

**SUMMARY OF SUBMISSIONS**  
**PROPOSAL: AMD21/0029 Omnibus No. 4**  
**OFFICER: Helen Foulds**  
**SUBMISSIONS CLOSE: 30<sup>th</sup> March 2018**

NO.	SUBMITTOR	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
<b>Government Agencies</b>				
1.	Water Corporation PO Box 100 Leederville WA 6902	No Objection. Will provide further comment on the Vasse/Dunbarton proposal at the structure planning stage. Installing sewerage and pump stations for this area will likely be very difficult to coordinate and share the cost across the various landowners, given the fragmented ownership pattern.	Noted.	That the submission be noted.
2.	Department of Communities, Housing (provision of comments as landowner) Locked Bag 22 EAST PERTH WA 6892	<ol style="list-style-type: none"> <li>1. Support alignment of zones to those laid out in the Model Scheme Text. Acknowledge efforts to standardise Scheme to increase transparency and ease of use.</li> <li>2. Support proposed objective of the 'City/Town Centre' zone being <i>"The provision of medium to high density residential development"</i> and efforts to increase diversification of housing product available in the local area. This will guide the intensification of commercial and retail opportunities and higher density housing close to the Centres, focusing jobs and homes in an existing regional centre with a public transport network. The South-West Framework land use planning document emphasises the need to provide a mix of lots and dwellings to reflect the changing demographics within the local area.</li> <li>3. Request that the City reconsiders the prohibition of 'Aged Persons Home' within the 'City/Town Centre' zone. The SW Framework details that planning for an ageing population is to support the development of retirement homes, lifestyle villages and other forms of high-density accommodation suited to aged persons that are appropriately located in major centres, close to medical services, commercial and community facilities designed for integration into the community.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted.</li> <li>3. 'Aged Persons Home' is currently an 'X' use (not permitted) in the Business zone and has therefore been proposed as an 'X' use in the 'City/Town Centre' and 'Local/Neighbourhood Centre' zones. 'Aged Persons Home' is defined as <i>"a building or group of buildings used primarily as a residence for aged persons and may include a hostel and/or nursing home."</i> Given the recent changes to the Scheme to encourage residential development within the City and Town Centres via the application of the R-AC3 code, the provision of aged persons units would have benefits for those residents, given the proximity to facilities, services and transport options. It would be expected that market forces would determine the location of such developments given the central CBD properties would likely be too costly. The 'Local/Neighbourhood Centre' zone would be</li> </ol>	That the submission be supported and that Resolution 3.2 be modified to identify 'Aged Persons Home' as an 'A' use in the 'City/Town Centre' zone.

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		<p>4. Seeks clarification if the City will be progressing with an Activity Centre Plan over the Busselton and Dunsborough town centres.</p> <p>5. The Department of Communities supports any provisions contained within the LPS that encourage higher density housing in established regional centres with employment opportunities and transport options.</p>	<p>less appropriate for such a use, given their usually small nature, limited availability of development areas and lack of an R-AC3 code.</p> <p>In this regard the Council could consider modifying the use 'Aged Persons Home' to an 'A' use within the 'City/Town Centre'.</p> <p>4. The City will be progressing an Activity Centre Plan (ACP) for both the Busselton City and Dunsborough Town Centres. The preliminary consultation for the Dunsborough ACP has commenced through YourSay.com, with a draft ACP expected to be brought before Council early in the new year. The preparation of the Busselton ACP is likely to commence in 2019.</p> <p>5. Noted.</p>	
3.	Department of Health PO Box 8172 Perth Business Centre WA 6849	No Objection.	Noted.	That the submission be noted.
4.	Department of Water and Environmental Regulation brendan.kelly@dwer.wa.gov.au	<p>DWER wishes to raise the following matters that will require particular attention if the City is considering moving towards a low density Residential zone within the Dunbarton/Vasse Rural Residential area:</p> <ul style="list-style-type: none"> <li>• Drainage / inundation</li> <li>• Wastewater management (sewerage)</li> <li>• High groundwater table.</li> </ul> <p>In context, DWER notes (in draft Resolution 6.1, the Omnibus) that a structure plan may be prepared specifically for Lots 242-249 Kookaburra Way, prior to the preparation of an Overall Structure Plan for 'Special Provision Area 63'. Should this occur, the text of 'Special Provision Area 63' states that the specific overall structure plan for Lots 242-249 must integrate with the approved structure plan for neighbouring Lot 2 Kookaburra Way. DWER therefore wishes to highlight that Lot 2 Kookaburra Way is sewerred and expects that the integration</p>	Noted. These matters will be considered in the preparation of the Overall Structure Plan for the area.	That the submission be noted.

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		<p>with Lots 242-249 would include connection to the reticulated sewerage system.</p> <p>DWER also acknowledges that critical to the process of moving toward low density Residential in the area is ensuring that subdivision does not happen in an ad hoc manner and that orderly and proper planning processes are maintained. Accordingly, prior to any rezoning, DWER would require urban water management (drainage and wastewater systems) to be considered through the provision of a 'Local Water Management Strategy' (LWMS). For that reason it should be noted that a large portion of 'Special Provision Area 63' is located within a 'Sewerage Sensitive Area', as mapped under the '(Draft) Government Sewerage Policy, 2016'. Consequently there may be constraints that will require discussion high in the planning process. Otherwise DWER is satisfied that subject to the above comments on 'Special Provision Area 63', the Omnibus Amendment can proceed.</p>		
<b>Public Submissions</b>				
5.	Planning Solutions On behalf of Primewest Pty Ltd, Lot 300 Strelly Street, Busselton	<ol style="list-style-type: none"> <li>1. Support alignment of scheme land use terms and general definitions with the Model Provisions of Schedule 1 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> <li>2. '<i>Bulky Goods Showroom</i>' has been excluded from the scope of 'A29', with the City electing to maintain its existing outdated and deficient '<i>Showroom</i>' definition. The model definition for '<i>Bulky Goods Showroom</i>' was published following extensive stakeholder consultation and is strongly supported by Large Format Retailers and landowners. It provides the requisite level of certainty for those retailers selling the goods listed under the definition while also offering a clear functional set of criteria. This '<i>fit for purpose</i>' land use definition allows for innovation and evolution in the sector to accommodate large format retailing that may not be explicitly captured in the product list, but genuinely require a Large Format showroom store (e.g. musical instrument stores). While the model definition for '<i>Bulky Goods Showroom</i>' offers much needed certainty and clarity for the Large Format Retail industry, the vast majority of some 140 local</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Consideration was given to the definition of 'Bulky Goods Showroom' to replace the current definition of 'Showroom' in the Scheme. However, concerns were held for the new definition as it allows for the potential for a broader range of retail uses to be approvable in the 'Industrial' zone (to become 'Light Industry') and 'Restricted Business' zone (to become 'Service Commercial'), creating further risks of 'leakage' out of (and undermining of) existing and planned activity centres, especially the Busselton City Centre and Dunsborough Town Centre. The second part of the 'Bulky Goods Showroom' definition provides a very broad scope to allow the retail of any goods and accessories that it could be argued require a large area for handling, display or storage, or if vehicle access is required for the</li> </ol>	<p>That the request to include the model definition of 'Bulky Goods Showroom' and 'Trade Supplies' not be supported.</p> <p>That the definition of 'Shop' (Resolution 3.1(b)(vii)) be modified to delete the words "<i>other than a bulky goods showroom,</i>".</p>

