

Please note: These minutes are yet to be confirmed as a true record of proceedings

**SHIRE OF BUSSELTON**

**MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL  
HELD ON 12 AUGUST 2009**

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**SHIRE OF BUSSELTON****MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 12 AUGUST 2009 AT 5:30 PM**

The Presiding Member opened the meeting at 5.30 p.m.

**1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Presiding Member: Cr Wes Hartley Shire President

Members: Cr Bethwyn Hastie  
Cr David Binks  
Cr Ian Stubbs  
Cr Ross Bromell  
Cr Anne Ryan  
Cr Tom Tuffin  
Cr Jackie Emery  
Cr Bernie Masters  
Cr Rob Underdown  
Cr Bev Clarke  
Cr Don Hanran-Smith

Officers: Mr Matthew Smith Director, Community and Organisational Development  
Mr Nigel Bancroft Director, Lifestyle Development  
Mr Oliver Darby Director, Community Infrastructure (until 7.30 p.m.)  
Ms Cathryn Hutton Executive Manager, Systems and Information (until 7.19 p.m.)  
Ms Jenny Mathies Admin. Officer - Governance

Apologies: Cr David Reid

Leave of Absence: Nil

Media: "Busselton-Dunsborough Times"  
"Busselton-Dunsborough Mail"

Public: 36

**2. OPENING PRAYER**

The Opening Prayer was delivered by Deacon Greg Dudley of the Busselton Catholic Churches.

**3. PUBLIC QUESTION TIME****3.1 Alan MacGregor:**

Has the Director of Lifestyle Development met with local automotive dealers and agreed upon a suitable site for an automotive park as per the Council's decision of 25 June 2008?

***Response – Director, Lifestyle Development:***

*Yes, I have met a number of times with automotive industry representatives in respect to finding sites for a common precinct that would be acceptable to both them and myself, but no agreement could be reached.*

**3.2 Alan MacGregor:**

As per the Council's decision, why are we proceeding with this item?

***Response – Director, Lifestyle Development:***

*The outcome of the Council resolution was effectively a stalemate. The return of the matter to the Council for the Council to consider was a way to break the stalemate.*

**3.3 Alan MacGregor:**

Will the Council decision C0806/189 need to be rescinded before this new item goes ahead?

***Response – Director, Lifestyle Development:***

*I would see no reason to require revocation of that decision, given that this progresses the matter effectively in line with the Council resolution and given that the meeting with the automotive industry has been undertaken and no agreement on the matter could be reached on the matter.*

**3.4 Alan MacGregor:**

If Cr Hanran-Smith's motion gets up and Site 1 gets taken out and that is the agreed site with the automotive dealers, will that then render that motion useless because you don't have an agreed site?

***Response – Director, Community and Organisational Development:***

*I agree with the Director's previous advice. The decision was to meet with automotive industry representatives and that has been carried out to the extent that is possible. The matter is now returned to the Council for a decision to be made.*

**3.5 Rob Griffiths:**

I am very concerned about a fence at Port Geographe that has been covered with shade cloth that is now blowing in the breeze. I am concerned about what would happen if it ripped off and wrapped around a motorcyclist and killed him. My question is, are the Shire or the Councillors derelict in your duty?

***Response – Presiding Member:***

*You are making a statement.*

**3.6 Rob Griffiths:**

Seeing the Council saw fit to fine a builder \$3,000 for building a shed without a permit, will they now not go up to Port Geographe and fine the developer very heavily for the disaster that is up there?

***Response - Director, Community and Organisational Development:***

*The Council did not fine the builder. The matter went to court and the court imposed the penalty. If there is an issue brought to our attention where a development has been done without the required approvals, we would take action and if necessary, refer the matter to the courts for prosecution.*

***Response – Director, Community Infrastructure:***

*I will look into the matter you have raised about the fence.*

**3.7 Rob Griffiths:**

About four years ago, we put quite a story to the Shire about parking cash in lieu.

***Response – Presiding Member:***

*Who is “we”?*

**Rob Griffiths:**

Myself and the Chamber of Commerce. It was put through and certain things were to happen about this. One of them was that the land involved would not be valued but would be set at \$5,000 per bay. I have been told two days ago that this has not been approved and is still awaiting a tick. I now read on a piece of paper that we are going to value land. That was thrown out by the Chamber of Commerce and yet it is still here because certain officers in this Council were aggrieved about the way this went and didn't follow it up. Can the Council please see that it gets implemented?

