planning framework.

The provisions of SPP 7 are as follows:

- **Design Principles**

Design Principles provide a consistent framework to guide the design, review and decision making process for planning proposals. Supporting State Planning Policies are used to provide detailed criteria or guidance relating to specific planning or development proposal types.

WAPC should maintain a set of Design Principles: Context and character; Landscape quality; Built form and scale; Functionality and build quality; Sustainability; Amenity; Legibility; Safety; Community; Aesthetics.

*Schedule 1 includes a full description of each Design Principle. [refer to **Attachment D**]*

- **Design Review**

Design review is an important component of the design process; particularly to negotiate the design elements of complex proposals. The process is scalable and may include design review by one or a number of experts (panel).

State, local government and/or precinct authorities are required to establish and operate design review processes to review applications of certain thresholds set out in the WAPC Design Review Guide.

- **Design Skills**

Using skilled and competent designers for planning proposals is an important component to achieve quality design outcomes.

A statement should be prepared by the proponent of certain development types outlined in the Planning and Development (Local Planning Schemes) Regulations 2015 that:

- a. *verifies the person who has designed, or directed the design or development, and*
- b. *provides an explanation that verifies how the proposal:*
 - i. *addresses how the Design Principles (Schedule 1) are achieved, and*
 - ii. *where supporting State Planning Policy relate to that planning proposal or development type, reference how design objectives, criteria and guidelines (if relevant) of that policy have been achieved.*

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

While not directly applicable, SPP 4.2 serves as a useful reference for the preparation of an ACP for the Dunsborough Town Centre as it identifies the range of planning considerations relevant to activity centres and the general policy position of the WA Planning Commission.

SPP 4.2 provides recommendations on such matters as the desirable hierarchy of centres, the integration of infrastructure and services, the concentration of commercial activities, and the assessment of retail needs and sustainability.

The preparation of an ACP and UDG for the Dunsborough Town Centre will occur in general alignment with the principles of SPP 4.2.

RELEVANT PLANS AND POLICIES

Draft Apartment Design Policy (ADP)

The draft ADP was adopted by the WA Planning Commission in October 2016 to accompany SPP 7 and replace the previous version of Volume 2 of the Residential Design Codes (applying to multiple dwellings and development in activity centres).

The ADP provides extensive guidance for the development of apartments (multiple dwellings) and residential components of mixed use development. The ADP includes prescribed standards for such matters as building envelopes, size and scale, setbacks and separation, as well as design objectives and guidance where a performance-based design response is expected to site context and orientation, visual amenity and privacy, landscape design, etc.

As per SPP 7 the ADP does not apply to general commercial development, but nonetheless forms an integral part of the framework of guidance and controls that will apply to future development in the Dunsborough Town Centre.

The provisions of the ADP will be referenced by the proposed ACP and UDG, however the investigation of detailed design matters as part of preparing an ACP and UDG may support the City identifying local variations where a more desirable outcome can be achieved.

Draft Design Review Guide (DRG)

The draft DRG was adopted by the WA Planning Commission in October 2016 to provide guidance on the establishment and operation of design review panels and processes, in support of the requirement to undertake such being identified in SPP 7.

In establishing an ACP and UDG for the Dunsborough Town Centre, the City will consider and provide recommendations for the most appropriate means of providing for professional design assessment of relevant proposals with reference to the DRG. This may include the referral of planning proposals (pre or post lodgement) at identified thresholds to an appointed panel, consultant or internal resource for a review or assessment of proposed design measures.

Draft Leeuwin Naturaliste Sub-Regional Planning Strategy (LNSRPS)

The Draft LNSRPS was adopted by the WA Planning Commission in 2017, reflecting a partial review of *State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge*. The LNSRPS identifies planning strategies and policies for the region generally and for Dunsborough specifically, including:

- Potential future population and urban growth areas for Dunsborough;
- Broadly identifying the opportunity for infill residential development within and adjoining the Dunsborough Town Centre; and
- Identifying the potential expansion of the Dunsborough Town Centre to the south of Caves Road being investigated within an ACP.

These matters will be considered relevantly in the preparation of the proposed ACP. In particular, the ACP area may be extended if there is considered to be the need to consider the expansion of the Dunsborough Town Centre within the expected lifetime of the plan.

City of Busselton Local Commercial Planning Strategy (LCPS)

The City's LCPS contains a summarised assessment of urban design within the Dunsborough Town Centre and recommendations to be considered in subsequent planning (refer to **Attachment E**). Noting that a number of recommendations of the LCPS have already taken place, the proposals identified in this document will be considered as part of the proposed ACP and UDG. The assessment of design qualities and directions is proposed to be reviewed in greater depth but the result of this is not expected to depart substantially from what has been identified in the LCPS.

Local Planning Policy 4B – Busselton Town Centre Urban Design Provisions (LPP 4B)

LPP 4B is an existing policy that provides development standards and design guidelines for the Busselton City Centre, and provides a reference point for the development of such for Dunsborough.

LPP 4B contains a range of principles that reflect good urban design and will be consistent with guidelines for Dunsborough, however it is noted that the general format of the policy requires some clarification and updating.

City of Busselton Economic Development Strategy

The preparation of an ACP and UDG for the Dunsborough Town Centre aligns with the objectives of the Economic Development Strategy (2016), and similarly reflects the City's intent to create vibrant and active public spaces as well as the conditions for successful business development.

FINANCIAL IMPLICATIONS

While the WA Planning Commission formally endorsed the preparation of ACPs for Busselton and Dunsborough in late 2016, these projects were placed on hold pending the potential availability of external funding support via the Regional Centres Development Program (RCDP). As funding options have not been available through the RCDP or other external means, officers now propose to progress the preparation of an ACP and UDG for the Dunsborough Town Centre with the support of existing staffing resources. Dunsborough has been identified as a higher priority than Busselton due to the existence of relevant (though becoming outdated) local planning policy provisions, as well as recent development proposals within the Dunsborough Town Centre.

While the project will be coordinated and substantially delivered in-house, to provide for components requiring detailed technical analysis it is proposed to employ specialist consultants to provide baseline information as follows:

- Retail Economics Assessment & Projections – consistent with the requirements identified in Parts 6.2.2 and 6.5 of SPP 4.2, an assessment of retail needs and sustainability should occur in order to inform any need to expand the commercial footprint of the Dunsborough Town Centre, and the potential timing of this.
- Design/ Architectural Assessment – detailing the current design themes, architectural style and landmark features within the Dunsborough Town Centre, providing the basis for setting a desired direction that is reflected in adopted controls. The involvement of consultancy advice in this regard is considered necessary to produce work that can be adopted by design professionals and meets the expectations of the assessment processes foreshadowed in Draft State Planning Policy 7.

Each of these assessments will be scoped to enable consideration as part of the 2018/19 budget.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflects the following Community Objective adopted in the Strategic Community Plan 2017:

2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.

e. Continue to revitalise and activate the Busselton and Dunsborough town centres.

Proactively planning for and providing conditions to support the revitalisation of the Dunsborough Town Centre underpins a range of other Council priorities, including with regards to the development of attractive community places and supporting the development of local businesses.

RISK ASSESSMENT

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

No residual risks were identified from implementing the officer recommendation, and it is further considered that implementing the officer recommendation reduces the risk that inappropriately designed development may occur within the Dunsborough Town Centre.

CONSULTATION

The requirement to advertise a proposed ACP is outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2, Part 5, Cl. 34). Accordingly, the City must advertise an ACP (via one or more of: newspaper advertising, general electronic notification, direct landowner notification, erection of signage on site), refer the proposal to relevant public agencies, and advise the WA Planning Commission. A proposed ACP is to be made available for public submissions for a minimum of 14 days up to a maximum of 28 days.

The requirement to advertise a proposed local planning policy (the City's preferred format for UDG) is outlined in the Regulations (Schedule 2, Part 2, Cl. 4) and includes the requirement for notification within a local newspaper only. A proposed local planning policy is to be made available for public submissions for a minimum of 21 days.

The City has undertaken regular consultation with regard to various changes to the planning framework and streetscape improvements over the past few years. It is also noted that notifications are proposed to occur in the first half of 2018 concerning changes to car parking management and the forthcoming stage of streetscape works.

However, on account of recent development proposals and a demonstrated community desire for involvement with urban design matters, the proposed ACP and UDG is considered to be of significant community interest and a more extensive consultation program is proposed than is required under the Regulations.

City officers propose to undertake preliminary consultation during initial preparation and drafting phases as follows:

- Consult with the CBD Place Management/ Activation sub-committee of the City's Economic Development Taskforce in order to ensure alignment of objectives, identify relevant issues, and potentially to provide ongoing project reference;
- Meet with the Dunsborough-Yallingup Chamber of Commerce & Industry and the Dunsborough & Districts Progress Association to brief these groups on the project and identify initial desires and concerns; and
- Invite expressions of interest from relevantly experienced and/or qualified design practitioners, with a direct interest in Dunsborough, to peer-review the proposed Design/ Architectural Assessment and preview components of the ACP and UDG while in preparation.

Following preliminary consultation and the preparation of technical assessments, a report will be provided to the Council (expected to occur in the third quarter of 2018) to present a draft ACP and UDG prior to formal public consultation being undertaken.

Formal public consultation is proposed to occur inclusive of:

- An open public workshop
- Newspaper advertising
- Website notification and engagement via 'Your Say'
- Notification (via letter) of directly affected land and business owners

Further relevant means of engagement may also be identified as the project is progressed.

Responses received through the public consultation process will be considered in the finalising of the proposed ACP and UDG, which is expected to be submitted to the Council for consideration in late 2018 or early 2019.

OFFICER COMMENT

In support of the recently introduced (via Omnibus 1) and proposed (Omnibus 4) Scheme provisions, the preparation of an ACP and UDG is proposed in order to provide guidance and direction for the future development of the Dunsborough Town Centre. Officers consider this to be both the next logical step and a necessary part of strengthening the local planning framework against inappropriate development. Several recent proposals have demonstrated this need via the contrast in potential development outcomes.

The preparation of an ACP and UDG is proposed to take place concurrently to achieve consistency and to make the most efficient use of officer time and consultation processes.

Proposed Activity Centre Plan

The preparation of an ACP will serve to address urban design matters which are more spatially distinct (relative to the Scheme provisions), including issues relevant to specific sites.

The proposed ACP will effectively supersede the DTCCP (which itself superseded previous documents), however will be prepared with a finer level of detail, be more oriented toward providing guidance for development on private land, and will have a much greater level of statutory weight than the DTCCP. The ACP will also be able to take account of significant recent studies, including the Draft Local Planning Strategy (2013) and Draft Leeuwin-Naturaliste Sub-Regional Strategy (2017), as well as relevant statutory decisions.

The preparation of an ACP will consider the general matters outlined in the Regulations, to the extent that these are relevant for an existing, established centre. Broadly, this will include reporting on the attributes and context of the Dunsborough Town Centre and expectations for its population and commercial growth.

The primary focus of the ACP will be to address the following matters:

1. Providing development standards for building design and servicing:
 - a. Special provisions and/or standards based on the desired streetscape (eg. potentially by streetscape type as per approach for Busselton in LPP 4A). This includes consideration of specified controls for vertical zoning of land use, building setbacks, awnings/verandas, façade/ frontage, crossovers, landmark features, etc.
 - b. Special provisions or standards relating to the transition between land use areas, zones and public reserves (eg. setbacks between land zoned as Business RAC-3, Residential R80/A74 and Residential R15);

- c. Potential identification of specialised precincts:
 - i. By land use types, and means to facilitate their development;
 - ii. By building design, via specific design/ architectural guidance.
2. Outlining future road and streetscape design (at a conceptual/ strategic level) and the integration of transport infrastructure:
 - a. Potential road traffic and parking improvements, including public transport and cycling infrastructure (including the connection of Clark Street to Cape Naturaliste Road);
 - b. Identify crossover restrictions and the preferred provision of parking associated with development (eg. on-site or cash-in-lieu);
 - c. Pedestrian accessibility, network linkages and wayfinding, and means to provide for active and alternative modes of transport.
3. Identifying future community infrastructure and servicing requirements, including the function and utilisation of publicly managed lands:
 - a. Clark Street connection to Cape Naturaliste Rd and other strategic proposals;
 - b. Strategic infrastructure projects, including land acquisitions and divestments;
 - c. Proposed changes to the development and management of public lands, including open space, and place-making opportunities.

To support the vibrancy and vitality of the Dunsborough Town Centre, means to support economic diversity and robustness and to encourage mixed use and residential development (including support for the incentives provided for in LPS 21) will also be considered.

Proposed Urban Design Guidelines

The preparation of UDG for the Dunsborough Town Centre will supplement the controls and standards outlined in LPS 21 and the proposed ACP by providing detailed description and explanation of expected urban design outcomes.

The purpose of the proposed UDG will be to provide greater description and explanation of the adopted provisions, clarify meanings and interpretations, outline the City's assessment process, and identify criteria for demonstrating performance (including acceptable development standards where relevant). This potentially includes:

1. Defining (with reference to SPP 7) and describing the application of the design principles proposed for inclusion in LPS 21 as part of Omnibus 4, which include:
 - a. Context and character
 - b. Landscape quality
 - c. Built form and scale
 - d. Functionality and build quality
 - e. Sustainability
 - f. Amenity
 - g. Legibility
 - h. Safety
 - i. Community
 - j. Aesthetics
2. Provide deemed-to-comply criteria and/or examples of meeting adopted development standards, where relevant and appropriate.
3. Describe performance measures of addressing design qualities that are contextual and are not easily addressed through prescribed standards.

4. Outline the objectives that underpin adopted development standards and provide guidance on preferred development outcomes (eg. where tourist or residential accommodation is not permitted at ground floor level, what land uses are preferred and the desired outcomes – such that other uses and/or variations can be assessed against these objectives).
5. Identifying the information requirements (at appropriate thresholds) associated with development proposals (eg. where an urban design assessment might be necessary) and the design review process that will subsequently take place.

The proposed UDG will be prepared as a Local Planning Policy, somewhat similar to – although updated, improved and made location-specific as necessary – that currently in place for the Busselton City Centre (*Local Planning Policy 4C. Busselton Town Centre Urban Design Provisions*). It is noted that many of the urban design principles guiding contemporary best practice are widely acknowledged, and will be relevant to both the Busselton and Dunsborough centres as well as more broadly.

CONCLUSION

The proposed preparation of an ACP and accompanying UDG for the Dunsborough Town Centre is seen as a logical and necessary step towards providing a local planning framework that provides appropriate guidance and direction for future development. The support of the Council for initiating this process is recommended.

OPTIONS

The Council may consider various other options, including:

1. Not progressing the preparation of an ACP, UDG, or both at this time for reasons to be identified.
2. Providing specific direction on the matters to be considered within the proposed ACP and/or UDG.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Officer Recommendation be supported by the Council preliminary consultation, scoping of consultancy requirements (for technical assessments) and initial drafting as outlined in this report will commence within one month of the Council's resolution.

It is expected that a subsequent report will be provided to the Council in the third quarter of 2018 prior to formal public consultation, and with the intent of preparing final documents for Council to consider adoption in late 2018 or early 2019.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1802/016

Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council endorses the preparation of an Activity Centre Plan and Urban Design Guidelines (as a Local Planning Policy) for the Dunsborough Town Centre, as proposed in the agenda report.

CARRIED 9/0

EN BLOC

10.2 Policy and Legislation Committee - 1/02/2018 - CAR PARKING MANAGEMENT IN THE DUNSBOROUGH TOWN CENTRE

SUBJECT INDEX:	Town & City Centres
STRATEGIC OBJECTIVE:	Road networks that provide for a growing population and the safe movement of all users through the District.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning & Development
REPORTING OFFICER:	Strategic Planner - William Hosken
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Current Parking Availability & Restrictions⇒ Attachment B Proposed Parking Availability & Restrictions⇒ Attachment C Current & Proposed Special Purpose Parking⇒

This item was considered by the Policy and Legislation Committee at its meeting on 1 February 2018, the recommendations from which have been included in this report.

