

SUMMARY OF SUBMISSIONS
PROPOSAL: LOCAL PLANNING SCHEME NO. 21 – AMENDMENT NO. 43
SUBMISSIONS CLOSE: 19th August 2020
OFFICER: Louise Koroveshi

No	SUBMITTOR	NATURE OF SUBMISSION	COMMENT	RECOMMENDATION
Agency Submissions				
1.	ATCO – Gas 81 Princep Road Jandakot WA 6164	No comment.	Noted.	That the submission be noted.
2.	Main Roads WA Robertson Drive Bunbury WA 6231	No objection in principle to Amendment 43 subject to the following comments and requirements: <ol style="list-style-type: none"> 1. The draft Provence Structure Plan shows access points C and E to Bussell Highway. It is recommended that Access E is deleted as there is already a proliferation of access along this section of Bussell Highway that cumulatively reduces safety and efficiency. 2. The proposed perimeter road along the southern boundary of the draft Structure Plan area will pose a risk to eastbound traffic on the future Busselton Outer Bypass. 3. The draft Structure Plan does not include a landscape buffer at its southeast boundary, where the Busselton Outer Bypass deviates away from the subject land. The decision maker needs to be satisfied that noise and landscaping can be adequately managed. 	The submission relates to the draft Provence Structure Plan that is pending endorsement by the WAPC. Main Roads WA has previously provided a submission on the draft Structure Plan that has been considered by the Council and will be considered by the WAPC. The matters raised relate to the draft Structure Plan and are not relevant to consideration of Amendment 43.	That the submission be noted.
3.	Department of Mines, Industry Regulation and Safety Mineral House 100 Plain Street East Perth WA 6004	No objection and the following comments made: <ol style="list-style-type: none"> 1. The subject land is adjacent to an active mining lease and is within a 500m separation and 1,000m notification zone for a titanium-zircon deposit. 2. DMIRS recommends consultation with the tenement holder in relation to the timing of mining cessation prior to future subdivision and development. 3. While any unmined resource remains within 1,000m of the subject land, any future subdivisions are likely to be subject to a notification being required on title. 	Noted. Matters are raised that may be considered at subdivision application stage.	That the submission be noted.

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4.	Department of Planning Lands and Heritage 140 William Street Perth WA 6000	Declined to comment as the land is not on the State Register of Heritage Places and is not subject to a heritage agreement.	Noted.	That the submission be noted.
5.	Department of Water and Environmental Regulation PO Box 261 Bunbury WA 6231	<p>1. No comments on Amendment 43 but the following is noted:</p> <p>The Local Water Management Strategy (LWMS) provided as a technical appendix has been superseded by several versions updated in response to DWER and City of Busselton comments. The Amendment 43 land has been included in the analysis to support the LWMS. While the current proposal will not result in the LWMS needing further revision, it should be noted that a final LWMS has not been approved.</p> <p>2. The following advice is provided by the Environmental Noise Branch of DWER on road traffic and aircraft noise:</p> <p>a) Road Traffic Noise Assessment prepared by Herring Storer Acoustics (HSA) for the draft Provence Structure Plan:</p> <p>No significant issues raised in relation to the methodology used to determine noise levels on residential development as required by State Planning Policy 5.4: Road and Rail Transport Noise and Freight Considerations in Land Use Planning. It is noted that Quiet House designs and Notifications on Title are recommended in the HSA report for the first row of dwellings adjacent to Bussell Highway. The HSA report suggests that both day and night internal noise levels set out in SPP 5.4 can be met by standard construction. There is a risk with this</p>	<p>1. The LWMS forms a technical appendix to the draft Provence Structure Plan (currently with the WA Planning Commission for final approval), which incorporates the Amendment 43 land. Adoption of the draft Structure Plan for final approval by the Council and referral to the WAPC for final approval in April 2019 included a recommendation that the LWMS be approved prior to endorsement of the Structure Plan.</p> <p>2a. This part of the DWER submission relates to the consideration of the draft Provence Structure Plan that was adopted for final approval by the Council in April 2019 and is pending endorsement by the WAPC. As the draft Provence Structure Plan is not being assessed as part of the Amendment proposal this section of the submission is noted.</p>	That the submission be noted.