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		<p>planning schemes across Western Australia have not yet adopted it. Significant variation remains in the definitions used across local planning schemes, and this inconsistency continues to present major issues and concerns for the industry.</p> <p>Request the City include the model definition of <i>'Bulky Goods Showroom'</i> (to replace the existing <i>'Showroom'</i>) within the scope of <i>'A29'</i>.</p> <p>The existing <i>'Showroom'</i> definition contained within LPS21 is extremely limited in terms of the product types listed and its capacity to apply to other large format retailing activities. This leads to significant uncertainty for landowners, businesses, and decision makers as to whether particular developments would qualify as a <i>'Showroom'</i>. This uncertainty discourages investment within the municipality, either via new development proposals or even simple re-tenanting of existing approved showroom premises.</p>	<p>collection of those purchased goods. The main concern that officers have with this definition is that applicants could conceivably propose this land use to cover a raft of unintended uses and the planning direction of the City would be determined by State Administrative Tribunal (SAT) decisions, rather than by the Council. For example, the City could be required to determine whether a discount department store or supermarket is included in the definition of a <i>'Bulky Goods Showroom'</i> because they require a large area for handling, display and storage.</p> <p>The definition of <i>'Showroom'</i> as it exists in the current Scheme is that it allows for the displaying or offering for sale by wholesale or retail:</p> <ul style="list-style-type: none"> <li>- automotive spare parts,</li> <li>- carpets,</li> <li>- large electrical appliances,</li> <li>- furniture,</li> <li>- hardware, or</li> <li>- bulky goods.</li> </ul> <p>The current definition specifically does not allow for retail sale of:</p> <ul style="list-style-type: none"> <li>- foodstuffs,</li> <li>- liquor or beverages,</li> <li>- items of clothing or apparel,</li> <li>- magazines,</li> <li>- newspapers,</li> <li>- books or paper products,</li> <li>- china,</li> <li>- glassware or domestic hardware, or</li> <li>- items of personal adornment.</li> </ul> <p>The current definition of <i>'Showroom'</i> is felt to be appropriate for uses in the Light Industry and Service Commercial zones, for where it is intended.</p> <p><u>Note:</u> The definition of <i>'Bulky Goods'</i> (as a general term) is proposed to be deleted from the Scheme as part of Amendment No. 29. The deletion of this definition would revert the interpretation of the</p>	

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		<p>3. <i>'Trade Supplies'</i> has been excluded from the scope of <i>'A29'</i>, with no comparable or equivalent definition currently contained in <i>'LPS21'</i>. The model definition for <i>'Trade Supplies'</i> was published following extensive stakeholder consultation and is strongly supported large format retailers and landowners. It provides clarity and certainty for landowners and businesses selling materials, tools, equipment and machinery not explicitly covered by the <i>'Bulky Goods Showroom'</i> definition. This provides local government with the ability to appropriately control the permissibility of <i>'Trade Supplies'</i> retailing, distinct from that of <i>'Bulky Goods Showroom'</i>.</p> <p>Request the City include the model definition of <i>'Trade Supplies'</i> within the scope of <i>'A29'</i>. Consider <i>'Trade Supplies'</i> is most appropriately classified as a <i>'P'</i> use in the</p>	<p>term to its 'common and normal meaning', which is generally "taking up much space; large and unwieldy" and establishes a more common sense approach to determining uses that fall within the 'Showroom' meaning. The contrast to this could lead to extensive discussions on, and potentially SAT determination of, what requires "easy and direct vehicle access".</p> <p>This submission has also brought attention to the proposed definition of 'Shop' which, as advertised, references 'Bulky Goods Showroom' as per the Regulations. It is agreed that referencing this use class that is not included within the Scheme could cause uncertainty. The definition proposed for 'Shop' is therefore recommended to be modified to remove reference to 'Bulky Goods Showroom'. It is not considered necessary to reference excluded uses within this definition as any use that is more specifically defined elsewhere within the Scheme would be that more specific use. For instance, several other use classes exist within the Regulations that also provide for the sale of goods, such as 'Motor Vehicle, Boat or Caravan Sales', but are not referenced within the definition.</p> <p>3. Officers do not agree this use is necessary, as the selling or hire of goods and services covered by the 'Trade Supplies' definition fall into 'Showroom' or one of the industry uses ('Industry', 'Industry – Light', 'Industry – Primary Production'). In the unlikely instance that a proposed use does not fall into any of the above categories, it could become a 'use not listed' and the appropriateness of the use within the particular zone could be considered.</p>	

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		<p><i>'Service Commercial'</i> and <i>'Light Industrial'</i> zones, and a <i>'D'</i> use in the <i>'City/Town Centre'</i>, <i>'Local/Neighbourhood Centre'</i> and <i>'General Industry'</i> zones.</p> <p>4. The intent of the <i>'Model Provisions'</i> is to provide a competent and common platform for all local planning schemes to be based on. We are unaware of any exceptional or compelling local circumstances justifying a departure from the model definitions in the City of Busselton.</p>	<p>4. Where a departure from the Model Provisions is proposed as part of an amendment to the Scheme, these reasons have been justified.</p>	
6.	<p>P Kelly, CEO            Large Format Retail Association            PO Box 78            Balwyn North Vic 3104</p>	<p>1. Support the City's <i>objective</i> to align the scheme with the <i>'Regulations'</i>. However, we are concerned by the following aspects of <i>'A29'</i> which are not consistent with the objectives and legislative requirements established by the <i>'Planning and Development Act 2005'</i> and <i>'Planning and Development (Local Planning Schemes) Regulations 2015'</i>:</p> <p>2. <i>'Bulky Goods Showroom'</i> has been excluded from the scope of <i>'A29'</i>, with the City electing to maintain its existing outdated and deficient <i>'Showroom'</i> definition. The model definition for <i>'Bulky Goods Showroom'</i> was published following extensive stakeholder consultation and is strongly supported by Large Format Retailers and landowners. It provides the requisite level of certainty for those retailers selling the goods listed under the definition while also offering a clear functional set of criteria. This <i>'fit for purpose'</i> land use definition allows for innovation and evolution in the sector to accommodate large format retailing that may not be explicitly captured in the product list, but genuinely require a Large Format showroom store (e.g. musical instrument stores). While the model definition for <i>'Bulky Goods Showroom'</i> offers much needed certainty and clarity for the Large Format Retail industry, the vast majority of some 140 local planning schemes across Western Australia have not yet adopted it. Significant variation remains in the definitions used across local planning schemes, and this inconsistency continues to present major issues and concerns for the industry.</p> <p>Request the City include the model definition of <i>'Bulky Goods Showroom'</i> (to replace the existing <i>'Showroom'</i>)</p>	<p>1. Support noted.</p> <p>2-3. Refer to comments provided in response to submission number 5, above.</p>	<p>That the request to include the model definition of <i>'Bulky Goods Showroom'</i> and <i>'Trade Supplies'</i> not be supported.</p> <p>That the definition of <i>'Shop'</i> (Resolution 3.1(b)(vii)) be modified to delete the words <i>"other than a bulky goods showroom,"</i>.</p>