**Response – Director, Lifestyle Development:**

*I am not sure that the Chamber has a right to “throw” it out, but the Council resolved to amend the Town Planning Scheme and this was proceeded with by staff and forwarded to the WAPC for their approval very soon after the Council resolution. This is still with the WAPC awaiting determination by the Minister for Planning.*

**Response – Presiding Member:**

*That is where your question should be directed.*

**3.8 Rob Griffiths:**

I was at a BaDRA meeting where Cathryn Hutton presented a story in regard to the library. I asked a series of questions about who “we” were. “We” turned out to be Council officers. Did not the Councillors in this place know that the planning was happening? Did the Council authorise investigation into the library building to extend the library?

**Response – Executive Manager, Systems and Information:**

Yes.

**Response – Director, Community and Organisational Development:**

*The Council adopted the Library Services Plan which identified this project very specifically.*

**3.9 Frank Ketjen:**

Why was I unfairly dealt with in what I was charged for operation of my Bed and Breakfast? Why would anyone in their right mind operate a Bed and Breakfast when they can do so in their own house?

**Response – Director, Lifestyle Development:**

*The Town Planning Scheme provides for bed and breakfast developments to be approved. The Town Planning Scheme does not provide for tourist accommodation within Residential or Rural Residential zonings. If someone approaches us, there is an approval process and associated fees. Shire Officers would not advise someone that they could do this from their residence, as this cannot be done under the Town Planning Scheme. Shire Officers have on occasions referred cases where it is being done to the Council, but the Council has not seen fit to take further action. Shire Officers seek to continue to enforce the Town Planning Scheme as it currently stands.*

**Response – Presiding Member:**

*We should commend you for following the correct procedures. The Council is somewhat frustrated that the State Government has not proceeded with providing a framework to allow us to prosecute when abuse of the Town Planning Scheme in cases like this occurs.*

**Response – Director, Lifestyle Development:**

*Your comments are noted. This issue has been brought to the Council before to take action on. The Council has resolved to amend the Town Planning Scheme to provide potential for use of residential buildings for tourist accommodation. This has been with the State Government for a number of years awaiting an outcome. When Shire officers become aware of this use, they advise owners that this is illegal. As the Council is aware, in the last three months a matter such as this was referred to the Council for prosecution.*

**Response – Presiding Member:**

*I recommend that you also approach your local Member of the State Government about this issue.*

**4. SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

- 4.1 A question was asked by Councillor Stubbs and taken on notice at the Council Meeting on 22 July 2009. The question and response are as follows:

**Councillor Ian Stubbs:**

Can you tell me, in relation to planning delegations, when they were last reviewed by the Council and when the next review is likely to take place?

**Response:**

*It is confirmed that a number of planning delegations were updated in June 2008 with others reviewed in September 2007.*

- 4.2 Further information is provided in response to questions asked by Councillor Binks and taken on notice at the Council Meeting on 22 July 2009, relating to the statutory requirements and other implications for Councillors regarding seeking and receiving advice from third parties.

**Response:**

*The taking of advice could give rise to an interest, however, this would depend on the circumstances and who was providing the advice.*

*The usual considerations of financial or proximity interests or interests that may be perceived to affect impartiality would need to be considered by the individual Councillor.*

*However, the action of receiving advice on alternative motions, notices of motion or presentations during debate would not necessarily cause an interest to arise.*

*The declaration of due consideration is on the basis that the individual has an understanding on the matters before the meeting. There are no other statutory requirements or implications regarding this declaration.*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

C0908/268 Moved Councillor Clarke, seconded Councillor Masters:

That Leave of Absence be approved for Councillor Rob Underdown from Wednesday, 16 September to Sunday, 29 November 2009, inclusive.

**CARRIED 12/0**

**6. CONFIRMATION OF MINUTES**

6.1 Minutes of an Ordinary Council Meeting held on 22 July 2009.

C0908/269 Moved Councillor Hastie, seconded Councillor Hanran-Smith:

That the minutes of an Ordinary Council Meeting held at 5.30 p.m. on Wednesday, 22 July 2009, be confirmed as a true and correct record.

**CARRIED 12/0**

6.2 Minutes of a Special Council Meeting held on 27 July 2009 (Notice of Imposing Differential Rates - 2009/10 Financial Year).

C0908/270 Moved Councillor Bromell, seconded Councillor Clarke:

That the minutes of a Special Council Meeting held at 5.00 p.m. on Monday, 27 July 2009, be confirmed as a true and correct record.

