Submission to Parliament under section 42(4) of the Land Administration Act 1997

PROPOSAL

Submission No: 02/2021

Submitted by the Minister for Lands on 12TH of MAY 2021
The proposal detailed in this report is required by the above provisions to be laid before each House of Parliament.

Section 43 of the Land Administration Act 1997 provides as follows:

43(1) If, after a proposal is laid before each House of Parliament under Sections 42(4), 44(1) or 45(4) notice of a resolution disallowing the proposal—

(a) is not given in either House of Parliament within 14 sitting days of that House after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after the last day of the later of those periods of 14 sitting days;

(b) is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is not lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission lapses; or

(c) is given in either or both of the Houses of Parliament within 14 sitting days of that House, or each of those Houses, after the proposal was laid before it, but that resolution is lost in that House or each of those Houses within 30 sitting days after the proposal was laid before it, the proposed reduction, excision, cancellation, change, grant or permission may be implemented by order after that loss or after the later of those losses, as the case requires.

(2) It does not matter whether or not a number of sitting days referred to in subsection (1) or some of them occur during—

(a) the same session of Parliament; or

(b) the same Parliament,

as that in which the relevant proposal is laid before the House of Parliament concerned.

The proposal set out in this report is accordingly tabled in this House on this ............... day of .......... 2021

DR TONY BUTI MLA
MINISTER FOR LANDS
(or his representative in the Legislative Council)
PROPOSED EXCISIONS FROM CLASS 'A' RESERVE 22965, DUNSBOROUGH FORESHORE – CITY OF BUSSELTON, UNDER SECTION 42(4) OF THE LAND ADMINISTRATION ACT 1997

Class 'A' Reserve 22965 is set aside for the purpose of 'Camping and Recreation' and managed by the City of Busselton (City).

The proposed amendments include:
- amendment to the purpose of the reserve from 'Camping and Recreation' to 'Recreation and Foreshore Management'
- excision of 831 square metres to facilitate the development of a café/restaurant facility and associated storage facility
- excision of 282 square metres to facilitate a road widening at the intersection of Geographe Bay Road and Chester Way, Dunsborough.

Plans of the proposed excision areas are shown at Annexures 1 and 2.

The proposed Class 'A' amendments have been advertised, with objections received in relation to the proposed development of a café/restaurant. The City has consulted with all objectors and is now requesting consideration is given to laying the proposal before both Houses of Parliament (Application at Annexure 3).

In accordance with section 42(5) of the Land Administration Act 1997 (LAA), the proposal was advertised in The West Australian newspaper on 12 February 2020 (Annexure 4).

At the conclusion of the designated period for comments, there were 28 submissions received, with 10 of the submissions objecting to the proposal (Annexure 5).

The main objections received from the community during the notification period related to:
  - increased commercial activity along the foreshore
  - inappropriate site selection by the City
  - disturbance of natural landscape and vegetation
  - adverse community and environmental impact
  - potential impact to nearby possum sanctuary and other fauna.

The City has since attempted to contact each objector and offered further information where requested. The City believes it has addressed all relevant matters to date and acknowledges the matters detailed above will be addressed in future stages, as part of the development planning approvals.

The City is seeking timely consideration of its proposal as it would provide a positive outcome on the regional economy and local business post COVID-19 if supported.

The concept of the café has been a consideration since 2002 and formed part of the justification of the successful business case bid that achieved Royalties for Regions Funding to revitalise recreation areas in the locality.

As Reserve 22965 has Class 'A' status, it is necessary to table the proposal in both Houses of Parliament to amend the Reserve per section 42(4) of the Act.
CONCEPT PLAN 242

AERIAL

LOCALITY SKETCH

PROPOSED EXCISION FROM 'A' CLASS RESERVE 22965
DUNSBOROUGH FORESHORE CAFE

Gazetted Area = abt 15.3225 ha
Area to be Excised
Area = 831 m²
Proposed road widening from 'A' Class Reserve 22965
Geographe Bay Road
Chester Way Roundabout
Dunsborough

PROPOSED ROAD WIDENING FROM 'A' CLASS RESERVE 22965

' A ' CLASS RESERVE 22965
Gazetted Area = abt 15.3225 ha
Proposed Road Widening
Area = 282 m²
10 September 2020

Mr Jamie Crossmann
Manager, Land Management South
140 William Street
Perth WA 6000

Dear Jamie

**AMENDMENT OF CLASS ‘A’ RESERVE 22965, DUNSBOROUGH FORESHORE**

I refer to discussions between City of Busselton and your Department in relation to the proposed development of a café/kiosk at the Dunsborough Foreshore on Reserve 22965 (Proposed Development). I confirm that the City of Busselton now formally requests the Department of Planning, Lands and Heritage (DPLH) submits the proposal below to the Minister of Lands for consideration to be laid before each House of Parliament.

The City of Busselton (City) has requested amendments to Class ‘A’ Reserve 22965, being the Dunsborough Foreshore, to support development of a community and recreation space including café/restaurant facility. Reserve 22965 is currently set aside for the purpose of “Camping and Recreation” under the management of the City.

The following amendments are being requested:

- reserve purpose amended to “Recreation and Foreshore Management”; and
- excise 831 square metres from Reserve 22965 to facilitate the development of a café/restaurant facility and associated storage facility (Attachment 1).

**Background**

Dunsborough town centre is located on the western shores of Geographe Bay, approximately 25km from Busselton city centre. Although home to 5,400 permanent residents, Dunsborough’s population increases significantly over weekends and during peak holiday seasons attracting visitors with its vibrant arts scene, live music and market days in summer and a plethora of well-respected art galleries and international renowned wineries within the Busselton Margaret River Region. Pristine coastline, walking trails and beaches are all located within a short drive from the town centre, making Dunsborough one of the most popular family holiday destinations in Western Australia. The redeveloped Dunsborough Foreshore is a highly valued and important location to the local community and visitors who holiday in the area.

The redevelopment of the Dunsborough Foreshore was identified by Council in 2002, which resulted in the adoption of the Dunsborough Townscape Plan. This was aimed at improving the urban design of the Dunsborough town centre and included a ‘Possible kiosk/cafe restaurant and toilet/shower facility’ to be located on the Dunsborough Foreshore. Since 2002 the development of a cafe/kiosk has been a key component of Council’s ongoing town planning strategies for Dunsborough, including in the City’s Local Commercial Planning Strategy (2011) and Local Cultural Planning Strategy (2012).
The Dunsborough Foreshore Enhancement Project (DFEP) was formed in 2008 by the Dunsborough-Yallingup Chamber of Commerce and Industry in partnership with the City of Busselton and the South West Development Commission and was a community driven initiative. It aimed to provide major improvements to the pedestrian linkage and view corridor between the Dunsborough town centre and the foreshore to rejuvenate and revitalise the landscape, parking and amenity of the foreshore. A concept plan was developed via a process of extensive community consultation, driven and managed by a local community based project group, the Dunsborough Foreshore Reference Group. The DFEP, endorsed by Council in 2010, incorporates three development stages:

- **Stage 1:** construction of public facilities like "The Meeting Place", a playground, foreshore walks and gardens and ablution facilities and up-grading Seymour Park.
- **Stage 2:** drainage management and construction of coastal protection works and new parking bays on Geographe Bay Road.
- **Stage 3:** (the Proposed Development) the development of the proposed cafe/kiosk, up-graded public ablutions and landscaping and pathways around the cafe/kiosk area.

Stages 1 and 2 of the DFEP have been undertaken by the City of Busselton at a cost of approximately $5.7 million including $3.643 million funded through the State Government Royalties For Regions Program. The completion of Stage 3, included as a project objective of the Royalties For Regions Funding Agreement being subject to obtaining the approvals sought by this letter.

The Proposed Development is a key component of the redevelopment strategy for the Dunsborough Foreshore, as identified by both Council and the community. It also aligns with the City of Busselton Strategic Community Plan 2017 (Reviewed 2019):

**Key Goal Area 2: Places and Spaces**

2.2 Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.

**Key Goal Area 4: Economy**

4.1 An innovative and diversified economy that provides a variety of business and employment opportunities well as consumer choice.