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		<p>within the scope of 'A29'.</p> <p>3. 'Trade Supplies' has been excluded from the scope of 'A29', with no comparable or equivalent definition currently contained in 'LPS21'. The model definition for 'Trade Supplies' was published following extensive stakeholder consultation and is strongly supported large format retailers and landowners. It provides clarity and certainty for landowners and businesses selling materials, tools, equipment and machinery not explicitly covered by the 'Bulky Goods Showroom' definition. This provides local government with the ability to appropriately control the permissibility of 'Trade Supplies' retailing, distinct from that of 'Bulky Goods Showroom'. Request the City include the model definition of 'Trade Supplies' within the scope of 'A29'. Consider 'Trade Supplies' is most appropriately classified as a 'P' use in the 'Service Commercial' and 'Light Industrial' zones, and a 'D' use in the 'City/Town Centre', 'Local/Neighbourhood Centre' and 'General Industry' zones.</p> <p>4. A fragmented and ad-hoc process of individual scheme amendments is not a valid substitute for a single formalised scheme review. The process being advanced by the City seeks to facilitate the retention of outdated and deficient land use definitions, which is contrary to legislative requirements and the needs of industry. The intent of the 'Model Provisions' is to provide a competent and common platform for all local planning schemes to be based on. We are unaware of any exceptional or compelling local circumstances justifying a departure from the model definitions in the City of Busselton.</p>	<p>4. Informal, officer level feedback has been sought from the Department of Planning, Lands and Heritage on the proposed approach to Scheme Amendments as detailed in the Council report of 26 April 2017, which detailed the proposed direction for the modification and updating of the City's development control framework. The feedback received was considered in the preparation of that report and in the development of Amendment No. 29.</p>	
7.	N F Property & Goode Nicholson Ptd Ltd PO Box 127 DUNSBOROUGH WA 6281	Supports Amendment as it relates to the Dunsborough Town Centre.	Noted.	That the submission be noted.
8.	Dunsborough and Districts Progress Association markwebsterdesign@gmail.com	Supports the 'Drive Thru Facility Exclusion' area within the Dunsborough Town Centre.	Noted.	That the submission be noted.
9.	D Simpson 34-36 Adelaide Street	1. Concerns about how rates will be impacted, opposed if rates are charged at tourist/commercial rate for	1. The effect of the Amendment on the Busselton CBD area is largely to introduce provisions into the	That the submission be noted but that objection to multi-storey unit

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	BUSSELTON WA 6280	<p>residential property.</p> <p>2. Object to multi-storey unit development between West Street and Stanley Street because of heritage listed buildings (takes away from the cultural atmosphere) and lack of parking. Development should be tasteful.</p>	<p>Scheme that will apply to any new development. This will not have an impact on the way in which rates are calculated for these properties.</p> <p>2. Any application for development will be assessed on the merits of the proposal against the relevant statutory framework. This would include the proposed provisions of the Scheme, relevant policies (including that for vehicle parking) and the Residential Design Codes WA where applicable. Part 9 of the Deemed Provisions requires consideration to be given to “the built heritage conservation of any place that is of cultural significance” and “the effect of the proposal on the cultural heritage significance of the area in which the development is located”. Also, “the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality...”.  The proposed design principles will also require applications within the Busselton and Dunsborough Centres to demonstrate compatibility to the context, character, built form, scale and amenity of the surrounding area.</p>	development not be supported.
10.	Planning Solutions On behalf of DCSC Pty Ltd Lots 107 and 108 Dunn Bay Road and Lot 109 Cyrilleean Way, Dunsborough	<p>1. Generally supports amendment with respect to the alignment of zones, objectives of the zones and clarifying the terms referred to in the Scheme.</p> <p>Objects to the following proposals:</p> <p>2. Town Centre Development Standards – results in over-complicated, rigid and inflexible planning framework applicable to the City/Town Centre zone. Specific development standards are more appropriately addressed through other non-statutory planning documents, such as local planning policies, structure or activity centre plans, and/or local development plans. This component will duplicate the standards and provisions set out in various state and local planning policies, including Local Planning Policy 4C Busselton Town Centre Urban Design Provisions, draft State Planning Policy 7: Design of the Built</p>	<p>1. Noted.</p> <p>2. Objection to addition of provisions into the Scheme. Recent development proposals and the testing of the City’s current statutory framework through the State Administrative Tribunal have identified areas requiring strengthening through the addition of provisions within the Scheme itself. The lack of specific development requirements within a local planning scheme has been a direct criticism to the Scheme, which the City is seeking to resolve. Specific development standards have the ability to be varied, subject to site specific</p>	That the objection made within the submission not be supported.

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		<p>Environment and associated draft Apartment Design policy, and Liveable Neighbourhoods. These documents each include specific design criteria, and provide guidance on alternative ways in which to meet an overarching objective or design intent. This ensures the framework to be flexible, allowing for site responsive design solutions. The incorporation of specific development standards into the scheme is an inflexible approach, and requires a lengthy scheme amendment to be progressed should any of the development standards be required to be modified due to changing circumstances in the future.</p> <p>3. Drive-through Facilities - consider the proposal is unjustified on planning grounds for the following reasons:</p> <p>a) The proposed Amendment will extinguish the ability for a legitimate commercial use to be established within the Busselton and Dunsborough centres. Commercial protection of certain businesses is not a legitimate planning justification. Drive-through facilities may be developed to be complimentary to a variety of land uses and should be considered on their merit.</p> <p>b) The City has cited potentially undesirable impacts from the provision of drive-through facilities as a reason to prohibit the use. These impacts include traffic, lighting, noise and reduced 'main street' activation. It is considered that the proposal to simply prohibit drive-through facilities is short-sighted and fails to recognise that any impacts can be mitigated through the provision of built form controls, development standards or design guidelines.</p> <p>c) If the City is seeking to ensure main street activation</p>	<p>response and justification through development application.</p> <p>Further guiding information is set to be provided through the development of an Activity Centre Plan (ACP) for the Busselton and Dunsborough Centres, development of an Urban Design Local Planning Policy (LPP) for Dunsborough and a review of the Busselton LPP that will provide guidance for implementing the Scheme and Activity Centre Plan.</p> <p>3a) The provision of Drive-Through Facilities is contrary to the ongoing work by the City in the Busselton and Dunsborough CBDs in focussing on and enhancing the pedestrian environment and main street activation. Prohibiting Drive-Through Facilities in certain areas allows for the facilitation of more appropriate uses that meet the vision for the CBDs.</p> <p>It is in fact correct that 'commercial protection of certain businesses' is not suitable planning justification and this is not the justification for introducing the Drive-Through Facilities Exclusion area.</p> <p>b-c) The ACP and LPP as mentioned above will provide further guidance on development within the CBDs, however the provisions proposed to be included within the Scheme are considered to be critical components to appropriate development. The Exclusion area does not prohibit the uses of shops, takeaway food outlet and liquor store (shop) as these can be developed without a Drive-Through Facility. The Dunsborough public have made it clear to the Council that the land uses of Service Station and Motor Vehicle Wash are not desirable within the Town Centre and planning rationales</p>	

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		<p>with limited traffic, lighting and noise issues, then it should seek to establish scheme provisions that provide design-based solutions to overcome these issues, rather than seek a blanket ban on legitimate commercial uses, including shops, takeaway food, drive-through liquor, service stations, motor vehicle wash, etc.</p> <p>d) There is no clear rationale behind the City's position that drive-through facilities in isolation are the sole contributor to the perceived undesirable impacts. There are arguably other uses which currently exist and are capable of approval within the centres which could potentially result in the same 'undesirable impacts' due to the reliance on motor vehicles for access.</p> <p>e) The City's proposal to prohibit drive-through facilities within the City/Town Centre zone would result in a number of contradictions to the use class permissibility set out in Table 1 – Zoning Table of LPS21. For example, the uses of Motor Vehicle Wash and Service Station are both discretionary uses within the City/Town Centre zone, meaning the uses are capable of approval within the zone, subject to Council discretion. The operation of these particular uses expressly relies on a 'drive-through facility', as defined by the City. It is nonsensical and contradictory for these land uses to be considered as being appropriate (subject to discretion) within the City/Town Centre zone under the Zoning Table, yet the drive-through exclusion area would effectively prohibit these uses from operating within the majority of the City/Town Centre zone. This approach overcomplicates and confuses the planning framework, making it difficult to interpret and understand land use permissibility within the City/Town Centre zone.</p>	<p>substantiate this view.</p> <p>d) The City is addressing previous development through progressive Town Centre works and addressing future development through the addition of provisions into Scheme such as controls on setbacks, crossovers, car parking, etc (as discussed above).</p> <p>e) The discretionary nature of these uses would allow consideration to be given to that use within the zone, in locations that are within the City/Town Centre zone and outside the exclusion area. There are two locations within Dunsborough Town Centre that have been considered as potentially appropriate for a Drive-Through Facility and several sites within the Busselton City Centre. This was considered to be a more flexible approach compared to the complete prohibition from the 'Business' zone (proposed to be split into the 'City/Town Centre' zone and 'Local/Neighbourhood Centre' zone with this amendment) that was previously proposed and advertised under Amendment No. 1.</p> <p>Other far more suitable locations for Drive-Through Facilities could potentially be found in alternative zones such as the 'Local/Neighbourhood Centre', 'Service Commercial', 'Tourism' and 'Light Industry' zones, and be appropriate for the various uses of 'Takeaway Food Outlet', 'Shop', 'Service Station', 'Tavern' and 'Hotel' (or other uses that might</p>	