PRÉCIS

The Council is requested to consider a number of changes to vehicle parking management in the Dunsborough Town Centre, including the adoption of revised parking designations resulting from recent streetscape works, and the endorsement of proposed changes to special purpose parking and parking time restrictions.

These changes have been proposed in reflection of the need to provide sufficient and appropriately located special purpose parking in accordance with current standards, increase the consistency and legibility of parking controls, improve the efficiency of compliance and monitoring and provide greater availability of parking for visitors and shoppers.

BACKGROUND

In early 2017 City officers provided a briefing to Councillors on parking management within the Dunsborough Town Centre, further to which this report is now presented on the changes to parking controls proposed.

The Dunsborough Town Centre contains approximately 1250-1300 parking bays, with about half of these being managed by the City (located on roads, other reserves, and privately owned property with management delegated to the City via agreement). Car parking under the City's management in the Dunsborough Town Centre, at the completion of the next stage of streetscape improvement works, is identified at **Attachment A**.

This plan identifies 630 parking bays within the City's management, including bays on public lands and on private land managed by the City under agreement, while it is estimated that parking on private property accommodates another 640 vehicles approximately. While it is not possible to accurately report on restrictions that may be applied to car parking on private land where management is not delegated to the City, it is generally noted that such parking does not have formally enforced restrictions in place. It is, however, understood that restrictions have been proposed for the Dunsborough Centrepont Shopping Centre car park, which contains 231 bays.

Further informal parking occurs, particularly during peak periods, on private property, road verges (where no restrictions are in place) and along surrounding streets where no parking bays are marked.

The City continues to pursue the acquisition of land to facilitate the development of a large consolidated parking area in the medium to long term, while it is estimated that further works could potentially provide an additional 45 City-managed parking bays in the vicinity of Chieftain Crescent (39 single bays, but fewer in practice if accommodating long vehicles) and Cyrilleen Way (6 bays) in the short term, subject to funding and prioritisation.

This report proposes to amend the parking management regime within the Dunsborough Town Centre including:

- Adopting changes to the *Consolidated Vehicle Parking Scheme* required to reflect revised special purpose parking designations and time restrictions put in place through recent/current streetscape improvement works;
- Changing the time restriction for visitor/ shopper parking from a three hour maximum stay to a two hour maximum, and provide two additional fifteen minute bays, as shown at **Attachment B**;
- Making a number of changes to special purpose parking designations (including disability (ACROD), motorcycle, bus, taxi, loading and electric vehicle parking bays), as shown at **Attachment C**;
- Undertake improvements to parking signage.

Further discussion on these proposed changes is provided in the 'Officer Comment' section of this report.

These changes have been proposed in reflection of the need to:

- Provide for greater consistency and legibility of designated parking controls to improve user behaviour and compliance outcomes;
- Increase turnover to provide greater availability of parking for shoppers/ customers;
- Provide sufficient and logically located special purpose parking bays to service the Dunsborough Town Centre;
- Allow for the improvement of disabled (ACROD) parking and general parking signage in accordance with the current Australian Standard (1742.11-1999); and
- Improve the efficiency of resources devoted to parking monitoring and compliance.

STATUTORY ENVIRONMENT

Pursuant to the *Road Traffic Code 2000* the City has adopted the *Parking Local Law 2011*, which provides for the City to designate and police parking and traffic restrictions within roadways and vehicle parking areas.

The designation of parking stalls, stations and areas is provided for within Part 2 of the Local Law, pursuant to which the City has adopted the *Consolidated Vehicle Parking Scheme* as a series of plans which identify these designations.

A separate report will be presented to the Council proposing delegation of the power to make changes to the Parking Scheme. The recommendation of this report has been prepared in consideration of this occurring, but relevant options have been detailed should the Council determine otherwise.

Parking designations adopted under the Local Law and shown in the Parking Scheme are given effect through:

- The installation of signage and line marking in accordance with the Code, supplemented by the detailed guidance provided within the relevant Australian Standard (1742.11-1999); and
- The publication of notice of the adopted designations, as required under the Local Law.

In accordance with Clause 1.6(2) of the Local Law, parking designations and compliance may be imposed on parking areas on private land where an agreement has been entered into between the City and that landowner. As the Local Law does not provide explicit direction, the adoption of parking designations on private land may be set by the City or the subject of a negotiated agreement. As detailed in the 'Consultation' section of this report, the City has already achieved agreement for the proposed changes in the majority of such circumstances.

RELEVANT PLANS AND POLICIES

In January 2014 the Council adopted the 'Dunsborough Town Centre Conceptual Plan' to guide streetscape improvements, revisions to planning controls and other various other initiatives supporting the growth and development of the Dunsborough Town Centre. The recommendations of this report reflect the implementation of streetscape works identified in the Conceptual Plan, and further adjustments to parking controls are otherwise consistent.

Local Planning Policy 8A: Car Parking Provisions outlines the requirements for the provision of vehicle parking facilities associated with development, which includes consideration of special purpose parking dependent on the nature of the development and includes minimum provision of taxi pick-up bays, motorcycle bays and bicycle parking facilities. Further commercial developments within the Dunsborough Town Centre will be required to provide parking in association, or otherwise to provide a cash-in-lieu contribution that will enable the City to provide parking on publicly managed land.

The design and construction of vehicle parking bays occurs with reference to the Road Traffic Code and the relevant Australian Standard (1742.11-1999). The Standard details the means of providing disability (ACROD) parking bays with adequate accessibility. A recent change to this Standard resulted in all bays constructed prior to that time being non-compliant. While there is no retrospective application of this Standard and the City is not obliged to make improvements to previously constructed bays, it is desirable that the City plans to progressively do so in order to both improve service delivery for a growing segment of the community and to limit the City's exposure to complaints being made under the Commonwealth *Disability Discrimination Act 1992* (which may then provide for such improvements to be directed).

FINANCIAL IMPLICATIONS

City officers expect that the general changes to signage and line marking that will be required to implement the proposed parking management changes will cost in the order of \$20,000. The most significant component of this cost is the installation of new infrastructure (including traffic control and verge reinstatement, where necessary) to align the City's parking signage with the current Australian Standard. Should the Council endorse the proposed changes to parking management a more detailed costing will be prepared and proposed for funding as a part of the 2018/19 budget.

A detailed costing is also being prepared for the proposed relocation of the electric vehicle charging station, and will be proposed for funding as a part of the 2018/19 budget.

Preferred design approaches for improving disability (ACROD) parking bays have not been identified in several cases, and as such costs have not yet been estimated. It is therefore expected that these changes will be made incrementally, upon priority and as part of future streetscape improvement works.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect the following Community Objectives of the Strategic Community Plan 2017:

2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.

e. Continue to revitalise and activate the Busselton and Dunsborough town centres.

5.1 Public transport services that meet the needs of the community.

a. Work with key stakeholders to improve the accessibility and promotion of public transport services and facilities.

5.2 Road networks that provide for a growing population and the safe movement of all users through the District.

RISK ASSESSMENT

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

It is the expectation of City officers that a medium-level reputational risk accompanies the implementation of the officer recommendation, reflecting the likelihood of the change in timed parking restrictions (from three hours to two hours maximum stay) generating criticism of this action and broader concerns with the provision of car parking to meet demand during peak periods.

As discussed in the 'Relevant Plans and Policies' section of this report, the City is not obliged to improve previously constructed disability (ACROD) parking but would desirably do so in order to limit exposure to complaints being made under the Commonwealth *Disability Discrimination Act 1992*. The Officer Recommendation of this report provides for this to progressively occur and as such no risks are identified. Similarly, the improvement of parking signage to accord with the Australian Standard will provide for the City to improve compliance enforcement outcomes.

CONSULTATION

While there is no statutory requirement for public consultation to occur, officers have consulted informally on this matter, including with the City's Disability Access & Inclusion Committee and with executive committee members of the Dunsborough-Yallingup Chamber of Commerce and Industry. The Dunsborough-Yallingup Chamber of Commerce and Industry indicated support for the City's initiatives within the centre and did not raise any concerns with the proposed direction of car parking management. Additional disabled (ACROD) parking identified by the Disability Access & Inclusion Committee has been identified within the proposed changes to the parking management regime, subject to the resolution of design.

The City has undertaken comprehensive consultation associated with the Dunsborough Town Centre streetscape improvement program, including associated changes to parking.

The proposed change from a three hour to two hour parking restriction is considered to have generally wide support from businesses and landowners, on account of:

- An existing agreement to manage parking at 42 Dunn Bay Road (Naturaliste Forum – IGA) with a maximum two hour stay;
- A recently adopted agreement to manage parking at 54 Dunn Bay Road (Dunsborough Medical Centre *et al*) with a maximum two hour stay;
- Requests from tenants at 233 Naturaliste Terrace (adjoining Hannay Lane) for a two hour time restriction to be applied, pending endorsement of the strata group;
- The proposed introduction of a two hour time restriction at the Dunsborough Centrepoint Shopping Centre (to be enforced privately).

One other private parking area managed by the City under agreement that is not referred to above is on Seymour Boulevard, associated with development at 34 Dunn Bay Road (Dunsborough Park Shopping Centre). The strata company associated with this development will be further consulted with regarding the proposed change to parking time restrictions; however the City is able to implement changes to the majority of this car park regardless as it is largely located within the road reserve.

City officers generally expect varied opinion within the wider community on the proposed changes to timed parking restrictions and that this may attract some criticism (as outlined in the 'Risk Assessment' part of this report). In particular, officers expect that the real estate industry sector is least likely to be satisfied by the proposed changes, on account of a number of relevant businesses in Dunsborough preferring to occupy premises with high levels of passing foot traffic but which are reliant upon public parking areas.

Consultation has taken place with the operator of Dunsborough Taxis who is in support of the designation of a dedicated taxi bay, and expects that this will be recognisable by patrons and therefore well utilised by the company.

Feedback has been received by the City from residents along Chieftain Crescent about informal parking, and the proposed introduction of a 'No Standing' control on the residential side of this street has been proposed in response to these concerns. Matters regarding the connection of access through Chieftain Crescent to surrounding streets will be the subject of a separate report to Council.

In accordance with the *Parking Local Law 2011* the provision of public notice of changes to parking designations is required. This will occur in a local newspaper and on the City's website, in accordance with the resolution of the Council.

City officers propose to provide advance notice of parking changes as part of communications associated with the upcoming stage of streetscape improvement works and, similar to what occurred in late 2016 prior to the introduction of regular parking enforcement in the Dunsborough Town Centre, distribution of information about the proposed changes across the Town Centre by the City's Parking Officers & Rangers.

Should any significant works be required in association with the improvement of parking bays or areas, immediately affected landowners and businesses will be notified and consulted as required. However it is noted that the majority of the infrastructure changes proposed as a direct result of this report are of a very minor nature.

OFFICER COMMENTRecent Parking Improvements

Changes to parking designations as a result of recently completed streetscape improvement works include:

- Addition of 4 motorcycle bays on Seymour Boulevard (off-street);
- Relocation of 2 bus bays on Seymour Boulevard (on-street);
- Addition of 1 disability (ACORD) bay on Prowse Way (off-street);
- Relocation of 1 disability (ACROD) bay from Dunsborough Place to Chieftain Crescent (off-street);
- Adjustment of the time limited parking designation in the vicinity of Dunsborough Place to reflect the arrangement of parking after streetscape works;
- In order to manage parking along Chieftain Crescent following its opening to the town centre, a 'No Standing' restriction is identified on the residential (eastern) side of Chieftain Crescent.

Further, parking at the western end of Dunn Bay Road will be reverted to time restricted parking (2 hours, as proposed). The existing 3 hour restriction in this location had been relaxed in the Consolidated Vehicle Parking Scheme to provide additional unrestricted (all-day) parking during streetscape works, but it is now desirable to restore this restriction as part of the regular pattern of parking controls.

Proposed Signage Improvements

Additional signage is proposed to be installed in various locations across the Dunsborough Town Centre in order to improve the consistency of the City's parking control signage with the relevant Australian Standard (1742.11-1999). The Standard provides for maximum signage distances of 200 metres within an identified parking 'zone' (or 75 metres otherwise), which the City will meet and exceed in circumstances where it is reasonable to do so (eg. separated parking blocks with no visibility of other signage). It is expected that an increase in the visibility of parking signage will reduce the potential for confusion and improve compliance outcomes, noting that the City has recently received a number of complaints and infringement appeals based on the visibility of parking control signage.

These signage improvements will occur in accordance with the parking restrictions adopted by the Council.

Officers will also investigate additional directional signage to support visitors identifying where additional and all-day parking is available, as well as other wayfinding within the Dunsborough Town Centre.

Proposed Special Purpose Parking Improvements

The following discussion is provided further to the proposed improvements to special purpose parking outlined at Attachment D.

Disability (ACROD) Bays

The City of Busselton is committed to the principles of universal access in accordance with the City's Disability Access & Inclusion Plan (DAIP 2014-18), and the demand for parking which supports access for people with limited mobility is generally growing in line with the City's growing and ageing population. Current National Disability Services statistics identify 306 ACROD permit holders residing within the 6281 and 6282 postcode areas (Dunsborough, Yallingup and surrounds), an increase from 223 reported in 2013/14.

Within the Dunsborough Town Centre disability (ACROD) bays are currently provided for as follows:

- 5 bays within reserves managed by the City (3 of which are compliant with the current Australian Standard);
- 6 bays in private parking areas managed by the City under agreement (none compliant);
- 14 bays in private parking areas (none compliant).

A high proportion of bays within private parking areas are poorly maintained, lacking the signage and line marking necessary to be compliant with previous versions of the Australian Standard and in some cases bays have been removed or are entirely ineffective for this purpose. In this regard, officers propose to write to landowners to request that required bays are actively maintained.

Various other accessibility issues within the Town Centre that have been identified both from direct user feedback and in consultation with the Disability Access & Inclusion Committee are considered as part of streetscape upgrade and maintenance works, as appropriate.

Proposed changes include:

- Addition of 1 bay with direct access to Seymour Park, adjacent to public toilet (on-street);
- Addition of 1 bay along the western extent of Dunn Bay Road (southern side), to be provided as a long bay that accommodates rear-loading and other extended vehicles (on-street);
- Reconfiguration of existing bays in identified areas – retaining bays within these general areas but designing and locating them such that the current Australian Standard can be met. These changes have not been specifically identified as further detailed design is required in order to resolve the most appropriate and practical means of making these improvements (for example, addressing difficulties providing these bays within parallel and angled parking areas).

Motorcycle Bays

While motorcycle use is in the minority of transport share, the provision of dedicated motorcycle parking is supported by officers as a means of reducing informal parking on footpaths and road verges, and avoiding the inefficiency of having full-sized car parking bays occupied by motorcycles. The provision of motorcycle parking bays can often be accommodated in spaces where a car parking bay cannot.

There are currently three designated motorcycle bays in the Dunsborough Town Centre within privately managed parking areas and one motorcycle bay at the western end (southern side) of Dunn Bay Road. Four motorcycle bays have been recently constructed within the Seymour Boulevard parking area managed by the City.

The addition of motorcycle bays will generally be considered as part of future streetscape improvements where this can add to, rather than replace, opportunities for full-sized car parking bays to be provided. However as there is currently no dedicated motorcycle parking bays within all-day parking areas, City officers propose the following change:

- Addition of 2 motorcycle bays within the all-day parking area accessed from Chieftain Crescent (off-street).