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		<p>as there is no special noise attenuation associated with a building of standard construction. The Quiet House options provided in the Guidelines to SPP 5.4 are designed to ensure an appropriate level of attenuation of external traffic noise is met.</p> <p>b) Aircraft Noise Assessment prepared by Herring Storer Acoustics for the draft Provence Structure Plan (based on 2016 noise modelling provided by the City of Busselton):</p> <p>The report considers ANEC 2038-39 aircraft noise contours and references ANEF 20 and N65/20 contours in assessing potential impact of aircraft noise on the draft Provence Structure Plan area. The ANEF (Aircraft Noise Exposure Forecast) and ANEC (Aircraft Noise Exposure Contours) are based on the averaged aircraft noise exposure and the value is an index with no relation to decibels. <i>AS 2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i> recognises that confidence in the location of the ANEF 20 contour is limited and significant community reaction may occur below the ANEF 20 contour.</p> <p>The ANEF is the only chart that is intended to have status in land use planning decisions and there is only one ANEF chart endorsed by the Air Services Australia for a given aerodrome at any given time. The ANEC is a chart that may be produced during consideration of options for aerodrome development. AS 2021 states that an ANEC chart is not intended for use for land use planning.</p> <p>The ANEF was developed based on the noise impact on residents in the vicinity of major airports with high volumes of air traffic (including high volumes of jet traffic). The application of the ANEF system to smaller aerodromes such as the Busselton Margaret River Airport (BMRA) is inappropriate.</p>	<p>2b. As per comment in response to 2a. The noise modelling considered by this report has since been updated (refer to 2c).</p>	

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		<p>The <i>Busselton Margaret River Airport Noise Management Plan</i> (NMP) version 2 - 2019 identifies the Amendment area as being within a Noise Abatement Zone where the area is to be recognised in any future development of flight paths and over-flight at <1,500ft (AGL) are to be minimised. While the NMP acknowledges the limitations of applying AS 2021 to aerodromes such as the BMRA, it is utilised for the basis of its noise assessment and amelioration process where ANEC and N70 contours are to be used by the City for future land use planning and town planning amendments. The N65 and N70 are also to be further considered for land use planning purposes.</p> <p>c. <i>Noise Modelling Technical Report – Busselton Margaret River Airport 2019</i> prepared by To70 Aviation</p> <p>In addition to the HSA 2016 Aircraft Noise Assessment, updated ANEC 2038/39 and 2038/39 N65 and N75 contours are provided in <i>the Noise Modelling Technical Report - Busselton Margaret River Airport 2019</i> prepared by To70 Aviation for the City of Busselton. The revised 2038/39 ANEC 20 is significantly reduced from the 2016 modelling. Similarly, the 2038/39 N65/20 contour is also significantly reduced with the contour appearing to be just outside of the Amendment 43 land.</p> <p>The usage of the N65/20 contour is considered by DWER Environmental Noise Branch to be more acceptable measurement and provides a more stringent criteria than that provided in AS 2021. If the operation of the BMRA follows operational assumptions on which the ANEC is based, no conditions are required for aircraft noise for the Amendment 43 area.</p> <p>The DWER ENB concludes that while no conditions are required for</p>	<p>2c. It is noted that the submission confirms that the methodology used in the <i>Noise Modelling Technical Report – Busselton Margaret River Airport (To70 Aviation 2019)</i> to model aircraft noise contours is sound and no conditions are recommended for the Amendment area. Notwithstanding this, a condition requiring a notification to be placed on certificates of title advising prospective purchasers of aircraft noise has previously been imposed as a condition of subdivision approvals by the WAPC and the City is likely to continue to recommend the imposition of this condition to the WAPC.</p>	

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		aircraft noise on the Amendment 43 area, the requirements for Notifications on Title and Quiet House design on affected land adjacent to Bussell Highway, as specified under SPP5.4 are required.		
6.	Water Corporation PO Box 100 Leederville WA 6902	No objection. The Corporation's conceptual wastewater planning for the area is accurately summarised in the Servicing Report attached to the amendment.	Noted.	That the submission be noted.
7.	Department of Primary Industries and Regional Development Verschuer Place Bunbury WA 6231	No objection.	Noted.	That the submission be noted.
8.	Department of Education Plain Street East Perth WA	No objection subject to provision of a 4.5 hectare primary school site being identified on the draft Provence Structure Plan. Comments – The Amendment area falls within the student enrolment catchment area of the future primary school site identified on the draft Provence Structure Plan, currently with the WAPC for endorsement. The Department notes that the draft Provence Structure Plan will deliver approximately 2,576 dwellings within the school catchment area. While this exceeds the ratio of 1,500 dwellings/primary school site required by the WAPC's Development Control Policy DC 2.4 – School Sites and draft Operational Policy 2.4 – Planning for School Sites, it is considered appropriate due to the following unique circumstances: <ul style="list-style-type: none"> • The advertised version of the draft Provence Structure Plan identified a 4ha primary school site and the City of Busselton has recommended to the WAPC, on advice from the Department of Education, that the site be increased to 4.5ha to support the increased dwelling yield. • The Department has determined that for Yalyalup and nearby 	As the draft Provence Structure Plan is not being assessed as part of the Amendment proposal the submission is noted. The Department's submission will be provided to the WAPC for consideration in endorsement of the draft Structure Plan.	That the submission be noted.