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		<p>f) The proposed amendment will result in significant economic impacts on land within the drive-through exclusion area. The amendment report does not include an assessment of the economic or other detrimental impacts the proposal is likely to have.</p> <p>g) The City's amendment report refers to two parcels within the Dunsborough Town Centre which have been identified as appropriate for a drive-through facility, being a portion of the lot at the corner of Caves Road and Cape Naturaliste Road (the site occupied by Chicken Treat) and a portion of the lot fronting Cape Naturaliste Road between the river and Dunn Bay Road (currently vacant site). There is no rationale or explanation offered as to why these particular properties have been identified as being 'appropriate' for a drive-through facility. A high-level review of these sites indicates a number of constraints which would impact the potential to accommodate a drive-through facility, including inappropriate size and configuration, and likely traffic and access issues.</p> <p>h) The proposal to establish a 'Drive-through Facility Exclusion Area' is not consistent with a local</p>	<p>propose a drive-through facility).</p> <p>f) This comment is contradictory to previous argument that this is not a suitable planning justification. The provision of the 'Drive-Through Exclusion' area opens up the CBDs for uses that are more appropriate within central shopping areas that are targeted more towards pedestrian access, rather than vehicles.</p> <p>g) The primary considerations for the establishment of the exclusion area, with specific reference to the Dunsborough Town Centre, were to specifically exclude the main vehicle thoroughfares through the CBD (Dunn Bay Road, Naturaliste Terrace and eventually Clark Street).</p> <p>Consideration was also given to where a drive-through facility might be appropriate, such that it would be least likely to detrimentally impact on traffic flow and the pedestrian environment. Two areas within the Dunsborough Town Centre were proposed that might be considered appropriate locations for a drive through facility. These were the existing 'Chicken Treat' site at No. 64 Dunn Bay Road (south west corner) and a portion of currently vacant land along Naturaliste Terrace (No. 61 Dunn Bay Road, but not fronting Dunn Bay Road).</p> <p>During the initiation of the Amendment the Council considered including the whole of the Dunsborough CBD within the Exclusion area to create a clear and definitive boundary, but the Council finally determined to retain the two areas outside of the exclusion area to provide some (limited) opportunity within the Dunsborough Town Centre.</p> <p>h) It is unclear from the submission how the proposal is considered to be inconsistent with the Strategy,</p>	

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		planning strategy for the scheme that has been endorsed by the WAPC and is inconsistent with the Regulations and the Model Provisions. It is therefore inappropriate for this proposal to be included as part of the proposed amendment, which has been progressed as a standard amendment under the Regulations. This component of the proposed amendment requires detailed and comprehensive assessment to determine the potential impacts on land within the scheme area.	Regulations and Model Provisions.	
11.	R Burnside (Owner of Lot 42 Beltonia Way Vasse) PO Box 43 BUSSELTON WA 6280	Supports subdivision in Dunbarton.	Noted.	That the submission be noted.
12.	S & R Otway 23 Red Gum Way VASSE WA 6280	Supports subdivision in Dunbarton. Would like input into the subdivision concept for the property.	It is anticipated that the process for the Overall Structure Plan would encourage landowner consultation and the opportunity for further input at that time.	That the submission be noted.
13.	L & L Howlett 81 Belltonia Way VASSE WA 6280	Supports subdivision of Dunbarton to low density Residential. The subdivision is more than 30 years old and rapidly being surrounded by residential zones.	Noted.	That the submission be noted.
14.	R Cameron Owner of Lot 5 Rendezvous Road 92 Hawker Approach BUSSELTON WA 6280	Strongly supports subdivision in the Dunbarton area. Agree that it needs to be well co-ordinated and will facilitate the overall plan. Do not see why properties facing Rendezvous Road need larger blocks than the others in the area.	Noted.  The Department of Planning, Lands and Heritage (DPLH) has advised it is prepared to support a strip of 1 hectare sized lots along Rendezvous Road, as a 'buffer' between the Agriculture zoned properties to the south and the future low-density Residential zoned properties to the north. The bulk of properties fronting Rendezvous Road currently range in size from 1 hectare to below 3 hectares.	That the submission be noted.
15.	J and L Charman 234 Kookaburra Way VASSE WA 6280	Supports subdivision of Dunbarton and would like to know how many lots are possible.	Noted.  With regard to the number of lots for potential subdivision, it would be inappropriate to speculate how many lots could be subdivided. The purpose of the Overall Structure Plan would be to determine any environmental constraints as well as locations for roads and public open space. Until that process has been undertaken it would be pre-emptive to assume	That the submission be noted.

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			<p>the future lot layout of individual parcels. The Department of Planning, Lands and Heritage has indicated that the following would be a desirable outcome within the structure plan area:</p> <ul style="list-style-type: none"> <li>• a Rural Residential 'buffer' to the Bypass to the north and Rendezvous Road to the south, consisting of 1 hectare minimum lots;</li> <li>• low density Residential provided through the 'core' developable area, with a variety of lots ranging from 2,000 m<sup>2</sup> to below 1 ha; and</li> <li>• lots will be limited to 1 ha in size in sewerage sensitive areas.</li> </ul>	
16.	A and S Fish 37 Whitemoss Drive VASSE WA 6280	Supports subdivision of Dunbarton – good idea to utilise the larger blocks in our area.	Noted.	That the submission be noted.
17.	P and R Fisher 7 Bangalo Close VASSE WA 6280	Supports subdivision of Dunbarton, request for further information on timeframe, lot sizes and progress.	Submission is noted. Additional information was provided to the submitter at the time.	That the submission be noted.
18.	P Grose Owner of Lot 119 Possum Place 2 Ridge Street Wembley Downs WA 6019	Supports Dunbarton Area proposal as long as his zoning does not change. Property is leased with development approval for low key intensive agriculture. Agreeable to scheme changes provided that they do not have impact on approval for intensive agriculture activity.	At the time of future rezoning, the approved 'Intensive Agriculture' use (revegetation business) would become a 'non-conforming use' and that use could continue. It should be noted that the zone would not change from Rural Residential to Residential until such time as the landowner progresses subdivision of the property.	That the submission be noted.
19.	P & R Chinnery 152 Belltonia Way VASSE WA 6280	Supports subdivision in Dunbarton Area, would like to subdivide into 3 or 4 lots.	Noted.	That the submission be noted.
20.	R & R Grainger 247 Kookaburra Way VASSE WA 6280	Supports subdivision in Dunbarton Area. Would like to remain living in current home and retain lawns and garden. Would like to see the preservation of as many of the old established trees throughout the estate.	Noted.	That the submission be noted.
21.	H & V Mitchell Owner of Lot 92 Kookaburra Way 10 Edwards Street Busselton WA 6280	Support subdivision in Dunbarton Area.	Noted.	That the submission be noted.
22.	B & C Strahan	Supports subdivision in Dunbarton Area.	Noted.	That the submission be noted.