Bus Bays

No changes to the location of designated bus bays (Seymour Boulevard) are proposed further to that adopted as part of recent streetscape improvement works.

Small bus drop off may be provided for via proposed additional 15 minute (loading) bays and, where relevant, the extra length disability (ACROD) bay.

Taxi Bays

There is currently no dedicated taxi parking bays within the Dunsborough Town Centre.

Taxis provide an important private transport service that supplements the limited availability of public transport, particularly for seniors, persons with limited mobility (and disability) and for the patrons of licensed premises. As a replacement for trips that would most likely be made in other private vehicles, taxis do not generate significant additional traffic and do not occupy car parking spaces for the same length of time as would otherwise be required – providing for increased availability for other users.

Officers propose that a dedicated taxi parking bay will allow for local taxi operators to be stationed in the Dunsborough Town Centre and increase the accessibility of this service to patrons. Noting the service that taxis provide after-hours and to the patrons of licensed premises, the potential for anti-social behaviour is most appropriately addressed through locating taxi bays and ranks in accessible, visible and well-lit locations that are away from residences and entrances to licensed premises.

Proposed changes include:

- Designating one dedicated bay for taxi use on Dunn Bay Road (northern side) adjacent to.

Loading Bays

While the majority of businesses in the Dunsborough Town Centre have access to a rear or common loading area, the delivery of goods to smaller retail and hospitality operators (in particular) is serviced by couriers that typically utilise on street parking bays that provide for the most direct access and egress. Illegal standing and parking regularly occurs, often resulting in the obstruction of paths, verges and occasionally thoroughfares and in several locations damage to infrastructure (kerbing, footpath paving, grass) has resulted. Due to the industry-driven time pressures associated with delivery services, the provision of loading bays close to the point of delivery are important for operators and an even and logical distribution of bays necessary.

Officers have identified locations where additional loading bays might be provided to help alleviate this issue. While it is proposed to designate these as loading bays, which are restricted to commercial vehicles, these bays could alternatively be designated as 15 minute restricted parking bays in order that they might be utilised for other purposes also.

Proposed changes include:

- Addition of 1 loading bay along the western extent of Dunn Bay Road (northern side);
- Addition of 1 loading bay along the northern extent of Seymour Boulevard (western side) – noting that verge re-construction would be required.

The designation of loading bays along Hannay Lane may also be required, but this can only occur as part of a more detailed investigation into the arrangement of traffic in this location.

An option presented for the consideration of the Council is to designate additional 15 minute restricted bays, which may incidentally function as loading bays.

Electric Vehicle Charging Bays

There is currently one designated electric vehicle charging bay in the Dunsborough Town Centre, located on Dunn Bay Road adjoining Lions Park.

Reflecting feedback from Councillors in late 2017, it is proposed to relocate this bay to an alternative site on the periphery of the Dunsborough Town Centre. A detailed costing will be prepared and proposed for funding as a part of the 2018/19 budget.

Proposed changes include:

- Relocation of the electric vehicle charging station (bay and charging unit) to the off-street carpark access from Chieftain Crescent.

Long Vehicle Parking

The majority of parking within the Dunsborough Town Centre is angled or perpendicular and does not suitably accommodate long vehicles without the potential for informal and illegal parking arrangements, blocking of thoroughfares, etc. The availability of parallel parking, that can more suitably accommodate long vehicles, is limited and is located in high traffic/ high turnover locations such as Dunn Bay Road.

It is generally quite difficult and impractical to provide parking specifically for long vehicles, and officers do not propose to do so as this would likely come at the expense of additional car parking bays. Officers consider that the most appropriate means of accommodating long vehicles is to adopt the same approach employed for the Busselton City Centre – directing long vehicles to parallel parking opportunities on the fringe of the Dunsborough Town Centre.

By providing a designated location the City may accommodate these users and avoid criticism to the contrary, and reduce informal/ illegal parking elsewhere and any associated compliance disputes.

Proposed changes include:

- Widening the identified portion of Chieftain Crescent (south) and designating on-street parallel parking on the western side, supported by directional signage indicating that this location provides for parking of long vehicles.

Proposed Changes to Parking Time Restrictions

Within City managed parking areas the predominant time restriction (where applied) permits a maximum stay of 3 hours. Exceptions are bays within the Naturaliste Forum complex (123 bays with a 2 hour limit) and bays servicing the post office (2 bays with a 15 minute limit).

A recommendation of this report is to reduce all existing 3 hour maximum time limits to 2 hours. This proposed change is considered to be necessary on account of the desirability to:

- Achieve greater consistency of parking controls within the Dunsborough Town Centre.
- Achieve greater consistency with the Busselton City Centre, enabling visitors to the district to better understand the pattern of parking controls.
- Support the regular turnover of parking to improve access for visitors and shoppers, and improve compliance amongst all-day parkers (reducing instances of moving between time limited bays).

The result of the proposed changes would be, amongst City managed parking, approximately one-third of bays with no restriction (all day stay permitted), approximately two-thirds with a 2 hour restriction, and the remainder with a 15 minute restriction.

Experience in Busselton and elsewhere (including Bunbury, which has significant areas of parking limited to 2 hours and/or providing the first 2 hours without charge) suggests that a two hour limit provides sufficiently for the parking needs of the vast majority of visitors and shoppers, while balancing the need to ensure turnover and availability of parking bays.

While it is not possible to accurately report on restrictions that may be applied to car parking on private land where management is not delegated to the City, it is generally noted that such parking does not currently have enforced time restrictions in place. The City has, on regular occasions in the past, invited private landowners to enter into agreement with the City to provide for a regular pattern of restrictions and compliance enforcement.

The proposed reduction in parking time limits would also improve the efficiency of parking enforcement resources. The City's Parking Officers, who have been undertaking regular compliance inspections in the Dunsborough Town Centre since November 2016, have identified that a complete circuit can be completed within two hours (including during busy periods). The City could therefore provide monitoring and compliance for the proposed reduction in timed parking limits without the need for any additional resources, and this would in fact make for the most efficient use of existing resources.

It is also proposed to designate a 15 minute maximum length of stay to two bays located on Dunn Bay Road adjoining Lions Park. City officers have received feedback about informal and illegal parking occurring in this vicinity, often associated with accessing post office boxes. It is considered that the provision of additional 15 minute bays may help to address this issue, as well as increasing the turnover of bays in what is seen as a prime location.

CONCLUSION

The proposed changes to parking designations in the Dunsborough Town Centre, including the adoption of revised parking time restrictions and special purpose parking designations, are considered necessary to optimise parking management and provide sufficiently for all user types.

It is recommended that the Council adopt the Officer Recommendation to amend the Consolidated Vehicle Parking Scheme as indicated and endorse the progression of further changes as proposed.

OPTIONS

The Council may consider various other modifications to the Consolidated Vehicle Parking Scheme or the proposed changes detailed in this report to enable an alternative distribution or layout of parking controls. Specifically, options proposed by officers for the Council's consideration include:

1. Designation of proposed new loading bays (commercial vehicles only) on Dunn Bay Road and Seymour Boulevard as 15 minute time restricted parking bays, generally providing for these to be more available for loading purposes but also for other general usage. Officers consider that this concept has merit, subject to ongoing monitoring to ensure that commercial delivery services are adequately provided for.
2. Undertaking a seasonal trial of changes to parking time restrictions, by providing for a maximum of 2 hours parking during a specified peak period only (eg. 1 November to 31 January, and reverting to 3 hours at all other times). This would necessitate the replacement of signage on a seasonal basis.
3. Should the Council not grant delegation to amend the Consolidated Vehicle Parking Scheme to City officers as proposed (in a separate report), the Council may choose to adopt the proposed changes to special purpose parking into the Scheme at this time (to be thereafter implemented via signage and line marking) or subsequently (following implementation).

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should the Council endorse the proposed reduction of timed parking restrictions from three hours to two hours, the Consolidated Vehicle Parking Scheme will be amended immediately and signage changes put in place as soon as possible, no later than September 2018. Notice of the changes will be published concurrent with the installation of signage.

Should the Council endorse the proposed changes to special purpose parking designations, detailed design will support the provision of a proposed budget allocation for the 2018/19 financial year and improvements will be implemented progressively thereafter, including as part of future streetscape upgrade works where possible. The Consolidated Vehicle Parking Scheme would then be updated under delegation, should the Council determine that this may occur.

Subject to budget allocation proposed general signage and line marking improvements will be undertaken in the 2018/19 financial year, no later than September 2018.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1802/017** Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council:

1. Pursuant to the *City of Busselton Parking Local Law 2011*, endorse amendments to the Consolidated Vehicle Parking Scheme relating to the Dunsborough Town Centre as follows:
 - a. To reflect recently completed works, the:
 - i. Addition of 4 motorcycle bays on Seymour Boulevard (off-street);
 - ii. Relocation of 2 bus bays on Seymour Boulevard (on-street);
 - iii. Addition of 1 disability (ACORD) bay on Prowse Way (off-street);
 - iv. Relocation of 1 disability (ACROD) bay from Dunsborough Place to Chieftain Crescent (off-street);
 - v. Adjustment of the time limited parking designation in the vicinity of Dunsborough Place to reflect the arrangement of parking after streetscape works.
 - b. Change all three hour time restricted parking to a two hour time restriction;
 - c. Change the designation of two bays on Dunn Bay Road adjoining Lions Park to a fifteen minute time restriction;
 - d. Introduce a 'No Standing' control along the residential (eastern) side of Chieftain Crescent.
2. Provides public notice of the adoption of an amended Consolidated Vehicle Parking Scheme as per item 1.
3. Endorses the proposed approach to improving the arrangement of special purpose parking and general parking signage, noting that this will include the preparation of a budget item/s for the 2018/19 financial year.

**CARRIED 9/0
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11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.2 AMENDMENT 27 TO LOCAL PLANNING SCHEME 21 AND ASSOCIATED STRUCTURE PLAN - LOT 10 COMMONAGE ROAD, DUNSBOROUGH - CONSIDERATION FOR FINAL APPROVAL

SUBJECT INDEX:	Town Planning Schemes and Amendments
STRATEGIC OBJECTIVE:	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
BUSINESS UNIT:	Strategic Planning and Development Services
ACTIVITY UNIT:	Strategic Planning and Development
REPORTING OFFICER:	Principal Strategic Planner - Louise Korovesi
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Schedule of Modifications⇒ Attachment B Location Plan⇒ Attachment C District Open Space Concept Plan⇒ Attachment D Existing Zoning⇒ Attachment E Proposed Zoning⇒ Attachment F Endorsed Dunsborough Lakes Structure Plan⇒ Attachment G Draft Structure Plan⇒ Attachment H BAL Contour Plan⇒ Attachment I Schedule of Submissions⇒

PRÉCIS

The Council is requested to consider adopting for final approval Amendment 27 to Local Planning Scheme 21 (LPS21). The Amendment seeks to rezone Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purpose (Dunsborough Lakes Development Area)' and amend Schedule 3 – 'Special Provision Areas' to include the subject land within Special Provision Area No. 42. Modifications to the endorsed Dunsborough Lakes Structure Plan are also proposed that reflect land use changes sought through the Amendment.

The proposal would allow residential subdivision to occur in the southern part of the site and would also help facilitate the subdivision and acquisition of a 7.56 hectare northern portion of Lot 10 by the City for the future development of district-level sporting and active recreation ovals and associated infrastructure.

Amendment 27 was adopted for public consultation by the Council on 13 September 2017. Advertising of the Amendment resulted in five government agency submissions and one public submission. The public submission raised objection to the proposal however the reasons provided are not considered to be substantive.

Officers are recommending that Amendment 27 be adopted for final approval in accordance with a change proposed in response to matters raised by the EPA (and as set out in the Schedule of Modifications provided at **Attachment A**) and referred to the WAPC/Hon. Minister for Planning for final endorsement.

BACKGROUND

The proposal comprises a Scheme amendment and modifications to the endorsed Dunsborough Lakes Structure Plan. The subject land is approximately 20 hectares in area and is located 2km south of the Dunsborough Town Centre, adjacent to Dunsborough Lakes Estate. A location plan and aerial photograph are provided at **Attachment B**.

Lot 10 is relatively flat and partially cleared. Remnant vegetation exists predominantly through the centre of the land, along Commonage Road and in the northeast corner at Dunsborough Lakes Drive. The remainder of the site is either 'parkland' or wholly cleared.

Lot 10 is reserved in LPS21 for 'Public Purposes (Sewer Treatment Plant)' and is owned in freehold title by the Water Corporation. The southern portion of the site previously accommodated the Dunsborough Waste Water Treatment Plant (DWTP). The DWTP was ultimately considered surplus to operational requirements and was decommissioned in 2001, with the levelling of treatment ponds and removal of storage tanks and sludge completed by 2004. Groundwater monitoring and soil testing was undertaken to assess contamination levels. The subject land was officially reclassified as a 'decontaminated site' by the Department of Environmental Regulation in September 2013 and, consequently, deemed suitable for alternative 'sensitive' land uses such as residential and recreation.

The potential opportunity to utilise the northern 'third' (7.56 hectares) of Lot 10 for the development of two sporting and active recreation ovals and associated infrastructure in a manner that would provide a contiguous, district-level facility with a third, 'shared use' oval (on land to be ceded to, and developed by, the City immediately south of the future Dunsborough Lakes primary school site and east of Lot 10 on abutting Lot 9058) has been previously identified by the City. An acquisition/sale price for the northern third of the subject land has been agreed between the City and the Water Corporation, with the Council formally deciding to proceed with the purchase and finalisation/execution of the Contract of Sale at its meeting of 22 February 2017. This contract was executed on 4 May 2017 (with settlement and transfer of tenure circa June 2018, conditional upon the Gazettal of this Amendment). To assist in meeting this short timeframe this report has been prepared two days before the close of advertising to enable its presentation to the Council on 14 February 2018. Should further submissions be received an updated Schedule of Submissions will be provided.

A conceptual plan showing how a contiguous three oval and active recreational area development could be constructed across the northern third of Lot 10 (and incorporating the 'shared use' oval proposed alongside the future Dunsborough Lakes primary school on the adjoining property) is provided at **Attachment C**.

Each element of the proposal is outlined below under appropriate sub-headings.

Scheme Amendment

The Scheme Amendment proposes to –

1. Rezone Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'.
2. Amend Schedule 3 – 'Special Provision Areas' to include reference to Lot 10 Commonage Road, Dunsborough in Special Provision Area 42.
3. Amend the boundary of Special Provision Area 42 to include the whole of the subject land.

Existing and proposed zoning maps are provided at **Attachments D and E** respectively.

Proposed Modified Dunsborough Lakes Structure Plan

It is proposed to modify the endorsed Dunsborough Lakes Structure Plan to include the whole of Lot 10 Commonage Road. The key elements of the proposed structure plan as it relates to the subject land are summarised below –

- Approximately 12 hectares of public open space for recreation and conservation.
- Approximately 7 hectares of residential land that will yield 102 residential lots ranging in size from 375m² to 737m². The majority of the residential cell is proposed at a density of R20, with R30 towards the western boundary of the subject land.
- A road network that provides for connectivity to adjacent land within the Dunsborough Lakes estate and a single centralised access point to Commonage Road.
- A 20m landscape buffer to Commonage Road.

The endorsed Dunsborough Lakes Structure Plan is provided at **Attachment F** and the draft structure plan is provided at **Attachment G**.

The proposal is supported by the following technical assessments and key findings of each are discussed below under appropriate sub-headings.