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		suburbs, there is a low student/dwelling ratio due to the high proportion of residential accommodation used as holiday homes.		
9.	Department of Fire and Emergency Services PO Box P1174 Perth WA 6844	<p>Recommendation – supported subject to modifications.</p> <p>1. Policy measure 6.3a(ii) preparation of a BAL contour map</p> <p><i>1a. Vegetation classification mapping</i></p> <ul style="list-style-type: none"> • Inconsistencies between the current extent and post-development extent of vegetation within the Bussell Highway road reserve. Vegetation incorrectly excluded in in Figure 3 has been classified as Class A Forest in Figure 4. • The delineation between Plot 3 (Class G Grassland) and Plot 5 (excluded) is unclear. • The colour applied in the legend for ‘Public Open Space’ does not correlate to the parkland figures in Figures 3 or 4. <p><i>1b. Vegetation classification</i></p> <p>Insufficient information on plot 2. The vegetation within the lot to the west should align with AS3959. Plot 2 cannot be substantiated as Class B Woodland based on the limited information provided. A 10 – 30% canopy foliage cover is not supported by Photo ID:4 and cannot be confirmed by Photo ID:3. The BMP should provide additional evidence on how the classification was determined. Alternatively, the vegetation classification should be revised to apply the worst-case</p>	<p>The Bushfire Management Plan has been revised to address the matters raised in the DFES submission, as follows –</p> <p><i>1a. Vegetation classification mapping</i></p> <p>Any vegetated areas of the road reserve have been updated to Class A Forest. In other areas the discrepancy is due to the requirement for revegetation. Therefore the current extent has been excluded as revegetation has not occurred, but has been classified as Class A Forest. Grasses within the site are excluded in the post development mapping, with grasses outside of the site still mapped as Class G Grassland as they are likely to be unmanaged. The POS is mapped correctly in Figures 3 and 4, the vegetation classification layer is altering the colour slightly.</p> <p><i>1b. Vegetation classification</i> has been updated to Class A Forest.</p>	That the submission be noted.

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		<p>scenario including the potential for revegetation as per AS3959. Vegetation within the Bussell Highway road reserve abutting the amendment area boundary cannot be substantiated as excluded managed nature strips based on the limited information provided. The BMP should clearly delineate which plot this vegetation has been assigned with further evidence and/or evidence that the vegetation will be maintained in perpetuity in a low threat state. Alternatively, the vegetation should be revised to Class A Forest consistent with the remainder of this area.</p> <p>2. Policy measure 6.3c) compliance with the bushfire protection criteria</p> <p>The BAL ratings cannot be validated as the vegetation inputs require clarification/modification as per the above comments.</p>	<p>2. Modifications have been made to the vegetation classifications and the BAL contours have been adjusted accordingly.</p>	
Public Submissions				
10.	Duncan Gardner 144 Glover Road Yallingup Siding WA 6282	<p>The development will reduce the tourism appeal of Busselton being visible on the approach to the City on Bussell Highway and the proposed bypass. The development is not setback/screened enough. There should be no additional road junctions on Bussell Highway which slow traffic and add to the congested, non-tourism feel. Traffic should access development via Vasse Highway.</p>	<p>The draft Provenance Structure Plan provides for a landscape buffer along both Bussell Highway and the future Busselton Outer Bypass (where future subdivision abuts the corridor) to assist in screening development.</p> <p>The draft Provenance Structure Plan includes a Traffic Impact Assessment to support and justify the number and location of intersections from Provenance to Bussell Highway and Vasse Highway. The WAPC, in consultation with Main Roads WA (the authority with jurisdiction for the highways) will have due regard to this matter in assessing the draft Provenance</p>	<p>That the submission be noted.</p>

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			Structure Plan for final approval.	