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	15 Bellonia Way VASSE WA 6280			
23.	S Olszewski and B Moulton 27 Peppermint Way Vasse WA 6280	Supports subdivision of Dunbarton area. Interested in subdividing.	Noted.	That the submission be noted.
24.	J Libby Jackson 16 Peppermint Way VASSE WA 6280	<ol style="list-style-type: none"> <li>1. Supports City's direction to identify a suitable section of Dunbarton for re-subdivision/consolidation. Also support the application of an overall structure plan being created and implemented by the City.</li> <li>2. Would like consideration for Lot 13 Peppermint Way, the option to expedite subdivision into smaller lots (being outside the 'buffer' zone could be considered for subdivision of smaller lot sizes, potentially 2,000sqm to 5,000sqm). This could potentially resolve future issues arising from water contamination and potentially eliminate some of the current issues. It may provide options and solutions and deal with loss of confidence/safety associated with water quality/contamination. It may also provide the City with a solution to mitigate ongoing issues and is not contrary to the broader intentions of Amendment 29.</li> <li>3. Dunbarton has been developed and utilised for equestrian land use, events, training and facilities including the pony club, training track facilities and private land uses for over 30 years. Many equine training facilities throughout Australia (including Ascot and Bunbury) have low density lots associated with equestrian use in areas which incorporate and are surrounded by low density lots. The City's current Health Local Law 1997 (Part 5 Division 3) accounts for the Keeping of Large Animals, allows for permits to be issued enabling stables/equestrian uses in areas other than Agricultural zones. Although under review it is pertinent that proper provisions for continued equestrian uses remain or are properly planned for. In the absence of other established equine facilities the City may consider retaining a permit application process for equestrian use in the Dunbarton area, particularly those lots in close proximity to the training track.</li> <li>4. An overall structure plan and subdivision of lots within Dunbarton will allow residents some opportunity to be a part of the development of the area as opposed to</li> </ol>	Noted. An Overall Structure Plan for the Dunbarton/Vasse area is required prior to any subdivision (and rezoning) to avoid an uncoordinated and ad hoc consolidation driven by individual landowners. The exception to this is Lots 242-249 Kookaburra Way, which have the potential to be considered as a distinct planning unit from the remainder of Dunbarton due to the separation provided by Kookaburra Way and the fact that those properties do not currently have a pre-existing structure plan over them. It is critical that the remainder of Dunbarton is considered as a whole to ensure a legible road network is developed and urban water management issues are suitably planned for.	That the submission be noted.

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		<p>development within and around the area be restricted to Developers.</p> <p>Further reasons for support (submission made on draft Local Planning Strategy):</p> <ul style="list-style-type: none"> <li>• Current structure plan is approximately 30 years old.</li> <li>• Increase the availability of smaller rural residential lots in the immediate area without affecting the general character of the locality or the amenity of surrounding residents as smaller lots already exist.</li> <li>• Increased access to facilities in the area – pony club, trotting track, schools, leisure centre and progressive Vasse development.</li> <li>• Eliminate the need to create new areas for the purpose of smaller rural residential lots.</li> <li>• Assist with infill/consolidation in close proximity to the Busselton City Centre.</li> <li>• Adoption of an integrated plan that includes the lots the subject of this submission within 5 years would ensure progressive planning while maintaining the benefits to these and other lots of rural residential living/lifestyle.</li> </ul>		
25.	B Edwards 179 Kookaburra Way VASSE WA 6280	Kookaburra Way should be closed at Peppermint Way, with traffic redirected down Peppermint to Rendezvous and back to Queen Elizabeth. Kookaburra Way is presently used as a race track from Queen Elizabeth Ave through to Red Gum Way with vehicles travelling well over 80-90 kph.	It is critical to bushfire planning and emergency evacuation requirements to have multiple accesses through the area. Part of the structure planning process will be to assess and consider future traffic increases and impacts on the area, and providing subsequent recommendations which may include (inter alia) traffic calming devices.	That the submission be noted.
26.	N & G Van Schaik 119 Belltonia Way Vasse WA 6280	Concerns with Dunbarton Structure Plan Area. While the possibility of subdivision is welcome there are people in this area running business enterprises from their homes or may be looking to do so in the future. Current business operators should be protected under any new changes. They should not be made to cease operations due to increased density caused by somebody deciding to subdivide.	If a use has been operating lawfully it may continue to operate as a 'non-conforming use' once the property is rezoned if it is a use that would otherwise not be permitted within that zone.	That the submission be noted.
27.	G Bailey 49 Jarrah Elbow VASSE WA 6280	Objection to Dunbarton Structure Plan Area. 1. Purchased property on understanding the area could not be subdivided. This was a deciding factor in purchase. More housing means more traffic and in turn more noise. Not the ambience I paid for and my property will be devalued.	1. The planning framework would set up the potential for re-subdivision of properties, which is expected to be a relatively long process (likely 5 to 10 years). Any uptake of subdivision opportunities by landowners may evolve over time and, while there might be a surge of uptake following the	That the submission be noted.

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		<p>2. Does this mean residents no longer need rural fencing.</p> <p>3. Does it also mean we will no longer be able to burn off our green waste (2 x 6x4 trailer size tip passes is not enough).</p>	<p>eventual adoption of the Overall Structure Plan, it is improbable that all landowners will seek to subdivide simultaneously as the desire to take up the opportunity of subdivision, including the provision of services for the new lots, will be likely to vary widely according to landowner aspirations. The eventual development of the Dunbarton area into a fully Residential-zoned subdivision could take many years (expected to be several decades).</p> <p>2. Clause 4.37.5 of the Scheme specifies the requirement for fencing in the Rural Residential zone –</p> <p><i>“4.37.5 On any lot in the Rural Residential zone, in areas of remnant vegetation, fencing will be prohibited except within and on the perimeter of a cleared area. All fencing is to be of farm standard post and wire construction.”</i></p> <p>Whilst there is no such restriction within the Scheme for the Residential zone, it is not uncommon for a subdivider to place a restrictive covenant over the subdivision requiring a specific style of fencing.</p> <p>3. The submission is referring to the City’s ‘Firebreak and Fuel Hazard Reduction Notice’, which specifies that no burning of garden refuse in the Urban Area (Town sites) is permitted, compared to the Rural Residential Area (non-Town sites) where it is restricted.</p> <p>The Ranger and Emergency Services section have advised that the application of the firebreak notice is not fettered by the zonings (or rezonings) of the Scheme and this proposed rezoning from Rural Residential to Residential does not change the way these properties will be treated under the firebreak notice.</p>	