- i. Flora, Vegetation and Fauna Assessment
- ii. Bushfire Management Plan
- iii. Local Water Management Strategy

Flora, Vegetation and Fauna Assessment

A Flora, Vegetation and Fauna Assessment undertaken in early spring 2012 identified the ecological values, opportunities and constraints across the subject land. The key findings of the assessment are summarised as follows –

Flora & Vegetation

- 70 flora species from 27 families were recorded on the site, including 32 introduced species.
- No threatened (declared rare) or priority listed flora species were recorded during the survey.
- Six vegetation types were identified broadly representing the Abba vegetation complex of which less than 2% of the pre-European extent remains. Where there is less than 10% of the pre-European extent of a complex remaining, remnants of the vegetation complex are considered to be significant and a priority for conservation. Wetland areas occur in the northern area of the subject land and have been modified with constructed drains and sumps.
- Jarrah/Marri/WA Peppermint occur across drier areas of the site, with Melaleuca species present in wetland areas. The understorey is dominated by introduced species.
- The condition of the vegetation over the majority of the subject land was assessed as being degraded to completely degraded, with some areas either in good condition or cleared.

Fauna

- Eucalyptus (Jarrah/Marri) and WA Peppermint woodland, Melaleuca woodland, artificial ponds and paddock comprise the four fauna habitat types. The majority of fauna habitat was assessed as disturbed or highly degraded, other than the narrow corridor of Eucalyptus and WA Peppermint Tree woodland along Commonage Road which was assessed as being in good condition.

- 40 fauna species were recorded and of those three species are listed as conservation significant (Vulnerable, Endangered or Threatened), being: Baudin's Black Cockatoo; Carnaby's Cockatoo; and Western Ringtail Possum.
- Areas of Black Cockatoo breeding and foraging habitat and Western Ringtail Possum habitat are the primary habitat features of significance within the subject land. These areas include the central vegetation corridor (that links with vegetation on adjoining land), along Commonage Road and a small pocket in the north eastern corner of the subject land.

Key recommendations of the assessment are -

- Consider the rehabilitation of appropriate parts of the site for conservation.
- Retain and manage the vegetation which is in good condition.
- To minimise impacts on fauna, retain and improve remnant vegetation patches that are in good condition, including corridors, such as through the centre of the site and along Commonage Road.
- Retain WA Peppermint trees with a diameter of >100mm and large mature Eucalypt trees, especially those surrounded by remnant vegetation.

An assessment of the environmental significance of vegetation within the proposed future residential portion of the subject land and the requirement for referral to the Department of Environment and Energy has also been provided in support of the Amendment.

The assessment finds that vegetation clearing that would result from the implementation of the residential development area, as shown on the proposed structure plan, is unlikely to have a significant impact on black cockatoo species or the Western Ringtail Possum. This is primarily due to the following factors:

- large areas of reserved potential habitat for all species exist nearby to the subject land;
- the proposed action will not fragment the existing remnant vegetation corridor within the subject land;
- the vegetation that will be cleared within the residential development area of the subject land is of poor quality; and
- the vegetation that will be included in public open space is the best representation of habitat within the subject land.

Bushfire Management Plan

A portion of the subject land is designated bushfire prone on the State Map of Bushfire Prone Areas. In response, a Bushfire Management Plan (BMP) has been prepared in accordance with the WAPC *State Planning Policy 3.7 – Planning in Bushfire Prone Areas 2015/Guidelines for Planning in Bushfire Prone Areas 2017*.

The key findings of the BMP are summarised as follows -

- Pre-development vegetation is assessed as: 'Class A Forest' in the south and west of the subject land; 'Class B Woodland' in the centre, east and northeast areas of the subject land; and 'Class G Grassland' in the northern and southern portions of the subject land.
- Effective slope is assessed as flat ground.
- The vegetation to be retained post-development in the central public open space and landscape buffer along Commonage Road is not considered to present bushfire threat to future development.

- The BMP BAL contour map suggests that four residential lots have a *marginal* intrusion of the BAL-40 contour, however with the proposed internal road network, combined with the building setbacks required by the Residential Planning Codes of WA for R20 and R30, the separation distance between future development (houses) and classified vegetation will achieve BAL-29 or lower. The BAL contour map is provided at **Attachment H**.
- The BMP finds that the southern portion of Lot 10 is suitable for residential subdivision and development as set out by the proposed structure plan.

Local Water Management Strategy

The Local Water Management Strategy (LWMS) for the subject land describes drainage strategies for the management of 1:1, 1:5, 1:10 and 1:100yr stormwater (flood) events using a combined system of on-lot detention, swales, conveyance pipes, bio-retention and detention basins of various sizes. Post-development peak flow rates are estimated to be equal to or less than the estimated pre-development peak flow rates for the 1:5 flood event. The LWMS does not propose off-site treatment/disposal of stormwater.

Services

The Amendment report states that the future development of Lot 10 can be serviced by extending the reticulated water, sewer, power and telecommunications infrastructure located within the adjacent Dunsborough Lakes estate.

Proposed Change to Schedule 3 - Special Provision Areas

The EPA required further information in relation to the protection and ongoing management of the Abba vegetation complex within the amendment site in order to enable the assessment of the Amendment pursuant to s. 48A of the *Environmental Protection Act, 1986*.

The City advised the EPA that it would be prepared to recommend to the Western Australian Planning Commission the incorporation of additional text in SP42 to provide the additional assurance sought for the preservation and protection of significant environmental values on the Amendment site. The recommendation is set out in the Schedule of Modifications provided at **Attachment A**.

STATUTORY ENVIRONMENT

The key elements of the statutory environment with respect to this proposal are set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. Each is discussed below under appropriate subheadings.

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

The Regulations provide separate processes for the approval of Scheme amendments and structure plans, adherence to which would advance the proposed Structure Plan ahead of the Amendment. However as the Structure Plan is reliant upon the change in zoning proposed in the Amendment and the nature of the proposal supports their assessment in parallel, the Structure Plan and Amendment are being progressed concurrently. Progression of the proposed Structure Plan will therefore assume the process and timeframes associated with the Amendment.

RELEVANT PLANS AND POLICIES

The key policies relevant to the proposal are:

1. *State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy.*
2. *State Planning Policy 3.7 Planning for Bush Fire Prone Areas/Guidelines for Planning in Bushfire Prone Areas 2015.*
3. *City of Busselton Draft Local Planning Strategy.*
4. Dunsborough Lakes Structure Plan.

State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy

State Planning Policy 6.1 Leeuwin Naturaliste Ridge Policy (LNRSP) identifies the subject land as a 'Development Investigation Area'. A Development Investigation Area is a guide to potential development, but requires detailed investigation (structure planning and rezoning) prior to subdivision and development, including form, function and design. In the vicinity of a 'Principal Centre' i.e. Dunsborough, a Development Investigation Area may comprise urban development.

State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

SPP 3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. The accompanying *Guidelines for Planning in Bushfire Prone Areas* provide supporting information to assist in the interpretation of the objectives and policy measures outlined in SPP 3.7, providing advice on how bushfire risk is to be addressed when planning, designing or assessing a planning proposal within a designated bushfire prone area.

The key elements of the Guidelines relevant to the proposal are:

- Element 1: Location of Development; and
- Element 2: Siting of Development.

The intent of Element 1 is to ensure that the subdivision, development or land use is located in areas with the least possible risk from bushfire, to help minimise risk to people, property and infrastructure.

Element 2 intends to ensure that the siting of development minimises the level of bushfire impact. The fire management plan provided in support of the proposal demonstrates that bush fire risk to rural residential development can be managed to an acceptable level.

The BMP finds that the southern portion of the subject land is suitable for subdivision and development consistent with Element 1 – Performance Principle 1, Acceptable Solution A1.1 and Element 2 - Acceptable Solution A2.1.

City of Busselton Draft Local Planning Strategy

The draft LPS sets the long term broad planning direction for the whole of the District of the City of Busselton and provides the strategic rationale for decisions related to the progressive review and amendment of LPS21.

The draft LPS identifies Lot 10 Commonage Road as forming part of Current Urban Growth Area 'Dunsborough Lakes 12' and notes that the broader area is already zoned and structure planned for urban development. 'Dunsborough Lakes 12' is also identified as a location for a 'Planned Potential Major Outdoor Recreation Site'.

The draft LPS was adopted for final approval by the Council in September 2016 and is currently pending endorsement by the WAPC.

Dunsborough Lakes Structure Plan

The Dunsborough Lakes Structure Plan has guided the progressive subdivision and development of land within its boundaries for urban development. Whilst not currently included within the structure plan boundary, the subject land carries the notation: *"Potential future urban subject to future scheme amendment"*.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this report.

Long-term Financial Plan Implications

Development of this land will support the continued planned growth of Dunsborough, and will ensure continued contributions towards development and upgrading of community facilities to service the Dunsborough Community.

STRATEGIC COMMUNITY OBJECTIVES

The Officer Recommendation is consistent with community objective 2.1 of the *City of Busselton Strategic Community Plan 2017*, which is - *'planning strategies that foster the development of neighbourhoods that meet our needs as we grow'*.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identified 'downside' risks only, rather than upside risks as well. The implementation of the Officer Recommendation will involve referring the proposal to the Western Australian Planning Commission/Minister for Planning for final approval. In this regard, there are no significant risks identified.

CONSULTATION

The Amendment was advertised for 42 days ending 2 February 2018. Five government agency submissions and one public submission were received. A Schedule of Submissions is provided at **Attachment I**. No objections or concerns were raised in government agency submissions. The public submission objected to the proposal however officers are of the view that the reasons provided are not substantive.

OFFICER COMMENT

The City's draft Local Planning Strategy identifies Lot 10 Commonage Road, Dunsborough as forming part of the broader Dunsborough Lakes urban growth area.

The proposal is consistent with *State Planning Policy 6.1 Leeuwin Naturaliste Ridge* which includes the land within a 'Development Investigation Area' for prospective urban development, subject to rezoning and structure planning. The subject land is in proximity to the Dunsborough town centre and its associated commercial and community services and facilities and forms a logical extension to the existing Dunsborough Lakes estate.

The draft structure plan layout over Lot 10 responds to the physical attributes of the site, namely the identification of remnant vegetation and habitat areas occupying the central third and adjacent to Commonage Road. These are seen as warranting environmental preservation and protection, in accordance with the findings of the environmental assessment, with the northern third set aside for the future development of district-level active open space, and the southern third for residential subdivision and development.

The proposal would also assist in facilitating the acquisition of a 7.56 hectare portion of Lot 10 by the City for the future development of district-level sporting and active recreation ovals and associated infrastructure.

CONCLUSION

Officers are recommending that Scheme Amendment 27 to Local Planning Scheme 21 and the draft Structure Plan be adopted for final approval.

OPTIONS

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

1. To not adopt the amendment and structure plan for final approval (and provide a reason for such a decision). It should be noted that under the relevant legislation there is no right of appeal against a Council decision not to initiate an amendment.
2. To seek further information before making a decision.

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

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The implementation of the Officer Recommendation will involve the referral of Amendment 27 and the draft structure plan to the WAPC for final approval and this will occur within one month of the resolution.

COUNCIL DECISION AND OFFICER RECOMMENDATION**C1802/018**

Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council:

1. In pursuance of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts draft Amendment 27 to the City of Busselton Local Planning Scheme 21 for final approval, in accordance with the modification proposed in the 'Schedule of Modifications' at **Attachment A**, for the purposes of:
 - a. Rezoning Lot 10 Commonage Road, Dunsborough from 'Reserve for Public Purposes' to 'Special Purposes (Dunsborough Lakes Development Area)'.
 - b. Amending Schedule 3 – 'Special Provision Areas' to include Lot 10 Commonage Road, Dunsborough.
 - c. Amending the boundary of Special Provision Area 42.
 - d. Amending the Scheme map accordingly.
2. Advises the Western Australian Planning Commission that Amendment 27 is considered a 'standard' amendment pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:
 - a) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - b) The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.
3. Pursuant to r.53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, endorse the Schedule of Submissions at **Attachment I** prepared in response to the public consultation undertaken in relation to Amendment 27.
4. Upon preparation of the necessary documentation, refers the adopted Amendment 27 to the Western Australian Planning Commission for consideration according to the *Planning and Development Act 2005*.
5. Pursuant to r.56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, should directions be given that modifications to draft Amendment No. 27 are required, direct these modifications to be undertaken accordingly, on behalf of the Council, unless they are considered by Officers likely to significantly affect the purpose and intent of the draft Amendment, in which case the matter shall be formally referred back to the Council for assessment and determination.
6. Adopts the draft Dunsborough Lakes Structure Plan depicted at **Attachment G** for final approval pursuant to the deemed provisions of Part 7 of the City of Busselton Local Planning Scheme 21.

**CARRIED 9/0
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12. ENGINEERING AND WORKS SERVICES REPORT

Nil

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

14. FINANCE AND CORPORATE SERVICES REPORT

14.1 RFT23/17 - DESKTOP COMPUTER REPLACEMENT PROGRAM

SUBJECT INDEX:	ICT Infrastructure Services
STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Information Services
ACTIVITY UNIT:	ICT Services
REPORTING OFFICER:	Manager, Information Services - Hendrik Boshoff
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors Only

PRÉCIS

The Council is requested to consider the tenders received in response to Request for Tender RFT23/17 – Computer Desktop Replacement Program (RFT). The purpose of this report is to obtain the Council’s consensus to award Tender – RFT23/17 in accordance with the Tender evaluation panel recommendation and to delegate authority to the CEO to procure financing for this project from a suitable financial services supplier.

BACKGROUND

As part of the City’s regular Information and Communications Technology (ICT) equipment replacement cycle, the City’s computer desktop fleet became due for replacement in January 2017. In view of the scheduled occupation of the new Civic and Administration Centre in May 2017 it was decided to delay the desktop replacement project until the relocation was completed. This has led to the current desktop fleet being more than five years old and 12 months beyond the original four year warranty period.

The RFT specified the requirements of the City and invited suitably qualified and experienced respondents to submit bids to enter into a contract for the supply and delivery of computer desktop and peripheral technology devices to the City.

Three submissions were received in response to the RFT. Submissions were received from IT Blackspot, DELL Australia Pty Ltd and Computer West Pty Ltd.

All submissions have been reviewed and ranked by the tender evaluation panel that comprised of the following:

- Helpdesk Officer
- ICT Coordinator
- Legal and Tendering Officer

STATUTORY ENVIRONMENT

In terms of Section 3.57 of the *Local Government Act 1995 (Act)* a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and service.

Part 4 of the *Local Government (Functions and General) Regulations 1996 (Tender Regulations)*:

- requires that tenders be publicly invited for such contracts where the estimated cost of providing the required goods and/or service exceeds \$150,000; and
- under Regulations 11, 14, 18, 20 and 21A provides the statutory framework for inviting and assessing tenders and awarding contracts pursuant to this process.

Under Section 5.42(1)(a) of the Act a local government may delegate to the CEO the exercise of any powers and/or the discharge of any of its duties subject to certain limitations/conditions. Under Delegation LG3J Council delegated to the CEO the exercise of any powers and/or the discharge of any of its duties under Regulations 11, 14, 18, 20 and 21A of the Tender Regulations, including acceptance of tenders where the contract value does not exceed \$500,000. This RFT is above that value.

In addition to the RFT (and by way of a separate request for tender/quotation process) the City has to procure funding for the Computer Desktop Replacement project. Further detail of the required funding and associated budget implications are discussed in the FINANCIAL IMPLICATIONS section of this report. It is anticipated that the total value of the proposed funding (an equipment lease) will be in excess of \$500,000 and therefore exceed the CEO's delegated powers under Delegation LG3J. Under Section 5.43(b) of the Act a local government may, in addition to a general delegation, also determine the maximum amount not to be exceeded by the CEO in respect of specific tenders/quotations, which requires a Council resolution by absolute majority.

RELEVANT PLANS AND POLICIES

The following Council policies have relevance to the Tender process.