4.2 A community where local business is supported and in turn drives our economy.

4.3 Events and unique tourism experiences that attract visitors and investment.

**Project Detail**

The proposal includes the following development on the Dunsborough Foreshore, proposed 'Lot 1' and 'Lot 2' within Reserve 22965:

- **Total Lot 1 excised area of 730m2**, including:
  - Cafe/kiosk with 200m2 floor space (commercial lease area includes al-fresco dining area of 70m2)
  - Public (community) space of 223m2 comprising of community circle area (67m^2), outdoor showers (20m^2); public ablutions (36m^2) and public deck area (100m^2)
  - Includes a 1m wide buffer area around the building footprint
  - Includes informal pedestrian beach track

- **Total Lot 2 excised area of 101m2**, including:
  - Existing toilet block to be refurbished as a storage facility.
The total extent of the proposed new site is 831sqm which includes the building footprint, a portion of the existing pedestrian beach track and a 1m wide ‘buffer’ around the building footprint to allow for minor variations. A site location plan and indicative building footprint is attached as Attachment 2.

The City has reached in-principle agreement with a developer to sub-lease the land at market value based on the developer constructing at their own cost and risk all buildings, subject to a contribution by the City towards the public amenity (toilets) area.

It is further proposed that the City be allowed to repurpose the existing toilet block within Reserve 22965 (shown as ‘Lot 2’ in Attachment 2) into a storeroom, to be used by the cafe/kiosk tenant. New toilet facilities will be provided as part of the public component of the building. The Proposed Development will also result in upgrading of the existing public carpark and realignment of the existing dual-use pedestrian footpath/cycle way.

Site location
The City originally proposed two potential sites for this project. As a result of extensive community consultation, the potential locations have been narrowed down to an area south of Dunn Bay Road, with the current location of the Proposed Development considered to be most consistent with community expectations. Lots 1 and 2 are located on the Dunsborough Foreshore between Geographe Bay Road and the high-water mark, approximately 250m south of Dunn Bay Road and approximately 560m from the Dunsborough town centre (see Attachment 3).

Land tenure
The City of Busselton and DPLH have agreed in-principle the land tenure arrangements for the Proposed Development based on previous commercial developments located on the Busselton Foreshores. Based on this, it is proposed that:

- The two proposed sites (Lot 1 - new cafe/kiosk/public amenity site and Lot 2 - existing public toilet site) be excised from Reserve 22965 and new Crown land titles be created;
- Lot 1 (new cafe/kiosk/public amenity site) be leased by the State to the City for 30 years (20 years plus a 10 year option) at an agreed rental amount, with operation of a cafe/kiosk and community facilities as permitted use;
- The City be permitted to sublease a portion of Lot 1 (see Annexure B) at market value for the same term and for purposes of operating a cafe/kiosk;
- Lot 2 (existing public toilets) be leased by the State to the City for a similar term and agreed rental amount, with storage and foreshore management as permitted use and with the power to sublease or licence;
- All income from these subleases/licences to be paid into a City reserve account with the money to be used to maintain public facilities on the Dunsborough Foreshore; and
- The remainder of Reserve 22965 to remain vested in the City for the purpose of Recreation and Foreshore Management.

Site considerations
The City has assessed the site in terms of its planning, physical, environmental and social sustainability and it is considered to be the most suitable and appropriate for the Proposed Development. This includes a coastal hazard mitigation assessment report of the Dunsborough Foreshore which provided geotechnical/engineering and drainage information and indicated that the site is suitable for the Proposed Development. The Coastal Assessment Report indicated that it is unlikely that the Proposed Development will be affected by coastal processes (eg erosion) over the 30 year lease term, however may be subject to inundation in a severe weather event; risk from such an event will be managed by requiring adequate elevation of the new building(s).
The existing carpark adjacent to the Proposed Development will be upgraded and additional car parking will also be provided within the vicinity of the proposal through future Dunsborough town planning works. Utilities including power, water and gas are available adjacent to the site. A sewer line runs along Geographe Bay Road.

**Design principles**

Council has resolved to support a single storey building that demonstrates responsiveness to local climatic and environmental conditions which include:

- Curved building shape allowing maximum exposure to views over Geographe Bay;
- All new buildings to touch the earth lightly (uses screw piles with no concrete pads);
- Sufficient building elevation to protect vegetation and prevent inundation in a major storm;
- Use of renewable construction materials and pre-fabricated modular construction to reduce adverse construction impacts on the environment; and
- Retaining existing trees and re-introduction of native vegetation.

**Public Consultation**

Council's strategy for enhancement of public open space at the Dunsborough Foreshore is based on a concept plan created for the Dunsborough-Yallingup Chamber of Commerce and Industry by the University of Western Australia's School of Architecture and Landscape, developed through extensive community consultation. Other community groups involved in helping define the nature and scope of the development included the Dunsborough and Districts Progress Association Inc., Dunsborough Conservation and Landcare Inc. and the then Geographe Bay Tourism Association. These groups have all worked closely with the Dunsborough Yallingup Chamber of Commerce and Industry and the City of Busselton to ensure the proposed strategy, which was adopted by Council in 2010 and included a cafe and/or kiosk development on the Dunsborough Foreshore, is consistent with community and visitor aspirations.

Since 2010 the concept of a cafe and/or kiosk development on the Dunsborough Foreshore has been subject to extensive public consultation, which includes:

- Providing information of the Proposed Development through local media and inviting public comment;
- Presenting information and seeking feedback at community group meetings;
- Individual meetings between residents / stakeholders and key City personal including representatives from Planning and Development Services, Engineering and Works Services and Economic Development.
- Media releases providing project up-dates and inviting public comment;
- Community direct mail to local residents - letters describing the Proposed Development, with invitation to attend "focus group" meetings;
- Social media - Facebook posts pointing the public to a public survey conducted by the City; and
- City of Busselton public website - information provided in relation to the Proposed Development Lots 1 and 2 and an invitation to comment.

The City has also consulted with and invited comment from other stakeholders, including the Member for Vasse Libby Mettam MP, Members for the South West and Traditional Owners. Overall the indication is that there is strong community support for the proposed development, with general support for the proposed location, the environmentally sustainable design and integration of the public amenities.

The City has taken note of objections and concerns raised by the public and, where practicable, have worked with the developer to make the necessary changes in order to accommodate concerns. As an example in order to address some of the concerns raised during the public consultation process, the City negotiated with the developer to restrict opening hours and the type of events that can be held on the premises.
Further, following DPLH’s statutory state-wide advertising for the Proposed Development in March 2020, the City of Busselton conducted further consultation with proponents that had submitted objections to the Proposed Development by inviting the proponents to meet with City Officers to discuss the proposal and to ask any questions, clarifications or request information on the proposal. This additional consultation was extended to ensure the community, in particular residents that objected to the Proposed Development, had opportunities to raise their concerns and ask any questions. A detailed listing of all contact and meetings held as part of this extended consultation is included in Appendix 4.

Further Action
Council resolved on 27 June 2018 (C1806/134) to endorse the developer’s draft concept designs for a cafe/kiosk/public amenity building on Lot 1 and repurpose the existing toilet block for use as a storage facility on Lot 2 by the proponent and authorised the Chief Executive Officer to commence the process to:

- Obtain the necessary Parliamentary approvals for excising Lots 1 and 2 from the 'A' Class Reserve R22965; and
- Finalise the land tenure arrangements with DPLH.

The City therefore requests the process to seek and obtain the necessary Parliamentary approvals required to excise proposed Lots 1 and 2 from 'A' Class Reserve R22965 commence in addition to and obtaining ‘in-principle’ departmental approval for the Proposed Development, in particular the proposed land tenure arrangements.

The City of Busselton has been working on progressing a café/kiosk development for the Dunsborough Foreshore since 2002 and through extensive community consultation has selected the preferred location as the proposed Lot 1 and 2. The City, through an expression of interest has a preferred proponent (developer) who has invested considerable resources into designing an environmentally sensitive building with a low impact footprint on the landscape and moderated business operations to facilitate community concerns.

The approval and progression of a Café on the Dunsborough Foreshore is now timely, particularly in response to the impact COVID-19 has had on the regional economy and local businesses. This project will act as an economic stimulus by creating employment through construction and operations and will bolster the hospitality offerings within the region. It will also provide new investment into Dunsborough and also provide an experience for residents and visitors on the Dunsborough Foreshore. This project has been an aspiration of the community since the Dunsborough Foreshore Enhancement Project was formed which is now ready to be realised.

Your continued assistance with the Proposed Development for Ministerial approval to proceed to Parliamentary listing is requested and appreciated. Please contact the City’s Economic and Business Development Coordinator Jaylene Chambers should you require further information at Jaylene.Chambers@busselton.wa.gov.au.