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		<p>4. Will I still be able to access ground water for my lawn area.</p> <p>5. Will a business be able to operate from the new zoning area.</p>	<p>4. The proposed Structure Plan Area and future rezoning/subdivision would not impact on a landowner's right to licensed access to a bore.</p> <p>5. A number of opportunities exist for businesses to be conducted from home. First of all, if a use has been operating lawfully prior to rezoning they can continue to operate as a 'non-conforming use' once the rezoning takes place (such as the 'Intensive Agriculture' mentioned by submission no. 18). If a business is not in place prior to the rezoning, the use would need to comply with the requirements of the Residential zone. There are varying extents to which a business can be conducted within the Residential zone, which is slightly more restrictive than the Rural Residential zone due to the smaller nature of the properties. Uses allowed within the Residential zone include a 'Home Office', 'Home Occupation' and 'Home Business', whereas 'Industry-Cottage' can also be considered in the Rural Residential zone.</p>	
28.	<p>N &amp; J Bell            102 Belltonia Way            BUSSELTON WA 6280</p>	<p>Objection to Dunbarton Structure Plan Area.            Bought property 28 years ago for the rural lifestyle and to keep animals. Have had bees for the last 15 years. Don't keep hives on this property but we extract the honey here, the same as other bee keepers do in the centre of Busselton. Once you have houses all around you there are going to be problems. This is our way of life, not just our house it is our home.</p>	<p><u>Production of honey</u>            Although the City does not have record of a development approval for the production of honey on this site, 15 years ago under the previous Scheme (District Town Planning Scheme No. 20), the making of honey could potentially have been dealt with as a Home Occupation, thus not requiring development approval provided the requirements of the definition were met. This use of this property could therefore still proceed within the Residential zone.</p> <p>The landowner has obtained a food business registration for a 'low risk food premises' and for the sale of the honey at market stalls.</p> <p>Note that the rezoning from Rural Residential to Residential would not be permitted until the Overall Structure Plan has been endorsed. There is no requirement for the landowner to subdivide under the auspice of the new zoning should they not wish to.</p>	<p>That the submission be noted.</p> <p>That the definition of 'Rural Pursuit/Hobby Farm' be amended to state "...the keeping of bees <i>on a commercial basis;</i>" (new text in italics) by modifying Resolution 3.1(b) and including it within the Schedule of Modifications.</p>

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			<p><u>Keeping of bees</u></p> <p>The landowner has identified that hives are not kept on the property. Nevertheless, the keeping of bees is classed as a 'Rural Pursuit/Hobby Farm' (the definition was included into the Scheme with Amendment No. 1 and is consistent with the Model Provisions). This use is permitted (subject to development approval) in the Rural Residential zone and not permitted in the Residential zone. If a use has been operating lawfully (i.e. has an approval for the keeping of bees) it can continue to operate as a 'non-conforming use' once the property is rezoned.</p> <p>The keeping of bees was not addressed under Scheme 20, probably because the Health Local Law dealt with the keeping of bees, much in the way poultry are dealt with. The Health Local Law allows for the keeping of up to 2 hives (including within the Residential zone). Permission can be obtained for the keeping of more than 2 hives in any area other than the Residential zone, provided the property meets certain criteria. Therefore, provided the landowner met the requirements of the Health Local Law, the keeping of bees would be treated as a 'non-conforming use'.</p> <p>This submission has highlighted a difficulty in the application of the 'Rural Pursuit/Hobby Farm' definition, wherein the keeping of bees for whatever purpose would require a development approval in the Rural Residential and Rural Landscape zones and not be permitted at all within the Residential, Conservation and Bushland Protection zones. It is recommended that the definition of 'Rural Pursuit/Hobby Farm' be amended to state "the keeping of bees <i>on a commercial basis</i>" (new text in italics), which would clarify that the keeping of bees on a small scale, i.e. for private use, could be allowed.</p>	
29.	R and L Fletcher Owners of Lot 157 Kookaburra Way	Objection to Dunbarton Structure Plan Area. Purchased as semi-rural because of the room and lifestyle, low density population. Change to Residential would mean no	The keeping of chickens is permitted in the Residential and Rural Residential zone under the Health Local Law, provided certain criteria are met (e.g. distance	That the submission be noted.

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	16 Quenda Close VASSE WA 6280	animals (including chooks), increase in noise and possible neighbour confrontations, increase in rates, increase in vehicles on roads.	<p>from a dwelling). Roosters are not permitted to be kept in any zone that is classified as residential or a lot less than 1 ha in size.</p> <p>With regard to the keeping of large animals, the Scheme currently does not allow the keeping or rearing of stock on any lot less than 1 ha within the Rural Residential zone (cl 3.5.3(b)). For lots between 1 ha and 4 ha in size in the Rural Residential zone, stock may be kept for domestic purposes only and shall not exceed one horse or one cow or two sheep (cl. 3.5.3(c)).</p> <p>Whilst landowners will not be required to rezone or subdivide their property, it will be their responsibility to ensure the keeping of stock/animals does not create a nuisance to neighbouring landowners (just as this requirement exists currently).</p> <p>With regard to Rates, if there is an increase in the valuation of a property, there <i>may</i> be an increase in the rates. However, the City would be unable to comment on individual cases as, being dependent on valuations, these are best done by a licenced valuer and any change to the rates would be dependent upon <i>if</i> or <i>how</i> the proposed Amendment would impact on the valuation of the property. It may be argued that the potential for subdivision may increase the value of the properties, but the impact this may have on the Rates is unknown at this time.</p> <p>Please also refer to previous comments on same/similar matters.</p>	
30.	I Gaunt 43 Belltonia Way VASSE WA 6280	Objection to Dunbarton Structure Plan Area. Do not want any more houses on my doorstep. Residential blocks should be developed on cleared land with the infrastructure developed from scratch to suit housing requirements. If my neighbours rezone and subdivide where will I go as I have a rear block with battle axe road access I will be boxed in and not happy.	<p>Please refer to previous comments on same/similar matters.</p> <p>During consideration of the draft City of Busselton Local Planning Strategy, the City identified that a targeted review of the Dunbarton area for re-subdivision and consolidation opportunities was viewed as having a higher priority for a review (than</p>	That the submission be noted.

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			<p>the Commonage) for a number of reasons, including –</p> <ul style="list-style-type: none"> <li>• the land is flat and cleared of remnant vegetation;</li> <li>• lower bush fire risk;</li> <li>• lower landscape character and visual amenity considerations;</li> <li>• reticulated water and potential access to sewerage services are close by;</li> <li>• well serviced by the district road network;</li> <li>• close to Busselton City Centre, community facilities and services; and</li> <li>• location is more favourable from a settlement planning perspective.</li> </ul>	
31.	<p>P Curtis            PO Box 1065            BUSSELTON WA 6280</p>	<p>Objection to Dunbarton Structure Plan Area.            Opposed any changes to Dunbarton area as the City has placed a memorial on land and the issue [of contaminated ground water] has not been finalised.            Have offered for Council to purchase our property as value has been severely diminished, the Council has declined as the full impact regarding contamination has not yet been established. Strongly believe that no further funds should be spent and no further changes should be made until Council has a firm and authorised rectification process in place.            Contamination issue should be the City's priority and residents and rate payers should be given full disclosure as to the possible funds forecasted to rectify the transfer station and affected properties.</p>	<p>The City is undertaking stringent due diligence protocols in respect to the identification and resolution of water contamination issues potentially occurring in the general area. This issue is separate and distinct from the matter addressed through Amendment No. 29.</p>	
32.	<p>F &amp; I Viergutz            67 Red Rum Way            VASSE WA 6280</p>	<p>Objection to Dunbarton Structure Plan Area.</p> <ol style="list-style-type: none"> <li>1. Outcome is already decided. Earner of additional rates for the Council. Subdivision would not be necessary if the government would abolish stamp duty on sale of properties, now citizens will not downsize due to the stamp duty paid when purchasing a smaller property.</li> <li>2. Ideal for horse lovers and small business operators to be able to live so close to the city on blocks which suit their lifestyle. Blocks that are not used to their full potential is left untidy or used as a rubbish tip, Council needs to step in to ensure properties are free of fire risk.</li> </ol>	<ol style="list-style-type: none"> <li>1. Stamp duty on the sale of properties is not relevant to the matters addressed through this Amendment.</li> <li>2. Please refer to previous comments on same/similar matters.</li> </ol>	<p>That the submission be noted.</p>