Policy 239 – Purchasing:

The procurement process complies with this policy.

Policy 049/1 –Regional Price Preference:

The Regional Price Preference Policy was applied to this tender.

Policy 031 – Tender Selection Criteria:

The procurement process complies with this policy

FINANCIAL IMPLICATIONS

Application of appropriate selection criteria to the tender has contributed to ensuring that tenderers are offering the "best value" with respect to the supply of the goods.

In order to evaluate the pricing component of the tender, all price comparisons were assessed by unit rate and also compared with the normal recommended retail price for the items. The pricing was competitive amongst the tenderers and represents a significantly discounted rate from the normal retail price (up to 40%).

The total value of this tender is \$580,488 exclusive of Goods and Services Tax (GST) and comprises 244 standard desktop computers, 92 mobile two-in-one workstations, 608 monitors, \$22,000 worth of peripheral devices and a standard four year, next-business-day replacement manufacturer's warranty.

The equipment purchase will be funded through an operating equipment lease from a suitable financial services provider. These financial services (equipment lease) will be procured under a separate tender or quotations process with the terms and conditions to be negotiated and agreed with the preferred bidder along the following parameters:

- Estimated total funding required: \$670,000 (exclusive of GST)
- Proposed lease term: 4 years
- Estimated annual instalment: \$167,500

These costings have been considered by Council as part of the City's long term financial plan and the equipment lease instalment for the first year has been approved by Council as part of the 2017/18 budget.

Long-term Financial Plan Implications

The costs for the proposed lease equipment are included in the City's current long term financial plan.

STRATEGIC COMMUNITY OBJECTIVES

Consideration of this matter is consistent with Key Goal Area 6 – Leadership and Community Objective 6.4 - Assets are well maintained and responsibly managed.

RISK ASSESSMENT

There are no identified risks of a medium or greater level. The recommended tenderer is assessed as being able to supply and deliver the equipment to meet City expectations and provides a four year manufacturer next-business-day replacement warranty on the standard desktop computers, mobile two-in-one devices and the monitors.

CONSULTATION

Nil

OFFICER COMMENT

The desktop fleet consists of computer workstations, monitors, laptops and peripheral devices (keyboards, sound bar, etc.) for office workstations, meeting rooms and other public access points in the City's various facilities, including:

- Civic and Administration Centre
- Busselton and Dunsborough Depots
- Art Geo
- Busselton and Dunsborough Libraries
- Geographe Leisure Centre
- Naturaliste Community Centre
- Busselton Margaret River Regional Airport
- Busselton and Dunsborough Waste Disposal Facilities
- Animal Care Facility
- Busselton Jetty Tourist Park

Workplace practices have changed significantly since the last replacement cycle five years ago. The modern workplace standard for equipment, includes multi-use solutions such as mobile technology and desk top set ups with dual monitors. In addition to these changes, there is a great onus put on the organisation to provide environmentally responsible solutions.

Officers have been reviewing the current desktop fleet and, over the past six months, tested various options for multi-use devices. The review found that the CEO, Directors, Managers and Coordinators were currently using multiple devices to enable mobile computing. The review determined an appropriate two-in-one mobile device combined with a docking station and dual monitor desktop configuration would allow for a single device per officer in lieu of providing a desktop and laptop.

While mobile computing solutions traditionally cost more than desktop devices, the proposed two-in-one configuration offers a significant cost reduction. I.e. only one device is required to provide both a mobile and desktop computer. With this in mind, the proposal is to purchase 244 standard desktop computers and 92 mobile two-in-one workstations.

Utilising dual monitors has numerous benefits. This includes ease of access to cross reference information from various applications, greater flexibility to multi-task and improved overall productivity. In addition, studies have shown that where dual monitors are in use the amount of hardcopy paperwork is significantly reduced, resulting in an overall benefit to the environment.

The recent review identified a number of monitor issues across the organisation:

- The City utilises a mix of monitors types, sizes and resolutions;
- Various officers across the organisation are already working with dual monitors;
- The fleet's existing monitor stock ranges in age from five to ten plus years.

In order to bring the City up to standard with modern workplace expectations, the review identified that the procurement of 608 monitors would ensure all staff desktop and mobile two-in-one workstations are equipped with dual monitors. Single monitors would be deployed at customer service counters, public computers, meeting rooms and other areas where dual monitors are not practical or required.

In an attempt to determine the best value for money outcome, officers assessed if a lease buy out of the existing 268 monitors would present an opportunity for savings. It is anticipated that approximately 20 to 30 monitors per year will fail, with the number increasing as the equipment ages. As the equipment is already five years old, it is estimated the City would need to maintain and replenish a large pool of backup monitors. This would ensure stock was available to cope with the expected failures and breakages. As the equipment is already out of warranty the City will also bear the full risk of any mass equipment failure. Procurement of this stock would likely be at a price much higher than the heavily discounted bulk pricing achieved through the RFT. (Up to 40% discounted) Therefore, given the cost of the lease buyout, the high level of additional backup stock required, increased replenishment unit price, the risk of mass equipment failure and compromised service levels to the organisation, the lease buy out option is not considered to represent best value for money for the City.

An operational equipment lease over a large capital acquisition of ICT equipment allows the City to receive bulk buy pricing but pay for the equipment over the usable life of the equipment. Other benefits include:

- reduced capital requirements
- the organisation can rapidly replace out of date ICT equipment;
- ensures a manufacturer warranty during the useful life of the equipment; and
- the City does not have the additional responsibility of disposing of the outdated ICT assets at the end of the term.

Procurement of the abovementioned funding (proposed equipment lease) involves to a large extent a relatively straight forward administrative process of inviting and assessing tenders/quotations for funding the contract price of the goods to be procured under the RFT in accordance with abovementioned budget approvals/forecasts.

As this part of the Computer Desktop Replacement project provides limited scope for the exercise of discretion, it is recommended that Council delegate to the CEO the power and authority to accept a tender/quotation in accordance with above-mentioned projected terms and value. The statutory requirements in relation to the proposed delegation are discussed under the STATUTORY FRAMEWORK section of this report.

Tender Evaluation

The tender evaluation process complied with all City and statutory requirements. The assessments of the tenders were based on the following Qualitative Criteria:

- (a) Relevant Experience: 10%;
- (b) Key Personnel Skills & Experience: 10%
- (c) Tenderers Resources: 10%
- (d) Demonstrated Understanding: 10%

The Tendered price was given the following weight and has been assessed in conjunction with the Qualitative Criteria.

- Tendered Price: 60%

The City's Regional Price Preference Policy was applicable to the Computer West Pty Ltd tender submission.

An alternative option was submitted by one tenderer. The evaluation panel reviewed the alternative option and found it was not compatible with the City's current desktop deployment and device management infrastructure and was more expensive than the best value for money offer.

The evaluation panel members individually assessed the tenders and then applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender. The confidential report attached provides further detail in relation to the relative merits of each of the individual tenderers. DELL Australia Pty Ltd, is the preferred tenderer. Their submission represents the best value for money option for the City and demonstrates the company's ability to complete the contract requirements to the standard required and within the appropriate time frames.

CONCLUSION

This report seeks the Council's endorsement of the officer's recommendation to award all requirements of RFT23/17 – Computer Desktop Replacement Program to DELL Australia Pty Ltd. The submission received from DELL Australia Pty Ltd represents the best value for money option for the City.

OPTIONS

The Council may consider the following options:

1. The Council choose not to accept the officer's recommendation and award the Tender to an alternate tenderer. In the view of the officers this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer.
2. The Council choose to instruct the CEO to further investigate the risk and cost benefit of retaining out of warranty equipment. In the view of the officers this could result in a reduced ICT service level being delivered to the organisation for limited cost savings and does not represent the "best value" for money offer.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender to the successful tenderer can be announced immediately after the Council has endorsed the officer's recommendation. The successful Tenderer will receive formal written notification within seven (7) days of the decision being handed down. The unsuccessful tenderer will also be notified in this time.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1802/019 Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

That the Council:

1. Endorses the outcomes of the evaluation panel's assessment in relation to Tender RFT23/17 – Computer Desktop Replacement Program which has resulted in the tender submitted by DELL Australia Pty Ltd being recommended as the best value for money.
2. Delegate authority to the CEO to negotiate and agree final terms and conditions with and to award a contract to DELL Australia Pty Ltd for the City of Busselton Computer Desktop Replacement Program, in accordance with the terms and conditions contained within RFT23/17.
3. Authorise the CEO to procure funding for the City of Busselton Computer Desktop Replacement Program on the terms and conditions outlined in this report.
4. For purposes of resolution 3 above delegate to the CEO the power and authority to exercise the powers and discharge the duties of the local government under Regulations 11, 14, 18, 20 and 21A of the *Local Government (Functions and General) Regulations*.

Conditions

The delegation is subject to:

- (a) Utilising the standard selection criteria as per Policy 031;
- (b) Complying with the requirements of the City's Purchasing Policy as it relates to tendering;
- (c) Following the City's operational processes and procedures for tender evaluation; and
- (d) Acceptance of a tender is not to exceed a contract value of \$700,000.

CARRIED 9/0

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15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Katie Dudley
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 1 January, 2018 and 15 January, 2018⇒ Attachment B Planning Applications determined by the City between 1 January, 2018 and 15 January, 2018⇒

PRÉCIS

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

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

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 January, 2018 and 15 January, 2018. A total of 16 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 January, 2018 and 15 January, 2018. A total of 16 applications (including subdivision referrals) were determined by the City during this period with 16 approved / supported and 0 refused / not supported.

15.1.2 Current Active Tenders

2017/2018 TENDERS

EOI 01/17 MANUFACTURE AND INSTALLATION OF THE BUSSELTON FORESHORE PLAYSPACE

The City of Busselton invited Expressions of Interest for the construction of a new play space located within the Busselton foreshore precinct. The EOI was advertised on 28 October 2017, with a closing date of 21 November 2017. The closing date was extended to 12 December 2017. A total of 8 submissions were received. The EOI evaluation has been completed. A recommendation report was presented to the CEO (under delegation) in December 2017. The following five (5) respondents were considered to be capable of satisfactorily supplying the goods and services and were advised that they would soon be invited to submit tenders for delivering the project:

Company	Location
Earthcare (Australia) Pty Ltd T/A Earthcare Landscapes	Bibra Lake, Perth
Environmental Industries Pty Ltd	Canning Vale, Perth
Perkins (WA) Pty Ltd T/A Perkins Builders (Corporation)	Bunbury
Phase Three Landscape Constructions Pty Ltd	O'Connor, Perth
Total Eden Pty Ltd T/A Landscape Australia	Bibra Lake, Perth

RFT16/17 PROVISION OF MAINTENANCE & SERVICING – MECHANICAL SERVICES

The City of Busselton invited tenders for the maintenance of the mechanical services (air conditioning) of its buildings and facilities. The tender was advertised on 18 November 2017, with a closing date of 5 December 2017. A total of 4 submissions were received. The value of the contract will not exceed the CEO's delegated authority. The evaluation has been completed and a recommendation report will be presented to the CEO in early February 2018.

RFT17/17 DESIGN, CONSTRUCTION AND INSTALLATION OF TWO HOLIDAYS CABINS FOR BUSSELTON JETTY TOURIST PARK (FORMERLY KOOKABURRA CARAVAN PARK)

The City of Busselton invited tenders for the design, construction and installation of two holiday cabins for the Busselton Jetty Tourist Park (formerly known as Kookaburra Caravan Park). The tender was advertised on 7 October 2017, with a closing date of 27 October 2017. A total of 6 tenders were received. The evaluation has been completed and the contract awarded by the CEO under delegated authority to Modularis Pty Ltd T/A Modular WA.

RFT18/17 SUPPLY AND DELIVERY OF DRAINAGE PRODUCTS

The City of Busselton invited tenders for the manufacture, testing, supply and delivery of drainage products within the City of Busselton. The tender was advertised on 14 October 2017, with a closing date of 31 October 2017. A total of 2 tenders were received. The evaluation has been completed and Council resolved at its 13 December 2017 meeting to award the contract resulting from RFT18/17 to MJB Industries Pty Ltd.

RFT19/17 SUPPLY AND DELIVERY OF CONCRETE SERVICES

The City of Busselton invited tenders for the supply of concrete and ancillary works to the City of Busselton. The tender was advertised on 11 November 2017, with a closing date of 28 November 2017. A total of 2 tenders were received. The value of the contract will exceed the CEO's delegated authority. The evaluation has been completed and it is anticipated that a recommendation report will be presented to Council in February 2018.

RFT20/17 DESIGN AND CONSTRUCTION OF AIRPORT TERMINAL AT BUSSELTON- MARGARET RIVER AIRPORT

The City of Busselton invited tenders for the design and construction of the terminal building at Busselton-Margaret River airport. The tender was advertised on 29 November 2017, with a closing date of 9 January 2018. A total of 4 tenders were received. The value of the contract will exceed the CEO's delegated authority. The evaluation has been completed and Council resolved at its 31 January 2018 meeting to award the contract resulting from RFT20/17 to Pindan Constructions PTY LTD.

RFT21/17 CONSTRUCTION OF WATER DISTRIBUTION MAIN ALONG THE EASTERN PORTION OF RENDEZVOUS ROAD, VASSE

The City of Busselton invited tenders for the construction of the water distribution main along the eastern portion of Rendezvous Road, Vasse. The tender was advertised on 2 December 2017, with a closing date of 19 December 2017. A total of 4 tenders were received and one alternative tender. The value of the contract will not exceed the CEO's delegated authority. It is anticipated that the evaluation will be completed and a recommendation report presented to the CEO in early February 2018.

RFT23/17 DESKTOP COMPUTER REPLACEMENT PROGRAM

The City of Busselton invited tenders for the replacement of the City of Busselton's desktop computers. The tender was advertised on 9 December 2017, with a closing date of 9 January 2018. A total of 3 tenders were received. The value of the contract will exceed the CEO's delegated authority. The evaluation has been completed and a recommendation report is presented as part of this Council meeting.

RFT24/17 PROVISION OF TRAFFIC MANAGEMENT SERVICES

The City of Busselton invited tenders for the provision of traffic management services within the City of Busselton. The tender was advertised on 16 December 2017, with a closing date of 16 January 2018. A total of 7 tenders were received. The value of the contract will exceed the CEO's delegated authority. It is anticipated that the evaluation will be completed in early February and a recommendation report presented to Council in March 2018.

RFT01/18 MANUFACTURE AND INSTALLATION OF BUSSELTON FORESHORE PLAY SPACE

Following an Expressions of Interest (EOI 01/17) process, the City of Busselton invited tenders for the manufacture, construction and installation of a new play space located within the Busselton foreshore precinct in between the Equinox Restaurant and Bar and Railway House, Busselton. The following five (5) tenderers were invited to submit a tender:

Company	Location
Earthcare (Australia) Pty Ltd T/A Earthcare Landscapes	Bibra Lake, Perth
Environmental Industries Pty Ltd	Canning Vale, Perth
Perkins (WA) Pty Ltd T/A Perkins Builders (Corporation)	Bunbury
Phase Three Landscape Constructions Pty Ltd	O'Connor, Perth
Total Eden Pty Ltd T/A Landscape Australia	Bibra Lake, Perth

The tender closing date was extended from 30 January 2018 to Tuesday, 6 February 2018. The value of the contract will exceed the CEO's delegated authority. It is anticipated a recommendation report will be presented to Council in late February or early March 2018.

RFT02/18 CITY OF BUSSELTON COASTAL ADAPTATION STRATEGY

The City of Busselton invited tenders for the City of Busselton Coastal Adaptation Strategy. The tender was advertised on 6 January 2018, with a closing date of 13 February 2018. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in March 2018.