Yours sincerely

Jennifer May
MANAGER COMMERCIAL SERVICES

All Communications to:
T (08) 9781 0444
E city@busselton.wa.gov.au
Locked Bag 1 Busselton WA 6280
www.busselton.wa.gov.au

Where environment, lifestyle and opportunity meet!
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Contact Details</th>
<th>Summary of Objection</th>
<th>Proposed method of consultation</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Pam Thomasson        | PO Box 188 Dunsborough 6281 (9756 8208: 0459408210)  | • Objects to a café development on the foreshore (comments about not wanting another Gold Coast) | Phone call with option for individual meeting or group meeting. | • Called 19/08/20  
• Proponent happy to let it go and leave with what she has said in her submission  
• Reiterated her feelings that there's enough development and cafes/restaurant in town. |
| Chris Hosking        | 36 Geographe Bay Rd, Dunsborough 6281 (9755 3635)    | • Does not want development (cafe) on A-class reserve  
• Vesting of land from 'camping & recreation' to 'conservation'  
• Proposal is a fire hazard in absence of clearing | Phone call with option for individual meeting or group meeting. | • Proponent doesn’t think he has anything further to add.  
• Does not have any outstanding questions – does not have anything to add. |
| Dorothy Jackson      | 4 Lorna St, Dunsborough 6281 (9755 3462)             | • Does not want development (cafe) on A-class reserve  
• Parking – nowhere to park  
• Sea / coastal erosion of foreshore  
• Maintain foreshore as a park | Phone call with option for individual meeting or group meeting. | • Called 5/8/20  
• Don’t want to attend a meeting due to COVID19 (husband is 90 and Dorothy is 86 years old) |
| Tony Sheard          | 26 Flora Tce, Watermans Bay 6020                     | • Environmental concerns  
• Vegetation assessment report | Phone call with option for individual meeting or group meeting. | • Called 6/08/20  
• Proponent feels he is pretty aware of all the information that has been made available |
<table>
<thead>
<tr>
<th>Glenn Hemsley</th>
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<tbody>
<tr>
<td>21 Peron Ave, Dunsborough 6281 (0498 742 868)</td>
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<tr>
<td>Aesthetically not pleasing from the ocean perspective</td>
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<td>Wants access to coastal reports</td>
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<td>Requested information on attending/asking questions at Council.</td>
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<tr>
<th>Helena Nicholson (President DCALC)</th>
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<tr>
<td><a href="mailto:Helena.nicholson@bigpond.com">Helena.nicholson@bigpond.com</a> 0429429921</td>
</tr>
<tr>
<td>Called 5/8/20</td>
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<td>Proponent felt it was not a case of asking questions but do they get a chance to change the outcome?</td>
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<td>Proponent felt he wasn't going to stop or change the Parliamentary outcome.</td>
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<td>Objection to the location (near environmentally sensitive site) – location would be suited further up away from the WRTP areas</td>
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<tr>
<td>Objection is generally against development and that the process / decisions are being taken out of the community hands.</td>
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<tr>
<td>Did not want to attend a meeting.</td>
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</table>

| | Coastal erosion impacts |
| | Community concerns - aesthetics and maintaining natural environment |
| | Parking & traffic concerns; waste management concerns |
| Phone call with option for individual meeting or group meeting. |

| | Environmental |
| | Development on A-Class |
| | Destruction / threat to WRT Possum habitat |

| | Impact on WRT Possum sanctuary |
| | Development on the dunes has potential to introduce pests and weeds |
| | Aboriginal Heritage Survey |
| | Parking, pedestrian access |

| Individual meeting |

<p>| | Spoke on 19/08 and waiting for DCALC committee meeting to see if they want to have the meeting will get back to me. |
| | No further response from proponent. City will follow up with meeting offer. |</p>
<table>
<thead>
<tr>
<th>Name of MLC</th>
<th>Address</th>
<th>Details</th>
<th>Meeting Type</th>
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</table>
| Dianne Evers (MLC) | Ground Floor, 7 Harvest Tce, West Perth 6005 (9486 8070) | • Lack of details on realignment of footpath/cycle way  
• Impact on WRT possum sanctuary  
• Dune degradation / introduction of pest and weeds  
• Lack of extensive community consultation  
• Presence of Aboriginal Heritage Site and consultation with local indigenous groups  
• Parking issues  
• Impact to locals from night time events  
• Env impact of ablutions and waste water  
• Sea level changes and impact to development | Individual meeting |
| Ross and Joan Ranson | 6 Elizabeth Cres, Bunbury 6230 (0418 931 355) | • Traffic / Parking – no traffic study done; not enough parking | Individual meeting |

**Zoom meeting held on 20 August 2020.**

**Discussed main concerns, including:**

- Environmental concerns and impact on removal of trees – City described orientation of building had been moved to minimize clearing
- Cycle way & footpath would be designed to avoid vegetation clearing
- Coastal erosion - City discussed coastal report findings which do not present significant risks to the proposal proceeding
- Traffic and Parking concerns – City discussed (briefly) approach to parking and traffic management in the Dunsborough area
- Community consultation – the City Officers discussed that the proposal had been a community based project from inception with the Dunsborough Master Plan being prepared for Dunsborough Yallingup CCI by Dunsborough Districts Progress Association and community groups
- Extensive community consultation on café site locations; café design /concept drawings; café business hours and operations; car park and cycle way/footpath. A detailed account of all community consultation will be posted on the City’s Your Say website for the Dunsborough Foreshore Café.

The City Officers felt that all questions were answered and that there did not appear to be any significant concerns raised or outstanding.

**Meeting arranged for 10 September 2020 due to proponent being away on holiday.**

**Meeting held with Ross and Joan Ranson, main discussion points including:**
- Speed limit reduction is needed
- Rubbish storage and Removal
- Footpath/cycle way re-alignment

Mr Ranson was concerned about the public use of the public facilities incorporated into the building footprint. How would the general public know if they could use these areas, would there be signage available to inform of public use areas? The City noted this point and will include in discussion/lease conditions with the café proponent.

Mr Ranson asked what the arrangements would be for the maintenance/cleaning of the public facilities/toilets. The City Officers explained that this model of private development including public facilities (including maintenance and cleaning arrangement) was already in place in a number of locations (eg. Busselton Foreshore) and worked very well. The City did not expect there to be any issues with this arrangement for the Dunsborough Foreshore Café.

Mr & Mrs Ranson raised concerns about traffic on Geographe Bay Road and safety for children and families. They stated that this was a busy road and vehicles often travelled 'very fast' and could the speed limit be reduced to 40km/hr? City Officers explained that the City did monitor traffic (including collecting information on speed limits) which, if needed, was then passed onto the Police.

Mr Ranson asked about how the City would prevent the Café proponent from holding weddings, 21st/18th birthday parties? City Officers explained that the Council had endorsed the high-level lease terms and conditions which included restricting weddings/21st/18th birthday parties and if the
### Linley Stone

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<tr>
<th>Location</th>
<th>10 Hill View Rd, Mount Lawley 6050</th>
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- Excision of A-Class reserve, change of purpose of land
- Location of building; use of foreshore/coastline
- Destruction of habitat and dune vegetation
- Climate change; impacts of coastal erosion and extreme weather events not considered

| N/A | Unable to make contact. |

- café proponent was to host these activities then they would be in breach of their lease.
  - Mr Ranson asked if the Café was a viable project given the operational restrictions?
    - City Officers explained that the Café proponent was aware of all the lease terms and conditions and had prepared their own business operating model to test that the Café was viable. The City did not get involved in the proponents operating/business model however was confident that the proponent had good, relevant experience and business knowledge in operating this type of business venture.
  - The City feels that Mr and Mrs Ranson left the meeting having had any questions answered and did not express any further concerns with the proposal proceeding.
<table>
<thead>
<tr>
<th>Ron Glencross</th>
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<tbody>
<tr>
<td>148 Gifford Rd, Dunsborough 6281 <a href="mailto:Rongox37@gmail.com">Rongox37@gmail.com</a></td>
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<tr>
<td>• Building location – in coastal dunes; adjacent to WRT Possum sanctuary</td>
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<td>• Development Management Plan (DMP) needed for this area</td>
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<td>• Aboriginal heritage concerns</td>
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<tr>
<td>• Parking and footpath re-alignment through low woodland area WRT Possum habitat</td>
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<td>Phone call with option for individual meeting or group meeting.</td>
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<td>• Unable to meet as Proponent is away until end of October.</td>
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<tr>
<th>Adrien Cocks</th>
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<tr>
<td>Adrien Cocks did not make a submission however he has been contacted by a number of neighbors and has called asking if he can meet to represent them or relay information back.</td>
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<tr>
<td>Individual meeting.</td>
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<tr>
<td>• AC rang following a number of conversations with residents and wanted to know where and when the meetings were being held</td>
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<td>• Meeting arranged for 10/08 at 3.30pm</td>
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<td>• Meeting held with discussion relating to the proposal. Key points:</td>
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<tr>
<td>o Parking and traffic</td>
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<td>o Location of building footprint</td>
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<td>o Coastal erosion</td>
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<td>o Footpath/ cycle way realignment</td>
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<tr>
<td>o Also raise vehicles parking on the other side of the roundabout (EWS to investigate)</td>
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<tr>
<td>o Has asked to be kept updated.</td>
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<tr>
<td>• City Officers are of the opinion that Mr Cocks appeared appreciative of the opportunity to clarify a number of questions / concerns and that the City was able to provide satisfactory explanations. However, Mr Cocks continues to object to a café development on the Dunsborough Foreshore.</td>
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I, Hon Ben Wyatt MLA, Minister for Lands, hereby give notice pursuant to section 42(5) of the Land Administration Act 1997, that it is intended to act in relation to Class ‘A’ Reserve 22965.