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		<p>3. Council should have called for a ratepayers meeting before commencing with a plan for subdivision.</p> <p>4. More roads and removal of trees in the area will result in more death of possums and other wildlife.</p> <p>5. Will we lose the right to be independent with our water supply – own bore and rainwater tanks?</p> <p>6. Will we be allowed to continue to use our septic tank systems or will deep sewerage be compulsory?</p> <p>7. Who will pay for the roads and underground power supply?</p> <p>8. The speed limit on Red Gum Way at 80km/hr is unsustainable [<i>sic</i>] with school bus stops and horse riders. Discussions with Main Roads WA has promised change but nothing has happened to this date.</p> <p>9. Prefer the idea of small cul-de-sacs which would make for a quiet suburb, preventing hooning even though rubbish collection might be problematic.</p>	<p>3. This Amendment proposes to set up the planning framework for future consolidation of the Dunbarton area. It is anticipated that further extensive public consultation would take place once preparation of the Overall Structure Plan commences.</p> <p>4-8. Environmental matters, the transport network and urban water management issues (drainage and sewer) will be considered in greater detail during the overall structure planning process. The construction of roads and provision of underground power would be expected to be the responsibility of the subdivider. When the time comes for subdivision, landowners would be encouraged to develop their holdings collaboratively in order to take advantage of cost-sharing arrangements.</p> <p>9. As mentioned above, the future transport network is to be considered in greater detail during the detailed structure planning process. Compliance with bushfire planning requirements would be essential, which would require a high level of permeability through the area and limit the use cul-de-sacs (amongst other things). All roads, regardless of type, would be required to be capable of accommodating rubbish collection trucks.</p>	
33.	B and S Yorke 39 Jarrah Elbow VASSE WA 6280	<p>Objection to Dunbarton Structure Plan Area.</p> <p>We purchased our property on the understanding that this rural residential area would not be subdivided, somewhere that was quiet, peaceful and stress free and close enough to medical facilities for serious life health issues and was away from noise, traffic and built up areas.</p> <p>Somewhere we could have a few animals and foster our passion for gardening, to observe and conserve wild-life in the area. Space for our grandchildren in a safe, healthy environment. The space, tranquility, peace and quiet, very little traffic on a no-through road with no crime, like-minded</p>	Please refer to previous comments on same/similar matters.	That the submission be noted.

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		<p>neighbours who watch out for each other and the close proximity to the CBD is what we have worked so hard for in our life and finally achieved.</p> <p>The increase in traffic, noise, pollution, undesirable social elements and crime created in low density housing will destroy this area and all that it offers for people like ourselves who want and need the benefits rural residential areas have to offer.</p> <p>The cost of compulsory connection to deep sewerage will incur considerable expense. The additional expense of water rates. The increase of shire rates from rural residential to low density. Costs that will incur to conform with regulations associated with low density housing ie; the colourbond/brick/timber suburban super 6/8 fence and security systems to name a few.</p> <p>This issue of contaminated ground water is still ongoing. It needs to be rectified first, fixed and with the knowledge gained, our future generations will benefit and not make the same mistake. Building more houses will not help. It will only add more people, more rubbish more contamination.</p>		
34.	D Scott 33 Bangalo Close VASSE WA 6280	<p>Objection to Dunbarton Structure Plan Area.</p> <p>Do not want or need any changes to current status of Dunbarton/Vasse Rural Residential.</p> <p>As information is not detailed as to what changes will mean, eg. higher rates, block size, mains water, waste water systems, can sheep, cow or horse be run as per current zoning.</p>	<p>This Amendment proposes, at a high level, for future consolidation of the Dunbarton/Vasse area. Specific additional detail in respect to it shall not be available until further investigations have occurred, including the preparation of the Overall Structure Plan.</p> <p>However, the Department of Planning, Lands and Heritage has indicated that the following lots sizes would be a desirable outcome within the structure plan area:</p> <ul style="list-style-type: none"> <li>• a Rural Residential 'buffer' to the Bypass to the north and Rendezvous Road to the south, consisting of 1 hectare minimum lots;</li> <li>• low density Residential provided through the 'core' developable area, with a variety of lots ranging from 2,000 m<sup>2</sup> to below 1 ha; and</li> <li>• lots will be limited to 1 ha in size in sewerage sensitive areas.</li> </ul> <p>Please also refer to previous comments on same/similar matters.</p>	That the submission be noted.

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35.	C Jubb and S Grosse 31 Bangalo Close Vasse WA 6280	Objection to Dunbarton Structure Plan Area. Purchased block as wanted rural lifestyle. Don't want to be surrounded by houses.	Please refer to previous comments on same/similar matters.	That the submission be noted.
36.	M Gerard & M Callegari Lot 247 Kookaburra Way PO Box 148 Busselton WA 6280	Objection to Dunbarton Structure Plan Area. Resided at property for 42 years. Have bred, trained and raced horses from this property. Would be devastated if any re-zoning of this area should disallow us from continuing this activity.	Please refer to previous comments on same/similar matters.	That the submission be noted.
37.	L Broomhall (adjoining landowner) 40 Carnarvon Castle Drive EAGLE BAY WA 6281	Objection (Eagle Bay Rural Residential rezoning). 1. Lots 301-307 are not degraded farm land but still carry mature trees and ground cover habitat for wildlife. The Rural Residential zoning provides some protection from unnecessary destruction of this habitat. 2. I would hope that the building envelopes and height limits would still remain if downgrading of the zone occurs. 3. With climate change occurring we should be doing everything possible to limit the opportunities for its destruction. 4. Also, when a buyer purchases within a certain zoning they should expect that zoning to remain unchanged.	Clause 4.30 of the Scheme requires the protection of vegetation on land located within the Rural Residential zone, as well as a low density Residential zoned land (R2, R2.5 and R5). The properties are also generally located within the Landscape Value Area, requiring additional levels of protection for the natural environment. The proposed rezoning will not alter or remove these requirements as they apply to the subject properties.  The existing Structure Plan and Building Envelope Plan that are applicable to these properties identify building exclusion areas to assist in protecting vegetation, and the amenity of residents and neighbouring properties.	That the submission be noted.
38.	J Bond (adjoining landowner) 24 Eagle Crescent Eagle Bay WA 6281	Objection (Eagle Bay Rural Residential rezoning). We object to any alteration in the zoning which would allow a building to be built on either of these lots (Lot 304 and Lot 307) which could overlook our block. Lot 21 on the north side of our block was developed a few years ago and built very close to our boundary despite our objections. As a result we had to re-design our outdoor area so that it did not look onto the new house and to re-capture our privacy. We object to any change in the zoning which could result in further overlooking issues in the future and which could mean that we have to incur further expense in building fences and planting trees to prevent the overlooking. We have not been able to find the set-back for the proposed low density residential zone to check this point.	The existing Structure Plan identifies a 20m building setback applicable to this boundary for Lot 307. Further, the relevant 'Building Envelope Plan' shows building exclusion areas, also identifying this 20m building setback and a 15m setback for Lot 304.  The requirements of the existing Structure Plan and associated building envelope plan will continue to apply following the rezoning proposed through Amendment No. 29.	That the submission be noted.
39.	M McMullen On Behalf of himself and R Riley, J Thomasson, P Kyle C/- PO Box 1047	Owners of properties not subject to Scheme Amendment. Supports rezoning of Okapa Rise. Our properties are located in close proximity to the lots proposed to be rezoned from Rural Residential to R2 or R2.5.	It is unclear whether the submission is seeking to have the Meelup Hill subdivision included within this Amendment for rezoning to Residential in order to facilitate further subdivision, or as a proposition for	That the submission be noted.