RFT03/18 CRUSHING SERVICES FOR CONSTRUCTION AND DEMOLITION MATERIAL WITHIN CITY OF BUSSELTON

The City of Busselton invited tenders for crushing services for construction and demolition material within the City of Busselton. The tender was advertised on 3 February 2018, with a closing date of 27 February 2018. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in March 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1802/020 Moved Deputy Mayor J McCallum, seconded Councillor C Tarbotton

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 Current Active Tenders

CARRIED 9/0

EN BLOC

10. REPORTS OF COMMITTEE

10.3 Policy and Legislation Committee - 1/02/2018 - ENDORSEMENT OF THE CONSOLIDATED PARKING SCHEME 2018 AND DELEGATED AUTHORITY TO THE CEO TO AMEND THE SCHEME

SUBJECT INDEX:	Consolidated Parking Scheme
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Rangers & Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell Senior Prosecutions and Policy Officer - Owen Anderton
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

This item was considered by the Policy and Legislation Committee at its meeting on 1 February 2018, the recommendations from which have been included in this report.

PRÉCIS

The Council is asked to endorse the City's Consolidated Parking Scheme 2018, and to delegate to the Chief Executive Officer the power amend the Parking Scheme in accordance with the requirements of the City of Busselton *Parking Local Law 2011*.

BACKGROUND

The Consolidated Parking Scheme (the Scheme) comprises a document and a series of maps detailing the various car parking restrictions that are in place across the City. These restrictions include: disabled parking, timed parking, no stopping zones, loading zones, bus bays, taxi bays, electric vehicle recharging bays, and motor cycle bays. Car parks include City owned on-street and off-street parking, and privately owned car parks where there is a signed parking agreement between the City and the owner of the car park.

The scheme was last endorsed by the Council in March 2007. Since then there have been a number of minor and major amendments to the Scheme approved by the Council. Major amendments include changes to timed parking limits in the Busselton City Centre in January 2014. In October 2014 changes for special purpose parking including disabled, bus, loading, motor cycle and taxi parking were also made. Minor changes include the provision of no-parking line marking in Yallingup.

Amendments to the Scheme are currently presented to the Council for their endorsement. There is no delegation in place to make such amendments. The effect of this is that even minor changes to a parking zone to move a disabled parking bay, require a Council resolution before the disabled parking bay designation can be enforced.

STATUTORY ENVIRONMENT

Parking Local Law 2011

Section 1.10 Powers of the Council

The Council may, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

Section 2.1 Determination of parking stalls, parking stations and parking areas

(1) The Council may, constitute, determine or vary:

- a. parking stalls;
- b. parking stations;
- c. parking areas;
- d. no parking areas;
- e. no stopping areas;
- f. permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary with the locality;
- g. permitted classes of vehicles which may park in parking stalls, parking areas and parking stations;
- h. permitted classes of persons who may park in specified parking stalls, parking areas and parking stations; and
- i. the manner of parking in parking stalls, parking stations and parking areas.

(2) Where the Council makes a determination under sub-clause (1), the CEO must give local public notice of, and erect signs to give effect to, the determination.

Local Government Act 1995

(1) A local government may delegate (by Absolute Majority) to the CEO the exercise of any of its powers or the discharge of any of its duties under:

- a. this Act other than those referred to in Section 5.43; or
- b. the *Planning and Development Act 2005* section 214(2) (3) or (5).

NB: the delegation sought by this report is not referred to in Section 5.43 of the Act.

RELEVANT PLANS AND POLICIES

This report seeks endorsement of the Consolidated Parking Scheme 2018 which in essence is a plan of parking restrictions that are in place within the City.

FINANCIAL IMPLICATIONS

There are no financial implications associated with implementation of the recommendations of this report.

Long-term Financial Plan Implications

There are no long-term financial plan implications associated with the implementation of the officer recommendations of this report.

STRATEGIC COMMUNITY OBJECTIVES

The officer recommendations of this report align with the following Community Objectives of the City of Busselton Strategic Community Plan 2017.

2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.

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

RISK ASSESSMENT

An assessment of the risks associated with the implementation of the officer recommendations of this report has been undertaken using the City's risk management framework. No significant risks have been identified.

CONSULTATION

It is not considered necessary to undertake consultation with the preparation of this report nor the implementation of the officer recommendations, as no change to existing controls and/or signage/markings are proposed.

OFFICER COMMENT

The City has recently carried out a complete review of the Scheme. As a result of that review differences were identified between on-ground parking restrictions and those reflected in the Scheme document and maps. The Scheme has subsequently been updated and is attached (Attachments A and B) for endorsement by the Council.

The Scheme may require further updating following consideration by Council at this meeting of a further report with regard to Car Parking Management in the Dunsborough Town Centre.

Amendments to the scheme, including the establishment of new, or changes to existing parking restrictions or special purpose parking, currently require endorsement by the Council before they are implemented. This report seeks Council delegation of powers contained in Section 1.10 of the *Parking Local Law 2011* to the CEO.

The delegation sought by this report includes call-in and referral provisions similar to those previously endorsed by Council when reviewing Planning Delegations in March 2017 (delegation PDR 1 refers).

Under the proposed provisions, prior to exercising this delegation, the CEO shall ensure Councillors are provided with details of proposed amendments to the Scheme and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before a delegated decision is made. As for the planning delegation, such a request would need the support of two or more Councillors.

A draft Instrument of Delegation forms part of the officer recommendation of this report.

CONCLUSION

A review of the Consolidated Parking Scheme has identified anomalies between on-ground parking restrictions and those contained in the Scheme. Endorsement of the Consolidated Parking Scheme 2018 corrects those anomalies and provides a baseline for the future.

To simplify the process for establishing and changing parking restrictions, it is recommended that the CEO be given delegated authority from Council to exercise the powers of Council contained in section 1.10 of the *Parking Local Law 2011*. The draft instrument of delegation includes a call-in provision whereby any two or more Councillors may consider an amendment to the Scheme to be of strategic significance and/or high community interest and request the CEO, to present the proposal to Council for consideration.

OPTIONS

The recommendation to endorse the Consolidated Parking Scheme 2018 is a straightforward administrative process that seeks to match the data contained in the Scheme with the physical controls on the ground.

Council may choose not to support the officer recommendation to delegate to the CEO the powers of Council contained in Section 1.10 of the *Parking Local Law 2011*.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the officer recommendation for Council to endorse the Consolidated Parking Scheme 2018 will have immediate effect.

Implementation of the officer recommendation to delegate the powers of Council under Section 1.10 of the *Parking Local Law 2011* to the CEO is an administrative process that could be implemented within 14 days of the Council resolution (should the need arise to do so)..

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**C1802/021**

Moved Councillor R Bennett, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council endorse:

1. The City of Busselton Consolidated Parking Scheme 2018 as attached (Attachments A and B) to this report; and
2. Establish a new delegation as follows:

Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
TBA	Section 5.42 (1)	Chief Executive Officer	Amendments to the Consol Parking Scheme

Delegator

Council

Power/Duty

Prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region consistently with the provision of the City of Busselton Parking Local Law 2011.

Conditions**“Call-in” and referral provisions**

The CEO shall ensure Councillors are provided with details of all proposed amendments to the Scheme, and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before the delegation is exercised.

Any two or more Councillors may consider a proposed amendment to the Consolidated Parking Scheme to be of strategic significance and/or high community interest and request the CEO in writing, to present the proposal to Council for consideration. If the request is supported, the proposed amendment shall be presented to the first practicable Council meeting for consideration.

Note: any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular proposal, but it would generally be expected that they would first seek to exercise the call-in provision as outlined above.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers pursuant to Section 1.10 of the City of Busselton Parking Local Law 2011 which was made in accordance with Part 3 of the *Local Government Act 1995*.

Verification

Initial Council Resolution
TBA

Review

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

CARRIED 9/0

10.4 Policy and Legislation Committee - 1/02/2018 - REVIEW OF COUNCIL DELEGATION LG6C RATES AND SERVICE CHARGES

SUBJECT INDEX:	Authorised Delegation of Power/Authority
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Council Delegation LG6C Rates and Service Charges showing proposed tracking changes⇒ Attachment B Revised Council Delegation LG6C Rates and Service Charges⇒

This item was considered by the Policy and Legislation Committee at its meeting on 1 February 2018, the recommendations from which have been included in this report.

PRÉCIS

The *Local Government Act 1995* requires delegations made under the Act to be reviewed by the delegator at least once every financial year.

As a result of a recent review of Council Delegation LG6C Rates and Service Charges it is proposed to make minor amendments to the delegation, although it should be noted there is no change to the intent of the delegation.

BACKGROUND

Council has the ability to delegate the exercise of powers and discharge of duties to its Chief Executive Officer. These delegations are required to be reviewed by the delegator (in this case the Council) at least once in every financial year.

Council Delegation LG6C Rates and Service Charges was last before Council on 9 August 2017 as part of the Annual Statutory Review of Delegations. At that time Officers proposed removal of miscellaneous explanatory notes as it was felt that these actions were carried out as part of normal City business practices and processes. Council subsequently adopted the revised delegation (C1708/195).

As an outcome of a more recent review of Council Delegation LG6C Rates and Service Charges, Officers are proposing some further streamlining of the delegation for the reasons outlined in the Officer Comment section of this report.

STATUTORY ENVIRONMENT

Section 5.42 of the *Local Government Act 1995* provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of the Council.

The delegations must be contained in a Register. Wherever a decision has been made under delegated authority, records of the decision must be kept in accordance with the *Local Government (Administration) Regulations 1996*.

RELEVANT PLANS AND POLICIES

The Department of Local Government and Communities Operational Guidelines Number 17 – ‘Delegations’

Local Government (Administration) Regulations 1996

FINANCIAL IMPLICATIONS

There are no financial implications involved in reviewing this delegation, however, utilisation of delegated authority creates organisational efficiencies. Without a system of delegated authority in place, a significant number of day-to-day local government decisions would need to be referred to Council as agenda reports. Having an effective delegated authority system in place reduces the turnaround time for some matters which allows for the Council to use its time to undertake its more strategic role.

Long-term Financial Plan Implications

There are no direct Long-term Financial Plan implications associated with this review.

STRATEGIC COMMUNITY OBJECTIVES

This delegation review aligns with and supports the **Council’s Key Goal Area 6** – ‘Leadership’ and more specifically **Community Objective 6.1** – ‘Governance systems, process and practices are responsible, ethical and transparent’.

RISK ASSESSMENT

Not required for this review.

CONSULTATION

The current delegation was developed with reference to the Department of Local Government and Communities Operational Guidelines Number 17 – ‘Delegations’.

OFFICER COMMENT

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the *Local Government Act 1995*.

The table below provides an overview of the current Council Delegation LG6C Rates and Service Charges and an explanation of the powers exercised by the CEO. Officers are recommending minor amendments to the delegation, a summary of which is outlined in the Purpose column of the table.

Current delegation (Part)	Summary of proposed amendments	Proposed delegation (Part)
<p>LG6C</p> <p>Rates and Service Charges</p> <p>To exercise the powers and discharge the duties of the local government under Sections 6.49, 6.50(1), 6.60(2), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4) and 6.76(5) of the <i>Local Government Act 1995</i>. (Contained in Attachment A)</p>	<p>Removal of Sections 6.64(1), 6.71(1) and 6.74(1) from existing delegation as any decision relating to Leasing, Selling and/or Conveying or Transferring of Land where rates or service charges due to a local government in respect of any rateable land, have been unpaid for at least 3 years, would require a determination from Council.</p>	<p>To exercise the powers and discharge the duties of the local government under Sections 6.49, 6.50(1), 6.60(2), 6.64(3), 6.76(4) and 6.76(5) of the <i>Local Government Act 1995</i>. (Contained in Attachment B)</p>

CONCLUSION

Parts of the existing Council Delegation LG6C Rates and Service Charges has served the organisation well and provides a sufficient level of authority to enable timely consideration of day-to-day local government matters.

The proposed amendments to the delegation do not change the intent of the delegation, rather it is simply being streamlined by way of removal of certain operational aspects as these are considered key processes that would require a decision from Council. As far as is known, the delegation has never been exercised in relation to the sections of the Act proposed to be deleted from the delegation.

OPTIONS

The Council could decide to retain the delegation in its current form, may decide that it requires changes to the powers and discharge of duties to the Chief Executive Officer or choose to place conditions on the delegation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Any determinations on the delegation will be effective immediately the Council's decision is made.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1802/022

Moved Councillor K Hick , seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council adopts the revised Council Delegation LG6C Rates and Service Charges as shown at Attachment B.

CARRIED 9/0

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 APPLICATION FOR DEVELOPMENT APPROVAL FOR AN EXTRACTIVE INDUSTRY (LIMESTONE) AND CRUSHING FACILITY AT LOT 3 (130) & LOT 237 LUDLOW PARK ROAD WONNERUP (RECONSIDERATION PURSUANT TO S31 ORDER FROM THE STATE ADMINISTRATIVE TRIBUNAL)

SUBJECT INDEX:	Development/Planning Applications
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Statutory Planning Coordinator - Joanna Wilson
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plan⇒ Attachment B Revised Plan and Section⇒ Attachment C DWER Advice⇒ Attachment D Road Safety Audit⇒ Attachment E Ludlow Mill Route⇒

PRÉCIS

Following earlier consideration and deferral of the matter at its 28 June 2017 ordinary meeting, the Council, at its 13 September 2017 ordinary meeting, considered and refused an application for development approval for extractive industry (limestone) at Lots 3 and 237 Ludlow Park Road, Wonnerup. The reasons for refusal were fundamentally because it was considered that it had not been demonstrated that the proposal would be appropriate from either a groundwater/water resources or a traffic safety perspective.

Following the Council's decision to refuse the application, the applicant lodged an application for review with the State Administrative Tribunal (SAT). SAT has subsequently issued an order pursuant to s31 of the *State Administrative Tribunal Act 2004*, inviting the City to reconsider the application. If the matter is not resolved by 14 February 2018, there will be a further directions hearing on 23 February to determine the direction of the matter.

Since the Council's 13 September 2017 decision, the City has liaised extensively with the applicant and their representatives, as well as with the Departments of Water & Environmental Regulation (DWER) and Biodiversity, Conservation & Attractions (DBCA), and has also sought independent road safety advice. That has resulted in some changes to the proposal and further assessment of the issues. The most significant changes to the proposal are –

1. A reduction in the maximum depth of excavation, so that the maximum depth of excavation and the post-extraction rehabilitated surface will both be sufficiently clear of groundwater to meet DWER standards (and DWER have confirmed that they are comfortable with the proposal from that perspective); and
2. A reduction in the maximum number of truck movements along Ludlow Park Road (the 'Ludlow Park Road route') allowable without traffic management, down to a maximum of 10 vehicles per day (i.e. 5 loaded trucks out).

The City sought independent advice and DBCA feedback on changes to the design (including signage) and management of the pedestrian crossing associated with the 'Forest Adventures' operation (noting that the operation is on land leased from DBCA and that it is located on both sides of Ludlow Park Road – the main 'high ropes' course on the southern side, and the car park, archery facility and potential further expansion on the northern side).

The City also sought DBCA advice on a potential alternative haul route around the northern side of the Forest Adventures lease area, and through portion of the former Ludlow Mill site ('the Ludlow Mill route', which is a different alternative route to the 'Theresa Road route', which had been identified earlier). That alternative would avoid the need to make those changes, as well as removing the need for such tight controls on the maximum number of truck movements permitted. The feedback from both DBCA and the applicant has been positive with respect to that alternative.

City officers are recommending that the application be approved, subject to appropriate conditions, including conditions reflecting the revised groundwater information and proposed excavation levels, as well as requiring use of the Ludlow Mill route as the haulage route. It is also recommended that the City continue to liaise with DBCA with respect improving the pedestrian crossing of Ludlow Park Road associated with Forest Adventures.