It is proposed to:

• amend the purpose of the reserve from “Camping and Recreation” to “Recreation and Foreshore Management”.
• excise 831 square metres to facilitate the development of a café/restaurant facility and associated storage facility.
• excise 282 square metres to facilitate road widening at the intersection of Geographe Bay Road and Chester Way.

Prior to proceeding with this action, you have the opportunity to provide comments on the proposal within 30 days of the publication of this notice. To enable your comments to be taken into consideration, please make a submission to Rachel Nelson at Rachel.nelson@dplh.wa.gov.au, on telephone number (08) 9791 0898 or at Department of Planning, Lands and Heritage, Locked Bag 2006 Perth WA 6001 quoting the following reference numbers:

File No: 12578-1902
Case No: 151184

Ben Wyatt MLA
MINISTER FOR LANDS
<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Comment</th>
<th>Received by, contact details</th>
</tr>
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<tbody>
<tr>
<td>13/02/2020</td>
<td>Clayton Lindley</td>
<td>Thanks Rachel, In that case please note as follows; I support the proposal; bring it on!</td>
<td>support <a href="mailto:clayton@nakedarchitecture.com.au">clayton@nakedarchitecture.com.au</a></td>
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<td>Naked Architecture</td>
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<td>16/02/2020</td>
<td>Nita &amp; Colin Pratt</td>
<td>In order for the Dunsborough Foreshore Cafe development to proceed, the City has requested the State Government to advance the excising of 831sqm of land from Class 'A' Reserve 22965 required for the cafe footprint and expanded open space and public amenities. In response to this proposal we, as local ratepayers, would like to strongly support the submission of City of Busselton to excise this section of foreshore for development of public amenities &amp; a foreshore cafe in Dunsborough. Yours sincerely, Nita &amp; Colin Pratt 48 Gibson Drive, Dunsborough 6281</td>
<td>support <a href="mailto:nitaclind7@gmail.com">nitaclind7@gmail.com</a></td>
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<td>17/02/2020</td>
<td>Vangy Baker</td>
<td>For the Dunsborough foreshore project: 1. why not leave existing toilets and put new ones in a different location allowing more toilets and infrastructure options instead of breaking down to rebuild? 2. I'd like to suggest more attractive design options instead of the current repellive looking ugly dunty block concept. 3. How about more natural tonnes, wood and stone etc to fit in with the environment more instead of it feeling clinical and depressing from the current designs laid out for consultation. Im unable to attend the community consultation otherwise I would. Many work and cant attend the hours proposed. Regards Vangy Baker 0439 381 570</td>
<td>suggestions <a href="mailto:vangybaiker@gmail.com">vangybaiker@gmail.com</a></td>
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<td>17/02/2020</td>
<td>Pam Thomasson</td>
<td>I am writing as a voice of one of the ratepayers in dunsborough for the last 27 years and to make it clear that a large majority of the dunsborough population do not want any such thing to appear on our beautiful foreshore. We do not want another gold coast downtown. Where it is proposed is a spot where so many families come to enjoy it for the very reason its there. It is sacred and there are so many restaurants in town now. I feel that these submissions should be available on a much wider scale and not in a little notice in the paper or facebook. Regards Pam Thomasson 0439 381 570</td>
<td>do not support <a href="mailto:thomassonpam@hotmail.com">thomassonpam@hotmail.com</a></td>
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<td>21/02/2020</td>
<td>Jacqui Hopp</td>
<td>I would like to write in support of the Dunsborough Foreshore cafe proposal and the existing of A Class Reserve for it to proceed. The cafe certainly looks to have been respectful to the environment and will add to the range of experiences available to both visitors and residents alike. As a resident of the Dunsborough area, I recommend the excision of A Class Reserve. Thank you for this opportunity to comment. Regards Jacqui Hopp</td>
<td>support <a href="mailto:finnhapp123@gmail.com">finnhapp123@gmail.com</a></td>
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<td>21/02/2020</td>
<td>Chris Hosking</td>
<td>The continued efforts by the City of Busselton to install a cafe on the Dunsborough foreshore remain incompatible with the purpose of this A class foreshore reserve. Perhaps it will be necessary to change the wording from &quot;Camping and recreation&quot; to &quot;Conservation&quot; to avoid commercial exploitation in future. The proposal is also a fire hazard in the absence of clearing vegetation. Regards Chris Hosking</td>
<td>do not support by mail 9735 3635</td>
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<td>24/02/2020</td>
<td>Trevor Holm</td>
<td>I am appreciative of the opportunity to comment on the aforementioned proposal and from the outset strongly endorse the project in its entirety. The Community of Dunsborough has been under serviced by way of facilities on its expansive beach front and the plan as submitted has considerable merit. Whilst the needs and expectation of all stakeholders have to be considered the relative standing of Dunsborough versus other coastal towns clearly indicates that there is a lag effect in bringing forward current and future thinking to cater for the wider needs of the community. Notwithstanding the Royalties for Regions expectation that a facility be established there is sufficient weight within the community for better hospitality servicing of our beach side precinct. This development is long overdue and the investor has shown remarkable resilience in keeping the project moving, even if very slowly. I would urge the Ministers endorsement in supporting the project and providing the green light for it to proceed. Regards Trevor Holm 0409 674 474</td>
<td>support <a href="mailto:holm@bigpond.com">holm@bigpond.com</a></td>
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Submissions received in response to advert placed in West Australian Newspaper 12 Feb 2020

Amend Class 'A' Reserve 22965
I wish to complain re the drating of a cafe on the Foreshore at Dunsborough.

Firstly it is an A Class Reserve & belongs to the people and shouldn't be touched. Keep it as a Park and the Bush and scrub helps to keep the sea where it is. Another thing is the Parking Themes so where to park, the road is too narrow and don't want the park use for parking area. Please will you people please come down to have a look the area we are talking about before deciding. There is a beach but no water it is very shallow.

Last year the sea came to the top of the land and washed the Dunsborough foreshore away right up to the chess for a KM or more. There are 4 houses just been bought at dun's foreshore to developed as a cafe etc, check it out, which else do you find a park along the foreshore, its ancient. Keep it as a park once gone always gone. Nature Reserve. The people wanting to build the cafe are not local people, they come from marmagaret river, not local duns.

There at least a dozen cafes 200-300 yards in town. Battles to make a living, why this. I don't wet and the neighbours also not have cars parked on our lawns and driveways. Parking in Duns is terrible. People paid lots of money for their blocks and down want their view lost. Thanking you.

PS, there is a sign just 300 yards from site of cafe saying any damage to this reserve of park, there is a heavy penalty. the whole park Is sheer pleasure. the cafe should be built at uppers dunsborough where there isn't a shop or cafe, but they have a boat ramp and a swimming pool netted from sharks.

26/02/2020 Geoff Forman
Having been to the meeting in the Dunsborough Library on the 20th Feb, I am very much in favour of building a cafe on the designated site. I will be one of the first people to use it. My understanding it is being built of wood which is in keeping with the area. My understanding also is you will only get access to the cafe on one end which will stop the beach erosion. My only concern is we could get loud music sometime but you told me only background music would be played. Am I right in assuming only alcohol will be served with meals.

If it run right it will be a asset to Dunsborough with the few of the above conditions, so lets get the cafe on the road.