**SUMMARY OF SUBMISSIONS**  
**PROPOSAL: AMD21/0029 Omnibus No. 4**  
**OFFICER: Helen Foulds**  
**SUBMISSIONS CLOSE: 30<sup>th</sup> March 2018**

NO.	SUBMITTOR	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	Dunsborough WA 6281	<p>The rezoning of Rural Residential lots generally to residential zonings is in the long term interests of the City except where the environmental characteristics of the rural residential land deserve retention to an extent that cannot be achieved with a residential zoning.</p> <p>In the case of the Meelup Hill subdivision [the Rural Residential land located to the north and west of the Okapa Rise/Sloan Drive area] infill can be readily achieved without detriment to the environmental characteristics of the land by simply allowing the division of 2ha lots in 1ha lots.</p> <p>Meelup Hills is adequately serviced by power, water and telecommunications. The risk of catastrophic fire events is likely to be reduced by the reduction in lot sizes in rural residential areas because the lots are more likely to be maintained in a risk reduced manner.</p> <p>There is no logical basis for requiring a specified number of 1 ha and 2 ha lots 25 years after the original subdivision.</p> <p>Meelup Hills is part of the residential area of Dunsborough and its rezoning to residential will assist to cope with the residential demands of the town.</p>	<p>the general consideration of the Council.</p> <p>The intention behind the Amendment is not to allow for further subdivision (in the areas outside the proposed Overall Structure Plan Area for Dunbarton).</p> <p>Clause 4.30 of the Scheme requires the protection of vegetation on land located within the Rural Residential zone as well as low density Residential zoned land (R2, R2.5 and R5). The properties are located within the Landscape Value Area, requiring additional levels of protection to the natural environment. The proposed rezoning does not alter or remove these requirements as they apply to the subject properties.</p> <p>The draft LPS identifies alternative and more appropriate areas for further growth and development of Dunsborough. The strategic direction advertised in the draft LPS was to investigate the area to the south east of Dunsborough. This area was further identified as a development investigation area in the advertised draft Leeuwin Naturaliste Sub-Regional Strategy, reflecting the intent of the LPS.</p>	
40.	J & L Watts 62 Okapa Rise Dunsborough WA 6281	<p>Objection (Dunsborough Rural Residential rezoning). Strongly opposes subdivision on Sloan Drive and Okapa Rise. Properties in this area should not be able to be subdivided and the zoning 'Rural Residential' was what attracted us to purchase land in this area.</p>	<p>Whilst the intention of the Amendment was not to facilitate subdivision of the rezoned lots, it has become apparent that such a potential, although small, could exist for a number of lots. All lots are below the threshold for subdivision under the respective proposed R-Code, however clause 5.1.1 P1.2 of the R-Codes provides criteria for when a 5% variation to the minimum lot size may be applicable. Although unlikely such a proposal would be supported by the City, the City may only provide such a recommendation to the WA Planning Commission. The risk of future subdivision of the subject parcels would be considered too great to warrant furthering this proposal. It is therefore recommended that the proposed rezoning of these Dunsborough Rural Residential lots not be supported.</p>	<p>That the submission be supported and that Resolution 6.2(d) and (e) be deleted and update the Scheme Amendment Map accordingly.</p>
41.	P Hasselerharm	<p>Objection (Dunsborough Rural Residential rezoning).</p>		<p>That the submission be noted.</p>

**SUMMARY OF SUBMISSIONS**  
**PROPOSAL: AMD21/0029 Omnibus No. 4**  
**OFFICER: Helen Foulds**  
**SUBMISSIONS CLOSE: 30<sup>th</sup> March 2018**

NO.	SUBMITTOR	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
	<p>Owner of Lot 406 Okapa Rise            PO Box 1147            CANNINGVALE WA 6970</p>	<p>1. Property purchased and house built under Rural Residential zone rules to benefit from the natural area and space. Any zoning change would have to be substantial in possibly 10-15 years to warrant consideration.</p> <p>2. Possibility of rate increases.</p>	<p>1. Clause 4.30 of the Scheme requires the protection of vegetation on land located within the Rural Residential zone as well as low density Residential zoned land (R2, R2.5 and R5). The properties are located within the Landscape Value Area, requiring additional levels of protection to the natural environment. The proposed rezoning does not alter or remove these requirements as they apply to the subject properties.</p> <p>As for setbacks and open space requirements, the Additional Use and Structure Plan that exist over the properties require them to be developed in accordance with the Residential Design Codes despite the Rural Residential zone.</p> <p>2. If there is an increase in the valuation of a property, there <i>may</i> be an increase in the Rates. However, the City would be unable to comment on individual cases as, being dependent on valuations, these are best done by a licenced Valuer and any change to the Rates would be dependent upon <i>if</i> or <i>how</i> the proposed Amendment would impact on the valuation of specific properties. Given the proposed Amendment does not intend to allow for further subdivision and there would be very little difference to the use of the properties, it is likely that any change to the property valuations would be negligible as a direct result of the amendment.</p>	
42.	<p>A &amp; G Bosenberg            47 Okapa Rise            DUNSBOROUGH WA 6280</p>	<p>Objection (Dunsborough Rural Residential rezoning). Changing zone from Rural Residential to Residential may hamper the controlled burning which is required to maintain the block for a 'safe', required level for the area.</p>	<p>The submission is referring to the City's 'Firebreak and Fuel Hazard Reduction Notice', which specifies that no burning of garden refuse in the Urban Area (Town sites) is permitted, compared to the Rural Residential Area (non-Town sites) where it is restricted.</p> <p>The Ranger and Emergency Services section has advised that the application of the firebreak notice is not fettered by the zonings (or rezonings) of the Scheme and the proposed rezoning from Rural Residential to Residential under Amendment No. 29 shall not alter the way these properties will be treated</p>	<p>That the submission be noted.</p>

**SUMMARY OF SUBMISSIONS**  
**PROPOSAL: AMD21/0029 Omnibus No. 4**  
**OFFICER: Helen Foulds**  
**SUBMISSIONS CLOSE: 30<sup>th</sup> March 2018**

NO.	SUBMITTOR	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
<b>Late Submissions</b>				
43.	Western Power Property 363 Wellington Street Perth WA 6000	Request reservation of the existing Busselton Substation site from Agriculture zone to Public Purposes on behalf of Western Power, which reflects the recent reservation of existing Western Power owned sites across the South-West Interconnected Network.	<p>Western Power has been through omnibus amendments to the Metropolitan Region Scheme, Peel Region Scheme and Greater Bunbury Region Scheme, and other local governments to progress the reservation of existing substation sites to reflect the ongoing use as a public purpose.</p> <p>This does not include Western Power depot sites which are non-network land assets and remain industrial zoned. Therefore this would be the only site in the City which requires the reservation.</p> <p>Officers accept the suitability of the proposal and believe that readvertising of the proposal would not be necessary given the well-established nature of the site.</p>	That the submission be supported and the Schedule of Modifications identify a new Resolution 7, seeking the reservation of Lot 1 (No. 531) Rendezvous Road, Vasse from 'Agriculture' zone to 'Public Purpose' Reserve.
44.	H & G Perry 49 Whitemoss Drive Busselton WA 6280	Objection to Dunbarton Structure Plan Area. Whitemoss already consists of smaller blocks. Do not want to pay increased rates. Concerned changing from Special Rural owners will no longer be able to keep livestock such as horses and sheep.	Please refer to previous comments on same/similar matters.	That the submission be noted.