BACKGROUND

The City has received an application for development approval to extract limestone from Lots 3 and 237 Ludlow Park Road, Wonnerup. As noted above, the application has been considered by the Council on two previous occasions, and is now subject of an application for review by SAT.

The application proposes the extraction of limestone from approximately 60 hectares of the site, with the intended post-extraction land-use being intensive agriculture. The application proposes the use of Ludlow Park Road as the haulage route.

There is an existing development approval for extraction of sand from the site. The application proposes that existing approval would lapse should the current application be approved. That earlier approval was issued before the Forest Adventures operation was in place and, as such, did not require consideration of the associated pedestrian safety issues.

The following attachments are provided in support of this report –

1. Attachment A: Location Plan;
2. Attachment B: Revised plan and section illustrating the proposed extraction area, maximum excavation depth and post-extraction level;
3. Attachment C: DWER advice regarding groundwater/water resources issues, in light of the revised plan and section;
4. Attachment D: Road Safety Audit for existing Forest Adventures pedestrian crossing on Ludlow Park Road; and
5. Attachment E: Sketch illustrating 'Ludlow Mill route'.

Further background information is available on request, or can be accessed by viewing the report and attachments associated with earlier Council consideration of the application, at the Councils' 28 June and 13 September 2017 ordinary meetings.

STATUTORY ENVIRONMENT

The key statutory environment is set out in the *City of Busselton Local Planning Scheme No. 21* ('the Scheme'), as modified by the *Deemed provisions for local planning schemes* set out in Schedule 2 of the *Planning and Development Regulations 2015*. The site is zoned "Agriculture" under the Scheme and within this zone "Extractive Industry" is an "A" land use and therefore the use is not permitted unless the City has exercised its discretion by granting planning approval after giving public notice in accordance with clause 10.4 (clause 64 of Part 8 of the regulations). The City has given public notice and a schedule of submissions was presented to and considered by the Council on the two previous occasions that the application was presented to the Council.

In considering an application for development approval, a local government must consider all of the relevant 'matters to be considered' set out in clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations'), with those considered especially relevant to consideration of this application being as follows –

1. *(a) the aims and provisions of (the Scheme)...;*
2. *(f) any policy of the State;*
3. *(g) any local planning policy for the Scheme area;*
4. *(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land...;*
5. *(n) the amenity of the locality including...environmental impacts of the development;*
6. *(o) the likely effect on the natural environment or water resources;*
7. *(s) the adequacy of...the proposed means of access to and egress from the site...;*
8. *(t) the amount of traffic likely to be generated by the development, particularly in relation to...the probable effect on traffic flow and safety;*
9. *(y) any submissions received on the application;*
10. *(za) the comments or submissions received from any (State) authority...*
11. *(zb) any other planning consideration the local government considers appropriate.*

In terms of the aims and provisions of the Scheme, the land is Zoned 'Agriculture'. Within that Zone, 'Extractive Industry' is an 'A' use – i.e. a use approval of which is at the reasonable discretion of the decision-maker, following the completion of consultation as required by the Scheme and the consideration of any submissions received.

The Scheme then sets out 'objectives and policies' of the Agriculture Zone, the most relevant of which are as follows -

Objectives

- (a) To conserve the productive potential of rural land.*
- (b) To provide for new forms of agricultural development (including agro-forestry), and changing patterns of existing agricultural development...*

Within the Agriculture zone "Extractive Industry" is a discretionary land use which requires advertising ("A"). The City is unable to control the location of the resource however it is considered that due to the temporary nature of sand extraction and the fact that the land is to be returned to pasture that the proposal is consistent with the policy and objectives of the zone.

RELEVANT PLANS AND POLICIES

There are several plans and policies relevant to consideration of the application, most notably the *City of Busselton Local Rural Planning Strategy (LRPS)* and the *City of Busselton Local Planning Policy 5A: Extractive Industries (LPP5A)*. It is important to note, however, that a local planning policy is not and cannot be binding or determinative, cannot override the Scheme, and is there to guide, but cannot direct, discretionary planning decisions made pursuant to the Scheme. Relevant requirements of LPP5A were outlined and addressed in the earlier reports presented to the Council with respect to this application. Where guidance in LPP5A is relevant to the key matters requiring resolution (i.e. groundwater/water resources and traffic safety), that guidance is reflected in the substantive discussion on those issues set out in the 'Officer Comment' section of this report.

It is also important to note that, whilst the LRPS has been endorsed by the Western Australian Planning Commission (WAPC or 'the Commission'), clause 67 of Schedule 2 of the Regulations, does not specifically identify an endorsed planning strategy as a relevant 'matter to be considered'. It is therefore not clear what, if any, weight should be given to the LRPS in assessing applications for development approval (planning strategies, however, clearly continue to be relevant considerations in reviewing and amending the Scheme). Even prior to Gazettal of the Regulations, though, it was clear that a planning strategy could not override the Scheme. The LRPS is, in any case, essentially silent on extractive industry (although there is a reference to 'extraction of mineral sand', mineral sands are subject of the *Mining Act 1978*, and would therefore not normally require local government development approval).

FINANCIAL IMPLICATIONS

There are no significant financial implications to the City arising from the staff recommendation in this report.

Long-Term Financial Plan Implications

There are no Long-Term Financial Plan implications of the recommendations of this report.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 5.2 of the Strategic Community Plan 2013, which is; *"Growth is managed sustainably and our environment is protected and enhanced as we develop."*

RISK ASSESSMENT

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

CONSULTATION

Information regarding consultation undertaken as required by the Scheme was provided in the reports previously presented to the Council. Key issues raised by the community related to –

1. Groundwater/water resources;
2. Traffic safety;
3. Aesthetic impact; and
4. Potential noise and dust emissions.

Those first two issues are obviously the same issues that were considered by the Council and now by officers to have been unresolved when the application was last considered, and they are outlined and discussed in more detail elsewhere in this report. The last two issues, though, are considered to have been adequately addressed previously (and standard and appropriate conditions reflecting assessment of those issues are incorporated into the officer recommendation).

The invitation by the SAT for the Council to reconsider its earlier decision does not allow an additional public consultation period. To resolve the substantive issues, however, it has been necessary to liaise further with DWER and DBCA, and their further advice has been considered and incorporated into this report.

OFFICER COMMENT

The two key issues requiring consideration are considered to be groundwater/water resources and traffic safety. Each of these issues is outlined and discussed below.

Groundwater/water resources

The key groundwater/water resources considerations are ensuring that the extraction activity itself does not impact on the hydrology of the area, or otherwise impact on the hydrology or ecology of the adjoining Wonnerup Estuary, which is part of the Ramsar-listed (i.e. internationally significant habitat for migratory waterbirds) Vasse-Wonnerup Wetlands. Some concerns related to this issue were addressed by reducing the extent of the proposed extraction area further away from the Estuary, to meet DBCA standards in that regard. What had not been resolved when this application was previously considered by the Council, though, were the hydrological issues. Fundamental to addressing the hydrological issues is having an understanding of where the highest winter groundwater levels are likely to be across the site.

DWER have advised that a conservative estimate (i.e. conservatively high) of where the highest winter groundwater level would be in a relatively wet winter is 0.9m AHD. DWER policy then recommends that extraction not occur within 0.3m of that level (i.e. not below 1.2m AHD). DWER policy also recommends that if the post-extraction land-use is intended to be intensive or any form of irrigated agriculture, that the post-extraction land form should be 1.0m above the highest winter groundwater level (i.e. not below 1.9m AHD).

The revised details submitted by the applicant propose that extraction would not occur below 1.25m AHD, and that the post-extraction land surface would be not below 1.95m AHD, in both cases 0.05m (i.e. 5 cm) above the minimum levels recommended by DWER. That is considered to be acceptable, subject to conditions specifying those levels, and subject to otherwise normal conditions relating to extraction levels and management.

Traffic safety

It is first worth setting out the nature of the decision that the Council is required to make in relation to traffic safety. Clause 67 of Schedule 2 of the Regulations sets out that in determining an application for development approval, a decision maker must consider –

(s) the adequacy of...the proposed means of access to and egress from the site...;

(t) the amount of traffic likely to be generated by the development, particularly in relation to...the probable effect on traffic flow and safety;

In doing so, the Council needs to consider the effect of the proposal, given the existing layout, design and use of the road network. That includes consideration of the pedestrian traffic associated with Forest Adventures. The fact that there is an existing approval for sand extraction from the site is not an especially relevant consideration, because that approval was issued before Forest Adventures had been developed.

In doing so, the Council also needs to act reasonably and be informed by appropriate professional advice. In the case of traffic safety, that includes qualified and experienced experts in the field. One of the issues faced by the City in assessing this matter, though, is that there are no recognised or clear standards designed for assessment of heavy vehicle and pedestrian traffic interaction on an unsealed road. So, whilst a road safety auditor can undertake an audit and recommend improvements, it may not be possible for any traffic safety expert to identify a maximum 'safe' level of traffic. If this matter had to be resolved through formal SAT hearings, it is not very clear what the outcome would be and how the SAT would arrive at a decision.

Fortunately, it appears that the Ludlow Mill route should render that question redundant, as it means that heavy traffic would not be traversing the portion of Ludlow Park Road around the pedestrian crossing at all.

In liaison with DBCA, it also appears clear that future use of the Ludlow Settlement as a whole will not result in any expectation of significant pedestrian traffic along the section of Ludlow North Road between the Ludlow Mill route and Tuart Drive. Should that change, DBCA would need to consult with the City, and the City would need to advise DBCA that, as there would now be an increased expectation in terms of heavy traffic along that section of Ludlow North Road, they should consider traffic safety issues before considering anything that may result in increased pedestrian traffic on or across Ludlow North Road. There are, however, considered two reasons why the City should still pursue upgrades to the pedestrian crossing with DBCA and Forest Adventures.

Firstly, light traffic will continue to use Ludlow Park Road, and some of the safety issues associated with heavy traffic/pedestrian interaction would also apply to light vehicle/pedestrian traffic. Secondly, the Ludlow Mill route will only be able to be required as long as there is an approval in place for extraction from the site (and the requirement will only actually exist once the proposed limestone extraction has substantially commenced, but it is envisaged that will be a relatively short period of time). It would be very difficult to require the route to be maintained over the long-term, as agricultural traffic associated with the land will be substantially lower, and it is unclear what and whether approvals will be required for that agricultural activity. There are also some practical difficulties with requiring all agricultural traffic to use the Ludlow Mill route. As such, beyond the term of the extractive industry approval, there would once again likely be some heavy traffic on Ludlow Park Road, and there will be some agricultural traffic using the route even during that term.

CONCLUSION

City officers are recommending that the application be approved, subject to appropriate conditions, including conditions reflecting the revised groundwater information and proposed excavation levels, as well as requiring use of the Ludlow Mill route as the haulage route. It is also recommended that the City continue to liaise with DBCA with respect improving the pedestrian crossing of Ludlow Park Road associated with Forest Adventures.

OPTIONS

Fundamentally, the alternatives to the officer recommendation are –

1. Refusal of the application;
2. Deferral of consideration pending further information or assessment; or
3. Approval of the application subject to different and/or additional conditions.

Should the Council refuse, defer or approve the application subject to conditions not acceptable to the applicant, it is considered likely that the matter would be determined by the SAT, where the outcome would be determined through expert testimony on the issues in contention.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The decision of Council is to be communicated to the applicant and the SAT on or prior to directions hearing scheduled for 23 February 2018. Given the fact that there is still some remnant uncertainty around the exact conditions that may be associated with the Ludlow Mill route, the applicant may seek to defer withdrawal of their SAT application until such time as there is a formal agreement in place regarding that route.

AMENDED OFFICER RECOMMENDATION

That the Council resolve:

- (A) (I) That application DA16/0699 submitted for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- (II) That Development Approval is issued for the proposal referred to above subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and the following conditions:

General Conditions

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 220,000 cubic metres with a maximum 44,000 cubic metres per annum volume of material has been extracted. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the Revised Plan and Section and the following conditions.

Prior to Commencement of Any Works Conditions:

3. The development hereby approved, or any works required to implement the development, shall not commence until the owner/applicant has applied for, and obtained, a Permit to Commence certificate from the City. The following plans/details are to be submitted to and approved by the City prior to requesting the issue of a Permit to Commence:
 - 3.1 An agreement to the satisfaction of the City for the creation and use of an access route through the Ludlow Mill;
 - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
 - 3.3 A Noise Management Plan;
 - 3.4 A detailed plan showing the haulage route through the Ludlow Mill site and the sealing of the crossover onto Ludlow Road North. The crossover to be sealed and drained 20m in length from the edge of Ludlow Road North;
 - 3.5 All other supporting and management plans modified to be consistent with the other conditions of the notice.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City prior to commencement of any works:
 - 4.1 A dust bond to the value of \$5,000.00 which shall be held against satisfactory compliance with Condition 5.11 of this approval.
 - 4.2 A rehabilitation bond to the value of \$20,000.00 which shall be held against satisfactory compliance with Condition 5.9 of this approval.

- 4.3 A road maintenance bond of \$40,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost of the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner;
- 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
- (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
 - (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

On-Going Conditions:

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
- 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
- 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
- 5.3 (a) The designated haulage route for vehicles associated with extraction activity that exceed 5 tonnes gross vehicle mass is to be through the Ludlow Mill onto Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive. At no time shall vehicles of that kind use Ludlow Park Road;
- (b) The haulage route described above shall be used for any other traffic exceeding 5 tonnes gross vehicle mass as much as is practicable, and at no time shall traffic of that kind exceed 10 vehicle movements per day (i.e. 5 entering and 5 leaving) along Ludlow Park Road.
- 5.4 Vehicles exceeding 5 tonnes gross vehicle mass associated with extraction activity are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
- 5.5 A maximum number of 100 truck movements (no more than 50 trucks entering and no more than 50 trucks exiting the site that exceed a 5 tonnes gross vehicle mass) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.

- 5.6 Further to condition 5.5 above, should more than 100 truck movements per day be proposed in any 24 hour period unless otherwise agreed by the City in writing a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
- 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
- 5.8 The lowest level of excavation be a minimum of 1.25 AHD or at least 300mm above the water table level whichever is the higher, and no dewatering works are to be undertaken. Works should cease if the water table is intercepted and the City is to be notified immediately.
- 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be at 1.95 AHD or 1.0m above the water table, whichever is the higher. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.10 The following minimum setback, to any trees, from the extractive activities shall be achieved at all times:
- > No less than 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water and Environmental Regulation.
- 5.17 The applicant must submit to the City, annually and within three months of the anniversary of this approval a report detailing the following:
- a) Survey conducted by a licensed surveyor certifying;
 - The extent/size and location of the area which has been extracted;
 - The extent/size and location of the areas which has been rehabilitated
 - The extent/size and location of the area which is currently under operation;
 - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and

- c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance (“Compliance Report”).
- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
 - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).
- B) That the City continue to liaise with DBCA and Forest Adventures to implement the recommendations of the road safety audit at Attachment D.

CR MILES AMENDED RECOMMENDATION

The amended officer recommendations were accepted by Cr Miles

- (A) (I) That application DA16/0699 submitted for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- (II) That Development Approval is issued for the proposal referred to above subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and the following conditions:

General Conditions

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 220,000 cubic metres with a maximum 44,000 cubic metres per annum volume of material has been extracted. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the Revised Plan and Section and the following conditions.