5/03/2020 Jo Fisher
As an hospitality operator in the region for nearly ten years, I believe well managed venues contribute positively to the local economy as it encourages people to visit and stay in Dunsborough.

I will look forward to have a morning coffee at a new beachside cafe in our home town.

9/03/2020 Mark Ceglinski
I have been following the progress of Anthony and Alex's proposal for a beachside cafe on the Dunsborough foreshore for some time and believe that their vision is the appropriate one for Dunsborough.

The plans to have a venue that complements the natural beach setting without adversely impacting the environment is something that should be applauded. Their previous successes as well as the renowned turnaround of the White Elephant Cafe create confidence that this new development will be a high-quality destination and positive addition to the community and economy in many ways. I look forward to enjoying a Dunsborough beachside coffee in the near future.

9/03/2020 David Hyams
As someone who has started to spend some time in the area, I am writing to express my support for the development of a cafe on the Dunsborough foreshore. As an hospitality operator in the region for nearly ten years, I believe well managed venues contribute positively to the local economy as it encourages people to visit and stay in Dunsborough.

I am writing to personally express my support for the development of a cafe on the Dunsborough foreshore. In my view this space is under-utilised, and the proposed cafe offers a unique opportunity for locals and visitors to enjoy this amazing location.

I have been following the progress of Anthony and Alex's proposal for a beachside cafe on the Dunsborough foreshore for some time and believe that their vision is the appropriate one for Dunsborough.

The plans to have a venue that complements the natural beach setting without adversely impacting the environment is something that should be applauded. Their previous successes as well as the renowned turnaround of the White Elephant Cafe create confidence that this new development will be a high-quality destination and positive addition to the community and economy in many ways. I look forward to enjoying a Dunsborough beachside coffee in the near future.

10/03/2020 Tony Sheerd
I am providing this submission and comments on behalf of myself and my family in relation to the public notice in The West Australian dated Wednesday February 12, 2020 titled Class 'A' Reserve 22965. Myself and my family own the property at 42 Geographe Bay Road, Dunsborough, a short distance from the 831 square metre area that is proposed to be excised from the Class A Reserve 22965 that is intended to facilitate the development of a cafe / restaurant facility and associated storage facility.

We are writing to you with a request that this proposal for the exercise of the 831 square metre area from the Class A Reserve 22965 be rejected and not proceeded with.

My extended family has owned the property at 24 Geographe Bay Road, Dunsborough for in excess of 50 years, being one of the first property owners in the vicinity of the proposed excise area, and is extremely familiar with the beautiful, diverse and fragile vegetation, fauna, coast, nature and aesthetics of the area; including what has changed and transpired over this 50 year time frame.

We have a number of serious concerns with the proposed excise of the area within this Class A Reserve, as follows:-

1. Environmental Concerns

It is our understanding that under the relevant legislation, a reserve is Crown land that has been set aside for a particular purpose in the public interest. We understand that if Class A reserves afford the greatest degree of protection for reserves of Crown land created under the legislation.

It is understood that the Class A classification is used solely to protect areas of high environmental conservation or high community value. As such, any proposed excise of an area with a Class A Reserve for commercial development reasons, should in our opinion be rejected outright, and if not rejected be subject to the most rigorous environmental assessments to ensure that our beautiful, diverse and fragile flora, fauna, ocean, coast and nature is not impacted or diminished in any way.

We have not been able to source any rigorous and proper environmental assessments on the proposed Class A Reserve 22965 excise area, or the vicinity.

There is no information of any significance concerning any environmental assessments provided publicly by the City of Busselton. The only publicly available information on this proposal is located at https://yoursay.busselton.wa.gov.au/dunsboroughforeshore-cafe-update.

By phone inquiry with the City of Busselton I was advised that I was to refer to the Department of Planning, Lands and Heritage as they have all the information relevant to the proposal. I did refer this to the Department, The only environmental related document we have been able to source from any governmental authority on the matter is a preliminary Vegetation Assessment, Portion of Lot 251 (Reserve 22965), Geographe Bay Road, Dunsborough, prepared by Kay Lehman, City of Busselton, on 21 March 2019.

I am concerned that this preliminary vegetation assessment is inadequate and insufficient for the Department of Planning, Lands and Heritage, the Minister for Lands and the Western Australian government to make any form of proper informed environmental assessment, consideration and decision on excising any area within a Class A Reserve, and specifically this proposed excise area within this Class A Reserve 22965.

I draw to your attention the specific matters as directed extracted from this preliminary Vegetation Assessment, Portion of Lot 251 (Reserve 22965), Geographe Bay Road, Dunsborough.

The database searches found that 22 threatened species and 23 priority-listed species have been recorded in the vicinity of the study area. A native species is eligible to be included in the critically endangered category at a particular time if, at that time, it is facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with
In relation to the flora and vegetation surveys of the study area:

- “Reconnaissance survey undertaken only. Further survey may be considered necessary due to timing of survey... the timing was not optimal to record annual and ephemeral species developing in Spring...”
- Open Forest/Low Closed Forest: Excellent condition.
- Woodland: Good to Very Good condition.
- Scattered Low Trees/shrubs: Degraded to Good condition.
- Closed Sedgeland: Good condition.
- The Open Forest/Closed Low Forest to the east of the carpark/toilet block was recorded to be in Excellent condition with an intact vegetation structure and few weeds. The Woodland vegetation type dominated by Agonis flexuosa was recorded to be in Good to Very Good condition retaining basic vegetation structure but more affected by weed species in the understory. The fynbos vegetation of Scattered Low Trees/Shrubs was recorded to be in Degraded to Good condition retaining native overstorey species but dominated by introduced herb and grass weeds. The clump of Closed Sedgeland was recorded to be Good condition.

- However, the timing was not optimal to record annual and ephemeral species developing in Spring. Although considered unlikely (given the coastal environment) for annual and ephemeral species of conservation significance to be located within the survey area, a Spring flora survey is recommended.

- In relation to the fauna:
- The fauna habitat assessment of the study area was of a general nature only, involving noting fauna habitat features and was not undertaken in accordance with EPA Technical Guidance Statement No. 56 ‘Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia’ (2004).
- A NatureMap database recorded 39 fauna species of conservation significance within a 10km radial area (excluding marine species) and 68 species on the EPBC Act online ‘Protected Matters Report (DoEE, 2019).”
- Fauna species of conservation significance known to be located in the area and recorded during the survey include the Critically Endangered Western Ringtail Possum (WRP). Two WRP individuals were recorded in artificial nesting boxes in mature Peppermint trees (Agonis flexuosa) adjacent to the beach pathway and on the south-eastern corner of the toilet block (Figure 1). Other fauna species that may frequent the area include Quenda (Southern Brown Bandicoot), Brush-tailed Phascogale and listed beach-nesting birds.
- A detailed survey of tree hollows was not undertaken, although no large trees with hollows (potentially suitable for Black Cockatoo species) were recorded during the survey.
- Given the potential impacts on fauna and their habitat of the development, a Fauna Assessment (EPA, 2016) of the study area is recommended.

- Recommendation are:-
- A Targeted Spring Flora Survey (EPA, 2016) to be undertaken in September/October 2019.
- A Fauna Assessment (EPA, 2016) to be undertaken including recommendations on minimising impacts and implementation of DBCA’s Clearing Protocols for WRP (Western Ringtail Possums). From the aerial photo, the current footprint of the café site appears to include several mature Peppermint Trees. These Peppermint Woodland areas are providing crucial habitat for WRP and all efforts need to be made to avoid any vegetation clearing in these areas.

To the best of our knowledge neither of the recommended flora or fauna assessments have been undertaken. This preliminary vegetation assessment should be considered inadequate and insufficient for the Department of Planning, Lands and Heritage, the Minister for Lands and the Western Australian government to make any formal informed environmental assessment, consideration and decision on excising this area within this Class A Reserve 22965.

The fact that this area and its close surrounds includes the Critically Endangered Western Ringtail Possum and is proposed to damage their crucial habitat, is frequently by the Quenda (Southern Brown Bandicoot), Brush-tailed Phascogale and listed beach-nesting birds, and has 32 threatened species and 23 priority-listed species have been recorded in the vicinity of the study area should make it mandatory that a full and proper environmental assessment be conducted prior to any decision or otherwise. The government would be remiss in their duties and responsibilities otherwise.

