

SUMMARY OF SUBMISSIONS

PROPOSAL: AMD21/0034 Amendment No. 34 - Removal of Additional Use No. 39

OFFICER: Louise Koroveshi

SUBMISSIONS CLOSE: 13th April 2018

No.	Submittor	Nature of Submission	Comment	Recommendation
Government Agency				
1.	Water Corporation Ross.Crockett@watercorporation.com.au	No objection.	Noted.	That the submission be noted.
2.	Department of Water and Environment Regulation Daniel.wong@dwer.wa.gov.au	No objection.	Noted.	That the submission be noted.
3.	Department of Fire and Emergency Services 20 Southport Street West Leederville WA 6007	The Amendment is proposing to remove additional land uses. No comment on the draft structure plan.	Noted.	That the submission be noted.
Public Submissions				
1.	Yallingup Rural Volunteer Bush Fire Brigade peter@mcgregorcampbell.com.au	The local fire brigade has used the Sheoak dam as a valuable source of water and would need to have continued access to the existing standpipe supplied by the dam within proposed Lot 9.	Agree. As has occurred elsewhere within the broader Commonage area, firefighting resources such as water supplied by dams and associated infrastructure have been placed within easements (normally in favour of the City of Busselton) on lot titles, to ensure continuation of access in perpetuity, and created at the subdivision stage of the planning process. It is envisaged that the same would occur for this situation.	That the submission be noted.

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2.	T Swift Pipeline Hydraulics Tim@pipelinehydraulics.com.au	Has been using the dam for 10 years for a variety of recreational purposes. Feels that it is unacceptable for the dam and its immediate surrounds to be lost from the public realm to a private owner that would be forced to fence it off from public use. Recommends the structure plan design is revised to place the dam in public open space with improvements such as creation of sand beaches so that the local community can continue to use the dam for recreational purposes.	The dam is not a public recreational asset. Lot 34 and the dam it contains is privately owned and, from a public liability perspective for the landowner, members of the public should not be entering the property and using the dam or its' surrounds for any purpose. Since the dam was built by the landowner for aesthetic (originally intended to complement development that could have been facilitated by Additional Use 39 and the designation of Lot 34 for a 'Rural Service/Community Centre & Fire Station' on the Commonage Policy Area Consolidated Structure Plan) and water supply for firefighting, the owner has frequently had to advise people using the dam and Lot 34 generally for recreational purposes that the land and the dam are privately owned and that they should not, technically, be on the property.	That the submission be dismissed.
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			There is no statutory requirement for the provision of public open space in the Rural Residential zone.	
3.	M Sadler Pipeline Hydraulics marksadler@pipelinehydraulics.com.au	As per submission 2.	As per the response to public submission 2.	That the submission be dismissed.
4.	R Paterson rpaters@yahoo.com.au	1. Sheoak dam is used by many members of the local community should remain as it currently is. 2. The existing fire water pump and standpipe should remain as it is an important water source for the local fire brigade.	1. As per the response to public submission 2. 2. As per the response to public submission 1.	1. That this element of the submission be dismissed. 2. That this element of the submission be noted.
5.	Lombardi Partners B Swift bianca@lombardipartners.com.au	Provided a copy of submission 2.	As per the response to public submission 2.	That the submission be dismissed.
6.	A Sharp afsharp@yahoo.com	1. Proposed Lot 9 should be public open space as it has been used for 20 years for recreation and provided water for the local fire brigade. No boundary fences to allow kangaroo movement.	1. As per the response to public submission 2. 2. Fencing of cleared land zoned 'Rural Residential' is optional for landowners under LPS21.	That the submission be dismissed.
7.	V & V Fazakerley	1. We are private citizens who live	1. As per the response to public	That the submission be

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	8 The Farm Lane Yallingup WA 6282	nearby and walk our dog up to the lake each day. Along with other local landowners we enjoy the amenity of the lake. It is a meeting place for local residents.	submission 2.	dismissed.
8.	J Bivoltsis 7 Red Wattle Place Churchlands WA 6018	As per submission 2.	As per the response to public submission 2.	That the submission be dismissed.
9.	A Bivoltsis 6/17 Moondah Close Dunsborough WA 6280	As per submission 2.	As per the response to public submission 2.	That the submission be dismissed.
10.	P Long PO Box 713 Karratha WA 6714	1. Proposed lot sizes are too small and should not reduce the average lot size from 2ha to 1.88ha. The lot yield should be reduced to 7 to provide for larger lots. Recommends an alternative subdivision design that has road connection that includes a through road from Sonning Loop to Sheoak Drive, public access around the dam and Kinross Loop extension to the existing roundabout on Sheoak Drive through adjacent Lot 300.	1. The broader Commonage Rural Residential area is comprised of a variety of lot sizes including 'cluster' and strata lots 1ha and smaller. The subdivision design proposed by the draft structure plan represents the best outcome in terms of direct connectivity to Kinross Loop, protection of remnant vegetation and emergency access. This element of the submission is predicated on an alternative alignment of the Kinross Loop road extension through Lot 300 which does not	That the submission be dismissed.