Prior to Commencement of Any Works Conditions:

3. The development hereby approved, or any works required to implement the development, shall not commence until the owner/applicant has applied for, and obtained, a Permit to Commence certificate from the City. The following plans/details are to be submitted to and approved by the City prior to requesting the issue of a Permit to Commence:
 - 3.1 An agreement to the satisfaction of the City for the creation and use of an access route through the Ludlow Mill;
 - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
 - 3.3 A Noise Management Plan;

- 3.4 A detailed plan showing the haulage route through the Ludlow Mill site and the sealing of the crossover onto Ludlow Road North. The crossover to be sealed and drained 20m in length from the edge of Ludlow Road North;
 - 3.5 A *site operational protocol* outlining the method of excavation works to be undertaken, which includes:
 - 3.5.1 Operator induction:
 - Procedures for hazardous spills
 - Provision of hazardous spill equipment
 - Excavator equipment and method
 - 3.5.2 Excavator equipment and method

All excavation equipment is to be fitted with a GPS, calibrated to a detailed digital terrain model (AHD height referenced) that will ensure the excavator bucket will not penetrate below the maximum depth specified in condition 5.8.
 - 3.6 All other supporting and management plans modified to be consistent with the other conditions of the notice.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City prior to commencement of any works:
 - 4.1 A dust bond to the value of \$5,000.00 which shall be held against satisfactory compliance with Condition 5.11 of this approval.
 - 4.2 A rehabilitation bond to the value of \$20,000.00 which shall be held against satisfactory compliance with Condition 5.9 of this approval.
 - 4.3 A road maintenance bond of \$40,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost of the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner;
 - 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
 - (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.

- (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

On-Going Conditions:

- 5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
 - 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
 - 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.
 - 5.3 (a) The designated haulage route for vehicles associated with extraction activity that exceed 5 tonnes gross vehicle mass is to be through the Ludlow Mill onto Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive. At no time shall vehicles of that kind use Ludlow Park Road;

(b) The haulage route described above shall be used for any other traffic exceeding 5 tonnes gross vehicle mass as much as is practicable, and at no time shall traffic of that kind exceed 10 vehicle movements per day (i.e. 5 entering and 5 leaving) along Ludlow Park Road.
 - 5.4 Vehicles exceeding 5 tonnes gross vehicle mass associated with extraction activity are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.
 - 5.5 A maximum number of 100 truck movements (no more than 50 trucks entering and no more than 50 trucks exiting the site that exceed a 5 tonnes gross vehicle mass) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
 - 5.6 Further to condition 5.5 above, should more than 100 truck movements per day be proposed in any 24 hour period unless otherwise agreed by the City in writing a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
 - 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
 - 5.8 The lowest level of excavation be a minimum of 1.25 AHD or at least 300mm above the water table level whichever is the higher, and no dewatering works are to be undertaken. Works should cease if the water table is intercepted and the City is to be notified immediately.

- 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be at 1.95 AHD or 1.0m above the water table, whichever is the higher. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.10 The following minimum setback, to any trees, from the extractive activities shall be achieved at all times:
- No less than 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).
- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water and Environmental Regulation.
- 5.17 The applicant must submit to the City, annually and within three months of the anniversary of this approval a report detailing the following:
- a) Survey conducted by a licensed surveyor certifying;
 - The extent/size and location of the area which has been extracted;
 - The extent/size and location of the areas which has been rehabilitated
 - The extent/size and location of the area which is currently under operation;
 - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
 - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").

- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
 - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).
- B) That the City continue to liaise with DBCA and Forest Adventures to implement the recommendations of the road safety audit at Attachment D.

AMENDMENT TO CR MILES MOTION

C1802/023 Moved Councillor R Paine

Cr Paine moved the below amendment to Cr Miles motion.

- 5.3 ~~(a) The designated haulage route for vehicles associated with extraction activity that exceed 5 tonnes gross vehicle mass is to be through the Ludlow Mill onto Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive. At no time shall vehicles of that kind use Ludlow Park Road;~~
- ~~(b) The haulage route described above shall be used for any other traffic exceeding 5 tonnes gross vehicle mass as much as is practicable, and at no time shall traffic of that kind exceed 10 vehicle movements per day (i.e. 5 entering and 5 leaving) along Ludlow Park Road.~~
- 5.4 ~~Vehicles exceeding 5 tonnes gross vehicle mass associated with extraction activity are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (Ludlow Road North and Tuart Drive), or between other times as agreed in writing between the applicant and the local government.~~
- 5.5 ~~A maximum number of 100 truck movements (i.e. vehicles exceeding 5 tonnes gross vehicle mass) (i.e. 50 trucks entering and 50 trucks exiting the site) (no more than 50 trucks entering and no more than 50 trucks exiting the site that exceed a 5 tonnes gross vehicle mass) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.~~
- 5.6 ~~Further to condition 5.5 above, should more than 100 truck movements per day be proposed in any 24 hour period unless otherwise agreed by the City in writing a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.~~
- 5.3 All vehicles that exceed 5 tonnes gross vehicle mass, which enter and exit Lot 3 and Lot 237 Ludlow Park Road shall use the designated haulage route through the Ludlow Mill and onto Ludlow Road North and then along Tuart Drive. At no time shall vehicles that exceed 5 tonnes gross vehicle mass use the portion of Ludlow Park Road not shown as the approved designated haulage route;

And

That a sign be placed at the entry to Ludlow Park Road restricting access to heavy vehicles and displaying the approved designated haulage route.

- 5.4 Vehicles exceeding 5 tonnes gross vehicle mass associated with extraction activity are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route or between other times as agreed in writing between the applicant and the local government.
- 5.5 A maximum number of 100 truck movements (no more than 50 trucks entering and no more than 50 trucks exiting the site that exceed a 5 tonnes gross vehicle mass) shall be permitted on the operating days and times as permitted per Condition 5.3 and 5.4 above.
- 5.6 No more than 100 truck movements per day associated with the extractive industry shall be permitted in any 24 hour period unless otherwise approved by the City in writing, following a Traffic Management Plan submitted to at least 7 working days prior to the City.

LAPSED FOR WANT OF A SECONDER

AMENDMENT TO CR MILES MOTION

C1802/024 Moved Councillor R Paine

Cr Paine moved the below amendment to Cr Miles motion.

- 5.8 The lowest level of excavation be a minimum of ~~0.95-1.25~~ 1.75 AHD or at least 300mm above the water table level whichever is the higher, and no dewatering works are to be undertaken. Works should cease if the water table is intercepted and the City is to be notified immediately.

LAPSED FOR WANT OF A SECONDER

AMENDMENT TO CR MILES MOTION

C1802/025 Moved Mayor G Henley, seconded Councillor C Tarbotton

Mayor Henley moved the below amendment to Cr Miles motion.

- 5.4 Vehicles exceeding 5 tonnes gross vehicle mass associated with extraction activity are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route (~~Ludlow Road North and Tuart Drive~~), or between other times as agreed in writing between the applicant and the local government.

CARRIED 9/0

COUNCIL DECISION**C1802/026**

Moved Councillor L Miles, seconded Deputy Mayor J McCallum

That the Council resolve:

- (B) (I) That application DA16/0699 submitted for Extractive Industry (Limestone) and Crushing Facility at Lot 3 (130) and Lot 237 Ludlow Park Road, Wonnerup, is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- (II) That Development Approval is issued for the proposal referred to above subject to the revocation of the Approval granted for the extraction of sand on the 29 October 2014 and the following conditions:

General Conditions

1. The development hereby approved is permitted to operate for five years from the date of this Decision Notice or until 220,000 cubic metres with a maximum 44,000 cubic metres per annum volume of material has been extracted. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval.
2. The development hereby approved shall be undertaken in accordance with the Revised Plan and Section and the following conditions.

Prior to Commencement of Any Works Conditions:

3. The development hereby approved, or any works required to implement the development, shall not commence until the owner/applicant has applied for, and obtained, a Permit to Commence certificate from the City. The following plans/details are to be submitted to and approved by the City prior to requesting the issue of a Permit to Commence:
 - 3.1 An agreement to the satisfaction of the City for the creation and use of an access route through the Ludlow Mill;
 - 3.2 Staging plan dividing the approved extractive area into 2 hectare cells and indicating the timeframe each individual cell is to be extracted and rehabilitated;
 - 3.3 A Noise Management Plan;
 - 3.4 A detailed plan showing the haulage route through the Ludlow Mill site and the sealing of the crossover onto Ludlow Road North. The crossover to be sealed and drained 20m in length from the edge of Ludlow Road North;
 - 3.5 A *site operational protocol* outlining the method of excavation works to be undertaken, which includes:
 - 3.5.1 Operator induction:
 - Procedures for hazardous spills
 - Provision of hazardous spill equipment
 - Excavator equipment and method

- 3.5.2 Excavator equipment and method
All excavation equipment is to be fitted with a GPS, calibrated to a detailed digital terrain model (AHD height referenced) that will ensure the excavator bucket will not penetrate below the maximum depth specified in condition 5.8
- 3.6 All other supporting and management plans modified to be consistent with the other conditions of the notice.
4. The development hereby approved, or any works required to implement the development, are subject to the following bonds (accompanied by an executed legal agreement with the City at the full cost of the owner) which shall be paid to the City prior to commencement of any works:
- 4.1 A dust bond to the value of \$5,000.00 which shall be held against satisfactory compliance with Condition 5.11 of this approval.
- 4.2 A rehabilitation bond to the value of \$20,000.00 which shall be held against satisfactory compliance with Condition 5.9 of this approval.
- 4.3 A road maintenance bond of \$40,000.00 in the form of an unconditional bank guarantee to ensure that the surrounding road network is maintained to the satisfaction of the City for the term of the extractive industry. Those portions of public roads affected by the activities related to the approval shall be maintained to a standard acceptable to the City at cost of the applicant; such bond may be utilised for road maintenance purposes where necessary as a result of the operation. The bond shall be accompanied by an executed legal agreement with the City at the full cost of the owner;
- 4.4 Further to conditions 4.1 - 4.3, the bonds are to be accompanied by an executed legal agreement with the City at the full cost of the owner. The legal agreement shall include:
- (i) The ability for the City to be able to use the bond, or part of the bond as appropriate, and any costs to the City including administrative costs of completing or rectifying any outstanding works on site in accordance with the conditions of this development approval and any further costs.
- (ii) Written authorisation from the owner of the land that the City may enter the site at any time and permit the City to complete or rectify any outstanding work to the satisfaction of the City.

On-Going Conditions:

5. The works undertaken to satisfy Conditions 1 - 4 (inclusive) shall be subsequently maintained for the life of the development including, and in addition to, the following conditions:
- 5.1 The development hereby approved shall be limited to: the extraction of limestone from the site; screening of material; crushing; associated drainage works; and rehabilitation works.
- 5.2 Notwithstanding Condition 5.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays.

- 5.3 (a) The designated haulage route for vehicles associated with extraction activity that exceed 5 tonnes gross vehicle mass is to be through the Ludlow Mill onto Ludlow Road North and then in either a westerly or easterly direction along Tuart Drive. At no time shall vehicles of that kind use Ludlow Park Road;
- (b) The haulage route described above shall be used for any other traffic exceeding 5 tonnes gross vehicle mass as much as is practicable, and at no time shall traffic of that kind exceed 10 vehicle movements per day (i.e. 5 entering and 5 leaving) along Ludlow Park Road.
- 5.4 Vehicles exceeding 5 tonnes gross vehicle mass associated with extraction activity are not to operate on Monday to Friday between the hours of 7.30am and 9.00am and between 3.00pm and 4.30pm on any given school day on a school bus route, or between other times as agreed in writing between the applicant and the local government.
- 5.5 A maximum number of 100 truck movements (no more than 50 trucks entering and no more than 50 trucks exiting the site that exceed a 5 tonnes gross vehicle mass) shall be permitted on the operating days and times as permitted per Condition 5.2 and 5.4 above.
- 5.6 Further to condition 5.5 above, should more than 100 truck movements per day be proposed in any 24 hour period unless otherwise agreed by the City in writing a Traffic Management Plan is to be submitted to, and approved by the City, at least 7 working days prior.
- 5.7 No more than 2 hectares shall be worked at any one time; this area shall then be rehabilitated in accordance with the approved details pursuant to Condition 3.2 concurrently with the extraction of the following 2 hectare area.
- 5.8 The lowest level of excavation be a minimum of 1.25 AHD or at least 300mm above the water table level whichever is the higher, and no dewatering works are to be undertaken. Works should cease if the water table is intercepted and the City is to be notified immediately.
- 5.9 Further to condition 5.8, the final land surface (after rehabilitation for horticulture) shall be at 1.95 AHD or 1.0m above the water table, whichever is the higher. The pit is to be rehabilitated with clean free draining fill overlain by topsoil.
- 5.10 The following minimum setback, to any trees, from the extractive activities shall be achieved at all times:
- > No less than 20 metres to the south-eastern and south-western lot boundaries;
- 5.11 The approved Dust Management Plan shall be implemented and carried out in accordance with the approval details.
- 5.12 The Noise Management Plan required to satisfy condition 3.3 above shall be implemented and carried out in accordance with the approval details.
- 5.13 Extractive within 300m of Quindalup Coast land system soils as depicted in the mapping from the Department of Agriculture, Western Australia's Land Resources Series, report No 5 titled "Busselton, Margaret River, Augusta Land Capability Study" and Figure 6 - Land Systems and Soil Types from Busselton Wetlands shall not occur during Black Swan nesting peak times and shall only occur during Summer and Autumn (1 December through until 31 May).

- 5.14 No hydrocarbons (fuels, oils, lubricants etc) shall be stored within the pit area. All refuelling and maintenance must be carried outside of the pit area in bunded areas.
- 5.15 No vegetation is to be removed as part of the extractive activities hereby approved without first obtaining approval from the City.
- 5.16 No dewatering of the extraction area shall be permitted without prior approval from the City and Department of Water and Environmental Regulation.
- 5.17 The applicant must submit to the City, annually and within three months of the anniversary of this approval a report detailing the following:
- a) Survey conducted by a licensed surveyor certifying;
 - The extent/size and location of the area which has been extracted;
 - The extent/size and location of the areas which has been rehabilitated
 - The extent/size and location of the area which is currently under operation;
 - b) Details as to which conditions of this development approval have been complied with and how this has been achieved; and
 - c) Details as to which conditions of this development approval have not been complied with and the reasons for such non-compliance ("Compliance Report").
- 5.18 In addition to the above, prior to the applicant commencing construction on a new cell a report is to be submitted to the City detailing the following:
- a) Finished ground level in AHD of the cell post extractive activities (Refer to condition 5.8);
 - b) Finished ground level in AHD of the cell post rehabilitation (Refer to condition 5.9).
- B) That the City continue to liaise with DBCA and Forest Adventures to implement the recommendations of the road safety audit at Attachment D.

Voting:

For the motion: Councillor R Bennett, Mayor G Henley, Deputy Mayor J McCallum, Councillor C Tarbotton, Councillor P Carter, Councillor R Reekie, Councillor K Hick and Councillor L Miles.

Against the motion: Councillor R Paine.

CARRIED 8/1

Reason: In order to prevent possible contamination of the mine site due to spill or failure of equipment Cr Miles felt the need for these procedures.

As recommended by DWER Cr Miles felt that the use of GPS equipment to help with maintaining the correct AHD important to include.

Due to the possibility of bus routes changing in the future, specific references to Ludlow Road North and Tuart Drive were removed.

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. CONFIDENTIAL REPORTS

Nil

18. QUESTIONS FROM MEMBERS

Nil

19. PUBLIC QUESTION TIME

Mrs Julia Avery asked if the far end of Ford Road had been given to the private land owner. The CEO responded that the land was still a road reserve.

20. NEXT MEETING DATE

Wednesday, 28 February 2018

21. CLOSURE

The meeting closed at 6.04pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 75 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 28 FEBRUARY 2018.

DATE: _____

PRESIDING MEMBER: _____