Myself and my family are extremely familiar with the area, and can attest to the presence and concerns regarding the Critically Endangered Western Ringtail Possum, and the impact that this proposal would have on our beautiful, diverse and fragile flora, fauna, ocean, coast and nature.

The full environmental assessment that is required for a proper and informed decision should also include the following:
- the physical and coastal environmental impacts from having a structure so close to the beach;
- the impacts of additional traffic, waste and rubbish on the environmental areas;
- consideration of the fragile and moving coastal area, that is protected in winter by the build-up of significant seaweed on the beaches in the winter and requires the free-moving movement of sands and weeds along the coast; and
- the impacts of adverse weather events such as severe storms and climate change increasing sea levels, on having a structure so close and low lying to the current high tide water mark.

Please reject this proposal for the exercise of the 833 square metre area from the Class A Reserve 22965 intended to facilitate the development of a café / restaurant facility and associated storage facility, on the basis of inadequate environmental assessments, and as a matter of maintaining the integrity of the entire Class A Reserve 22965 for high environmental conservation reasons.

Community Concerns

Apart from the above mentioned environmental concerns, we also have a number of significant community related concerns as follows:

- Aesthetics and maintaining the natural environment for the community to enjoy, would be destroyed in this area and its vicinity, if this proposal goes ahead.

The standard protocols within the Naturalist Cape Region for any residential or commercial development is for a minimal impact on the vista and aesthetics of the natural environment, that such the community can continue to enjoy the natural environment.

I draw your attention to the residential and commercial developments generally in Dunsborough, Quindalup, Burslers Bay, Eagle Bay, Yallingup, Smiths Beach and Injidup Bay. Near all residential and commercial developments are hidden from the community behind tree-lines (when viewed by the community and tourists from the shoreline) or if in view from the shoreline or ocean are generally constructed as low-lying and built in natural earth colours or similar such that they are generally non-obtrusive and aesthetically pleasing.

And these building restrictions have applied to private property developments, not publicly owned land within a Class A Reserve that has both high environmental conservation and community values.

I draw your attention to the plans and diagrams of the location and proposed building regarding this proposal that is available at https://yoursay.busselton.wa.gov.au/dunsborough-foreshore-cafe-update. Previous proposals and communications regarding this area from the City of Busselton were concerning a proposed small facility that was going to replace the current existing toilet blocks, which is behind the tree line and further removed from the shoreline.
I am writing to express Australia’s South West’s (ASW) support for the proposed beach side cafe on the Dunsborough foreshore.

ASW is the regional tourism organisation responsible for the promotion of product and experiences in the Australia’s South West region. The region’s uniqueness as a tourism destination rests on the diversity of premium experiences on offer set against a backdrop of stunning and unique natural landscapes. ASW has worked with Ali and Alex in the past when they have successfully hosted many media and trade familiarisation trips. The plans to have a venue that complements the natural beach setting without hugely impacting the environment is something that should be applauded as we endeavour to grow the local economy. The previous success of Ali and Alex’s past businesses, as well as the renowned turn around of the White Elephant Cafe create confidence that this new development will be a positive addition to the community in many ways.

As a Regional Tourism Organisation it would be a pleasure to share this iconic location with visitors to the region. I would like an opportunity to meet (by phone or in person) and discuss this submission, and are available on ph 0423 784 317 or on tony.sheard@outlook.com to discuss or arrange a suitable time.

Richard Pryce
6 Woonoona Crescent, Premaydena, Margaret River
richard.pryce@swl.com
999999999

I am writing to personally express my support for the development of a cafe on the Dunsborough foreshore. This space is under utilised and the proposed cafe offers a unique opportunity for locals and visitors to capitalise on enjoying this amazing location. The addition of a busy, beach side cafe to the area will create employment opportunities and contribute positively to the local economy as it encourages people to not only visit but to spend extra time enjoying all that Dunsborough has to offer.

I look forward to enjoying a Dunsborough beach side coffee in the near future.

Martin Kain
6 Woonoona Crescent, Premaydena, Margaret River
martinkain@gmail.com
999999999
11/03/2020

Cindi Fisher & Steve Harrison

The Margaret River Busselton Tourism Association (MRBTA) is a self-funded, not-for-profit membership based organisation, representing more than 600 local businesses in the Margaret River Region's tourism and hospitality sector.

The MRBTA operates seven tourist attractions – Lake Cave, Mammoth Cave, Jewel Cave, Ngilgi Cave, Cape Leewin Lighthouse, Cape Naturaliste Lighthouse, Forest Adventures South West – and manages ground handling at the Busselton Margaret River Airport. With the funds generated, it operates visitor centres in Busselton, Dunsborough, Margaret River and Augusta, and markets the destination to interstate, interstate and international visitors. Through our visitor centres, online channels and attractions, we come into contact with over 1.3 million of the 2.4 million people who visit this region annually.

We would like to offer our full support to the Margaret River Hospitality Group (MRHG) and their proposed Dunsborough Foreshore Cafe Project.

Designed to complement the natural beachside setting, with minimal impact to the surrounding environment, the proposed cafe would showcase a unique part of the coastline, for the enjoyment of both locals and visitors alike.

Given the proven track record of MRHG, there is little doubt the venue would establish itself as a Dunsborough icon and become a valuable amenity catering to the increasing number of visitors to the Margaret River Region, particularly with the commencement of direct flights from the east coast later this month.

In addition to establishing a high-quality hospitality/tourism experience, the development will provide employment opportunities and utilise a wide array of local services and suppliers on a regular basis. The development will therefore benefit the whole community, socially and economically.

Given MRHG established business acumen, MRBTA has complete confidence in their approach and delivery of this project. We reiterate our endorsement of the development and wish the applicants every success in establishing this exciting new venue.

11/03/2020

Glenn Hemsley

Advertising within National Parks is traditionally not allowed because it spoils the natural vista. Encroachment of human activity into wilderness has the effect of reducing the natural wonder which ironically is what attracts tourists to visit. It is an own advertisement. Promotions simply cheapen the experience that nature provides given it is respected and valued for its own sake. Commercialising for profit is a threat to visitors that pay their hard-earned money to experience the unique ecology and sustainable future that we have. Commercialising for profit is a threat to the values the people hold dear to their hearts and it is up to policy makers to represent their constituents and do what ever is required to minimise the impact from development and progress. Under the EPBC act developments that are likely to adversely impact any endangered species a referral to the federal environment minister can be made. The location of the proposed Dunsborough Foreshore Cafe is to be situated directly adjacent to a recognised Western Ringtail Possum Sanctuary, with endangered/threatened status. It is of the opinion of the Dunsborough Coast and Landscape group that this is a location that they oppose.

The commercialisation of an A Class reserve sets a poor perception and precedent for the public that developers and local government can acquire or rezone land gazetted by State government for conservation. I believe most residents have concerns and as a member of the Environmental Reserve Group for the City of Busselton Council the construction of a possum Interpretive centre would promote the message of wildlife conservation. The emblem of the city should be appropriate to save. The promotion of the area as a biodiversity hotspot makes it critical to take care in all future so called progress to get it right. PS. Future sea level rises places it at risk of inundation etc liability and storms.

11/03/2020

Helena Nicholson

President, Dunsborough Coast and Landcare

On behalf of Dunsborough Coast and Landcare I write to express our concerns about the decision to excise Class A Reserve 22995 and allow a Commercial lease on the land, in order to build a Cafe on the Dunsborough Foreshore. Thank you for allowing us to express our concerns.


The parking space for staff and visiting vehicles, for the number of patrons required to make the cafe economically viable, is not physically available in that location.

The person Naturaliste Partnership Study should be consulted as this identifies the predicted changing sea levels. The City of Busselton are directly Involved in this research.

Sea storm rise places it at risk of inundation etc liability and storms. Where would storm-water go from the site?

Where would storm-water go from the site?

The proposed development would have impact on the DUNSBOROUGH FORESHORE (Directly Adjacent) Centennial Park Possum Sanctuary which is home to the Critically Endangered Western Ringtail Possums. (Next step - extinction) The night lights when possums are active, and excessive noise when they are asleep are a concern.

We are concerned that the proposed commercial use is on a Primary Dune which is subject to inundation, erosion and accretion. The proposed development will impact the vegetation, cause degradation and have potential to introduce pests and weeds to the native area. We wonder who would pay for the cost of ongoing groyne maintenance in the future.

We are concerned that the proposed development would impact the vegetation, cause degradation and have potential to introduce pests and weeds to the native area. We wonder who would pay for the cost of ongoing groyne maintenance in the future.