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		<p>2. The dam is a much used resource and placing lots so close to its north east boundary would significantly reduce its amenity – should be a 30m buffer. The surface drain feeding into the dam should be in the dam reserve.</p> <p>3. The shape of proposed Lot 4 is inappropriate as there is no place for a residence with a clear view and the lot is mainly forest.</p> <p>4. Proposed Kinross Loop extension will affect the amenity of my property.</p>	<p>form part of this Amendment or structure plan proposal.</p> <p>2. As per the response to public submission 2.</p> <p>3. Proposed Lot 4 provides adequate cleared land to accommodate a dwelling.</p> <p>4. Current access to the wider road network from the subject land is via Sheoak Drive (either north to Biddle Road or south to Marrinup Drive). The Kinross Loop/Sheoak Drive connection would provide a third option for access in a different direction and a new, westerly option for access for residents in the ‘McLachlan Ridge’ subdivision immediately east of the subject land.</p> <p>The proposal would improve connectivity, accessibility and evacuation options in the event</p>	
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			of a bushfire emergency, which is considered to be a significant community benefit.	
11.	C & G Lovelady 11 Sonning Loop Yallingup WA 6282	<p>1. The dam and surrounds should be purchased by the City of Busselton and reserved for recreational purposes as it has been utilised for at least 16 years by the local and wider community.</p> <p>2. Firefighting stand pipe should be excised from proposed Lot 9 and retained for emergency purposes.</p> <p>3. Building envelopes should be specified for all proposed lots to protect views of landowners on the northern side of Sonning Loop, to prevent the loss of vegetation on proposed Lot 4 and to ensure any development of proposed Lot 9 is limited to the southern end of the dam.</p>	<p>1. As per the responses to public submission 4.</p> <p>2. In the Rural Residential zone the Scheme allows flexibility for a Structure Plan to show either building envelopes “or in such other manner that may be identified on a Structure Plan.” The draft Structure Plan identifies a ‘Development Exclusion Area’ to prevent impact on remnant vegetation and the BAL-29 contour (as determined by the Fire Management Plan for the land) which provides further guidance for the siting of future dwellings. It is also the experience of the City that many purchasers of lots that</p>	<p>1 & 3 That these elements of the submission be dismissed.</p> <p>2. That this element of the submission be noted.</p>

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		3. The Kinross Loop extension should connect to Sheoak Drive at the existing roundabout.	have approved building envelopes invariably want them relocated. 3. As per the response to public submission 10.	
12.	S Ellis skye.ellis10@gmail.com >	Proposed lot sizes should be reduced to allow continued public access to the dam and its surroundings.	As per the response to public submission 2.	That the submission be dismissed.
13.	M & H Forrest PO Box 781 Dunsborough WA 6280	The proposal is supported subject to suggested variations to allow the continuation of the level of amenity currently enjoyed by nearby property owners and visitors, as follows – 1. Siting of proposed lots and building envelopes – the subject land is largely cleared and the proposed development will change the amenity and levels of privacy to adjacent properties and, without building envelopes, the privacy and amenity of new houses/residents.	1. As subdivision and development of the surrounding locality has occurred, it is most likely that there have been progressive changes to amenity and privacy over time. Arguably, had the subject land been developed to the extent potentially possible via Additional Use 39 (i.e. tourist accommodation, restaurant, reception centre, shop, child care centre, community centre, art/craft studio & sales), that would have a far greater potential impact on the amenity and privacy of adjacent properties.	That the submission be dismissed.

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		<p>2. The dam and access – consideration should be given to amending the proposal to maintain at least some access to the dam for the many residents and visitors who regularly use it.</p> <p>3. Fencing – the proposal should be amended to make better provision for the movement of kangaroos which are an essential part of the amenity of this rural area.</p>	<p>2. As per the response to public submission 2.</p> <p>3. Fencing of cleared land zoned ‘Rural Residential’ is optional under LPS21.</p>	
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