The Aboriginal Heritage Survey, which is held by your Department, as referenced below, refers to the Camping Grounds on the foreshore, used by the local Wadandi people. The Maps in this document should be consulted to see if these Camp Grounds are at the same location. Indications on maps and descriptions by informants are conflicting on some occasions. Discussion with local informants can also clarify this.


The parking space for staff and visiting vehicles, for the number of patrons required to make the cafe economically viable, is not physically available in that location.

The person Naturaliste Partnership Study should be consulted as this identifies the predicted changing sea levels. The City of Busselton are directly Involved in this research.

Commercial properties such as a Cafe have issues of Waste Disposal and there is nowhere in the plan for the required waste disposal bins to be stationed that would not effect the visual amenity from some angle. I.e., from the beach, cycle paths, or car parks or roads.

The proposed is for the existing toilet block to be used as a storage place but we believe that this would have traffic impact between the store and the proposed 'Cafe' and this is likely to 'creep' into the native vegetation area, thus enlarging the footprint.

Commercial properties such as a Cafe have issues of Waste Disposal and there is nowhere in the plan for the required waste disposal bins to be stationed that would not effect the visual amenity from some angle. I.e., from the beach, cycle paths, or car parks or roads.

Access for delivery trucks and accessibility in the location is problematic. Refer to Cyrilian Way, now listed as one of the RAC’s most dangerous roads in THE STATE Existing grassed park land for parking is in direct opposition to the CO9 Incentive to provide public open spaces, with access for all, on the foreshore.

The City's proposal is to provide public showers in the development. Showers are not necessary as it is not a 'swimming beach' as it is tidal and shallow. There is an Extensive sewer system in close proximity.

We are concerned about the environmental impact of additions and waste water from catering. Any runoff would be directly into the Geographe Bay, without filter, or into the groundwater. Garden nutrients may also be an issue. Where would storm-water go from the site?

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The Person Naturaliste Partnership Study should be consulted as this identifies the predicted changing sea levels. The City of Busselton are directly Involved in this research.

The community, when originally surveyed gave feedback that they wanted “A KIOSK” on the foreshore. A seasonal kiosk - similar to those at the Busselton Jetty. A KIOSK would have minimal impact on the visual amenity, environment and could be located off the Primary dune.

We have raised our concerns with City of Busselton Staff before. We acknowledge the necessity to balance development and the Environment but passionately believe that A Class reserves were created for community benefit, should have the highest protection and that existing them for commercial gain is a slippery slope. The visual amenity and natural environment is what attracts locals and visitors to the region, and should be retained.

11/03/2020

John and Caro Stewart

My wife and I wish to personally express our support for the development of a cafe on the Dunsborough foreshore.

We are of the view that this space is currently underutilised, and the proposed cafe offers a wonderful opportunity for locals and visitors to capitalise on enjoying this amazing location; for us particularly when the south westerly breeze is in! We love the idea of a new buzzing beach side cafe in the proposed area and consider that the creation of new employment opportunities will be positive. The local economy should also benefit from additional visitor.

The previous success of Ali and Alex's past businesses, as well as the terrific reemerging of the White Elephant Cafe give me confidence that this new development will be a positive addition to the community in many ways.

12/03/2020

Stewart My wife and I wish to personally express our support for the development of a cafe on the Dunsborough foreshore.

We are of the view that this space is currently underutilised, and the proposed cafe offers a wonderful opportunity for locals and visitors to capitalise on enjoying this amazing location; for us particularly when the south westerly breeze is in! We love the idea of a new buzzing beach side cafe in the proposed area and consider that the creation of new employment opportunities will be positive. The local economy should also benefit from additional visitor.

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Cindi Fisher & Steve Harrison

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Designed to complement the natural beachside setting, with minimal impact to the surrounding environment, the proposed cafe would showcase a unique part of the coastline, for the enjoyment of both locals and visitors alike.

Given the proven track record of MRHG, there is little doubt the venue would establish itself as a Dunsborough icon and become a valuable amenity catering to the increasing number of visitors to the Margaret River Region, particularly with the commencement of direct flights from the east coast later this month.

In addition to establishing a high-quality hospitality/tourism experience, the development will provide employment opportunities and utilise a wide array of local services and suppliers on a regular basis. The development will therefore benefit the whole community, socially and economically.

Given MRHG established business acumen, MRBTA has complete confidence in their approach and delivery of this project. We reiterate our endorsement of the development and wish the applicants every success in establishing this exciting new venue.
I am writing in response to your letter (referenced above) with concerns over the proposed amendment of an A Class Reserve (22965) on the Dunsborough Foreshore to provide a commercial lease and build a cafe. I note below concerns, raised to me by a number of constituents and also the Dunsborough Coast and Landcare Group including:

- The lack of details or plan for the realignment of the footpath, including the number of trees and the vegetation that will likely be removed;
- The impact on the Outstanding Positive Protection Provided by the Autumn of Oak Trees on the foreshore, compared to the Aboriginal Survey study conducted in 2008;
- The potential for further dune degradation on an area already subject to inundation, erosion and accretion;
- Sea level changes and the impact to the proposed development (current research is being undertaken by the City of Busselton);
- Impact to local residents of large night time events;
- The lack of consultation with Indigenous groups of the area;
- The presence of Aboriginal Heritage and cultural sites at the proposed development site and directly in front (which it is understood have been incorrectly noted by consultants as further along the foreshore, compared to the Aboriginal survey study conducted in 2008);
- The lack of extensive community consultation or consideration of issues raised by the community;
- Parking issues, delivery access and safe pedestrian access, particularly for large events;
- The potential for further dune degradation on an area already subject to inundation, erosion and accretion;
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- The lack of consultation with Indigenous groups of the area;
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I have been unable to locate in public information any environmental approvals or reviews by the Environmental Protection Agency on the proposed development. Nor am I able to find any management plans for flora and fauna or any recent Aboriginal heritage surveys given the existence of cultural and heritage sites in the vicinity.

I am very concerned that the proposed development redeclassifies A Class reserve, a classification that is used solely to protect areas of high conservation or high community value.

I do not support commercialisation of the dunsborough foreshore in this "A" class reserve (ex purpose recreation and camping,) by excising an area to establish a cafe/kiosk at the chosen site to service residents and visitors.

My reasons are as follows.

1. BUILDING LOCATION - in the coastal dunes and swale - in the moderate storm surge zone - still degraded from cyclone Alby 1578.

2. coastline (10-20m) from the permanent tree line, edge of peppermint woodland (Agonis) a habitat of W Ringtail possum and Quenda.

3. (DMAP) MANAGEMENT PLAN - is needed for this area. An adopted DMP exist for 22965 (2009) but the City of BSN excluded the area 200m east and west of Duns bay rd for the Royalties for Regions project 2011-13 for Seymour pk, the foreshore protective wall and widening of Geographe bay rd. A DMP to cover the area east of previous development to the proposed cafe area 150m east has not been produced. It would include any amenites (ex Cafe, revegetation, access to the beach and protective planting of the primary dune.

4. PURPOSE OF THE RESERVE - the current purpose of the reserve is recreation and camping. Camping has being banned for over 30 years. The adopted DMP recommended the purpose be changed to recreation and foreshore protection (managment?) but the shire/city has made no application to do so unless it is in the current request for excision for a commercial development. The officers at the community meet did not know. They said the new excised area will be recreation and tourism. This could not be confirmed. It is difficult to understand why the public amenities need to be in the excised area. It has made the excised area 4 times the original plan, with the old building toleed building to the developer and included in the commercial area now 301 sq m of the 831 to be excised, as shown on the meeting document and map.

5. ENVIRONMENTAL CONCERNS - As a consequence of the commercial business development access for servicing, roads and paths for clients, and parking for increased bikes and cars will be needed. These were not presented at the meeting but were concerns raised. The reply from officers was that they were to be provided by the shire/city on completion of the new commercial complex. Plans of July and October 2017 from a council meeting indicated the probable location of new increased parking, path realignment and vehicle access. All impinged on the peppermint woodland, the habitat of the CRITICALLY ENDANGERED WESTERN RINGTAIL POSSUM. An attempt to find if this aspect of the development was in the environment report of the City of BSN's request to OPLH for the excision. No information was forthcoming. If no mention of this, it was in effect a blatant hiding of a serious environmental effect of the development. Access and a level of parking for business and clients on the site is a requirement of a business development in the BSN city. Or money in lieu of that requirement, that "deal" is unknown. It would be expected to need a clearing permit of this critically endangered (federal) habitat. Parking and access should have been included in the excised area request. Perhaps there is a "deal" between recreational amenities built by the proponent and the City providing access and parking.

In conclusion, the staff at the community meeting emphasized that the cafe was a commitment to the R for R money from the government of the day to the City, as the Mayor had also stated some years before in the press. Questions and answers to parliament on 12th August 2014 suggest this was not so.

I am sorry for any inconvenience this may cause. I look forward to an early response to this issue.

Ron@glencross.net

12/05/2020

Ron Glencross

Agricultural and environmental consultant (now retired)
I write as a home owner at 32 Geographe Bay Road Dunsborough to express the concern on several issues by my wife and myself re the above proposal.

1. TRAFFIC / PARKING

There does not appear to have been a traffic study completed to confirm traffic flows and parking need generated by this proposed new business out lot onto Geographe Bay Road. Currently the majority of times in summer and Increasing in winter all car parking bays between Dun Bay Road and the proposed Café site are full. With a 120 person seating capacity Café, no planning appears to have been done to cover this huge increase in traffic numbers and parking needs considering currently parking bays are near used to capacity now.

Where do staff park? 120 seat Café I would think probably 12 staff at a guess, they are not all going to walk to work as they are not all going to walk to the Café. Parking is well under catered for.

2. SPEED LIMITS

It is our opinion that an adjustment of speed limits, without taking into account additional traffic to be generated if a café is located where planned, should be reduced to 40 Kilometres per hour. The expanded use of the Award winning Public Open Space as it now stands, overflows with families, which is great to see, but at 50 Kms Per hour and those that exceed that, there will be a tragedy there without a speed reduction.

3. RUBBISH STORAGE AND REMOVAL

With a pristine beach front and natural vegetation surrounds where is it planned to keep the above “out of site out of mind?” Runners Bay Café for example is a disgrace untidy and a constant smell. The removal of rubbish adds another unwanted noise load onto the residential residents early morning life style.

4. DECKED AREA

It reads well that there will be 330sqm to be developed for the community.

This to me creates a problem. Families take over the deck with their meals in hand, thermos and other drinks, where do we go from there and how will the public know that that is for their use?

It Must be clearly agreed for all concerned.

5. CYCLEWAY

Whatever happens with the redesign of the dual use pathway it must be a priority to light the pathway in a similar manner as that pathway through the park on the eastern side of Dunn Bay Road at least down to the proposed Café from Dunn Bay Road.

I could talk for some time on the ecological side of the reserve but I won’t as I believe this may have been well covered by others. In closing can I ask that these issues not be fobbed off as they are of utmost importance.

As a stakeholder in the local community, we would love to see this iconic location come to life, bringing international, interstate and intrastate visitation to the region.

Western Australia Gourmet Escape have been following the progress of Anthony and Alex’s proposal for a beach side cafe on the Dunsborough foreshore and I am writing to express our support for the venture.

The plan to have a venue that complements the natural beach setting without hugely affecting the environment is something that should be applauded as local businesses endeavor to grow the local economy.

The previous success of Anthony and Alex’s past businesses, as well as the renowned turnout of the White Elephant Cafe create confidence that this new development will be a positive addition to the community in many ways.

As a stakeholder in the local community, we would love to see this iconic location come to life, bringing international, interstate and intrastate visitation to the region.

My wife and I have been following the progress of Anthony (AJ) and Alex’s proposal for a beach side cote on the Dunsborough foreshore and are writing to express our strong support for the venture.

We have been Dunsborough residents for over 15 years and lived in the direct vicinity of the proposed location for most of that time. We are certain that the cote would create a great location for both community members, and tourists, to gather; and greatly complement the foreshore. Additionally, we think it is a fantastic idea to further develop the development of the foreshore towards the bay and the beach. The cote would definitely be consistent with that strategy.

Additionally, we are happy to personally attest to AJ’s character and skill in running multiple similar venues in the region. We have known AJ for over ten years and have consistently been impressed with his combination of friendly hospitality, good service and strong business judgment. We are very happy that this group has been chosen to develop the cote in such a special location because we have confidence they will follow through on their promises and do a good job.

If either of us could provide further reference for AJ or if you have any question please do not hesitate to contact us at claytonC@nomads.nu.

The proposal is that an area of approximately 800 square metres be excised from a Class Reserve number 22950; exclusion from an A Class Reserve for commercial purposes should not be approved lightly and should only occur rarely particularly as the most common uses for a Class ‘A’ Reserve are as a national park, nature reserve, or conservation park.

• The city’s plan is to convert the current purpose of the Reserve from “Recreation and Camping” to “Recreation and Foreshore Management”.

• The primary purpose of a plan for “foreshore management” should be in preserving, encouraging and supporting the native flora and fauna and ensuring that the shoreline is not encroached upon or damaged.

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• The primary purpose of a plan for “foreshore management” should be in preserving, encouraging and supporting the native flora and fauna and ensuring that the shoreline is not encroached upon or damaged.

• The planned area is part of a fragile coastline which forms part of the Dunsborough peninsula; this particular area holds intrinsic community value and is of a high conservation value that should be preserved and maintained for the benefit of future generations.

• The planned building is too close to the shoreline and will impact negatively on the surrounds regardless of its elevated construction.

• Environmental concerns addressed have been limited to the impact on the structure rather than to the impact on the natural environment of the reserve.

• The real environmental concerns are the destruction of habitat and sand dune vegetation both in the construction stage and then in the operational stage with its position diminishing the foreshore buffer which is instrumental in providing protection and minimising the impacts of storm events and coastal erosion.

• Insufficient notice has been taken of historical storm surges and future climate change including rising sea levels in the coming decades which has the potential to seriously impact on the existing shoreline.

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• Insufficient notice has been taken of historical storm surges and future climate change including rising sea levels in the coming decades which has the potential to seriously impact on the existing shoreline, undermining the need for efforts to enhance and stabilise the foreshore area.

• Extreme weather events are predicted to become more intense with climate change resulting in damage to sandy beaches and coastline it is therefore appropriate to vegetate and stabilise the dunes as protection against these events.

• Without it is recognised that recreation should be given a high priority as a beach use; when it comes to the management recommendations to maintain and improve the shoreline, the city’s 4 key qualities viz., recreation, social, conservation and erosion buffer values, the latter 2 cannot be downplayed for without them the former 2 are unsustainable.

• The area proposed forms part of a landscape which is a significant and important habitat of native flora and fauna in particular the endangered western ringtail possum (WRP) plus the quenda, or southern brown bandicoot, frings, lizards, snakes, birds and many other insects.

• There can be no proper management of the area without consideration of the potential impacts on requirements for both flora and fauna; dune and foreshore vegetation is easily damaged by pedestrian and other traffic. Careful management is necessary where potential for vegetation damage exists.
| **| Consideration of the critical importance of preservation, and enhancement, of the vegetation is linked to the consideration of the habitat of local flora and fauna. | do not support linleyas@hotmail.com |
|**| The WRP is resident throughout the site and was once widely distributed throughout the south-western forests of Western Australia. It is now almost exclusively restricted to coastal areas of peppermint woodlands of these areas. The species is now recognised as vulnerable and is protected which reinforces the importance of maintaining the good condition of the vegetation. | |
|**| The importance of the foreshore reserve will become increasingly important. | |
|**| The WRP utilises the urban and developed areas adjacent to the foreshore but it is highly likely that the habitat values of these areas will diminish with further infill development and desensification of urban Dunsborough. | |
|**| In the area where this commercial development is proposed, residential blocks have increasingly been subdivided to allow for higher density housing. Approval for housing extending to 3 storeys has been given. This infill has resulted in a loss of trees and understorey vegetation. | |
|**| The Cafe is to have a capacity of 120 plus the communal area will cater to more, possibly 200 people at any given time using this facility. | support received via City info@tourism.wa.gov.au |
|**| The proposal can be contrasted to those that have taken place at Bunkers Bay and Ganabup; at first observation it is apparent that access to both these areas is easier and parking is abundant, although in high seas there is insufficient parking. | |
|**| Importantly both these areas are not densely populated with housing screened and quite remote from the venues unlike the precinct in Dunsborough where this proposed commercial development is to take place; this is an urban area with permanent residents as well as holiday accommodation. | |
|**| On behalf of Tourism Western Australia (Tourism WA), I am pleased to support the proposed Dunsborough foreshore cafe project, being developed by Anthony Janssen and Alex Brooks of Margaret River Hospitality Group (MRHG). | support |