**CARRIED 12/0**

**7. ANNOUNCEMENTS by the Presiding Member without discussion**

**7.1 FESA VOLUNTEER EMPLOYER RECOGNITION PROGRAM AWARD**

The Presiding Member formally presented the Director, Lifestyle Development with the 2009 Gold Award received under the FESA Volunteer Employer Recognition Program. Only two other local governments received Awards under the program this year. The Shire of Busselton was nominated

in recognition of its ongoing commitment and support of emergency services volunteering. Shire employees who are emergency services volunteers are able to attend incidents during working hours on full pay and leave arrangements can be made to allow them to attend volunteer training courses. The Shire also holds an annual community awareness fire day to promote emergency services volunteering and the safety message to the local community.

## 7.2 SPECIAL COUNCIL MEETING – 19 AUGUST 2009

A Special Council Meeting will be held in the Council Chambers on Wednesday, 19 August 2009, commencing at 2.30 p.m. The purpose of the meeting is to adopt the Shire's 2009/10 Budget.

## 8. PETITIONS AND MEMORIALS

### 8.1 DRAFT DEVELOPMENT GUIDE PLAN FOR 137 AGED PERSONS DWELLINGS ON LOT 29 AND 30 WILLIAM DRIVE, BROADWATER

A petition containing 422 signatures has been received, stating as follows:

"We the undersigned are strongly opposed to Agenda Item 13.4 at the Busselton Council Meeting to be held on 12 August 2009, being the Draft Development Guide Plan for 137 Aged Persons Dwellings at Lots 29 and 30 William Drive, Broadwater, for the following reasons:

The Multi-storey proposal part, at up to five storeys or approximately 19.5 metres in height, seeks by Council approval to exceed the maximum height for all buildings according to the Shire of Busselton Town Planning Scheme No. 20 (TPS20) Clause 47.2 being:

- \* Not to exceed two storeys or 7.5 metres maximum height above natural ground level when located within 150 metres of the Mean High Water mark; or
- \* In all other cases not more than three storeys or 10 metres height.

It is the strong opinion of the undersigned that this multi-storey proposal would:

- \* Not be consistent with the desired and existing height of buildings in the Shire of Busselton;
- \* Not compliment or be consistent with the existing and surrounding streetscapes;
- \* Adversely affect the locality by overlooking private open spaces of existing homes;
- \* Not be consistent with the existing coastal built environment and landscape detracting from the scenic quality of the region;

- \* Set a precedent for further developments to exceed the constraints of TPS20 Clause 47 Sub-clauses 1, 2 and 3 with potential for a negative impact on the surrounding amenity of the locality and/or the coastal scenic quality of the Shire of Busselton

We request that Council does not approve any development under TPS20 Clause 47.4 and to limit the building heights of the proposed development to be:

- \* A maximum height of one or two storeys for all unit dwellings immediately addressing or adjacent to the street alignment of William Drive, Alan Street and Silverglen Avenue according to TPS20 Clause 47.1; and
- \* A maximum height of two or three storeys according to and within the constraints of TPS20 Clauses 47.2 and 47.3 for all other unit dwellings on the property."

### **COUNCIL DECISION**

C0908/271          Moved Councillor Ryan, seconded Councillor Clarke:

That, in accordance with Clause 10.2(c) of the Standing Orders, the petition be received and referred to the CEO for a report back to the Council.

**CARRIED 12/0**

### **9. DECLARATION OF DUE CONSIDERATION**

The Presiding Member requested Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

<b>Declared Due Consideration</b>	<b>No Declaration</b>
Councillor Wes Hartley	
Councillor Bethwyn Hastie	
Councillor David Binks	
Councillor Ian Stubbs	
Councillor Ross Bromell	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Jackie Emery	
Councillor Bernie Masters	
Councillor Rob Underdown	
Councillor Bev Clarke	
Councillor Don Hanran-Smith	

**10. DECLARATIONS OF INTERESTS**

10.1

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Rob Underdown
<b>Item No. / Subject</b>	Item 13.4, Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater
<b>Type of Interest</b>	Interest Affecting Impartiality

10.2

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Anne Ryan
<b>Item No. / Subject</b>	Item 13.1, Draft Scheme Amendment No. 137: Proposed Rezoning of Lot 41 Bussell Highway, Busselton from 'Residential R15' to 'Residential R40/R60' and Lots 11 & 35 Bussell Highway, Busselton from 'Tourist' to 'Residential R40/R60' (Consideration for Adoption for Final Approval)
<b>Type of Interest</b>	Financial Interest

10.3

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Ian Stubbs
<b>Item No. / Subject</b>	Item 13.2, Draft Local Commercial Planning Strategy - Adoption for Community Consultation
<b>Type of Interest</b>	Financial Interest

**11. PRESENTATIONS BY PARTIES WITH AN INTEREST**

11.1 Mr Rob Paull addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.1, Draft Scheme Amendment No. 137: Proposed Rezoning of Lot 41 Bussell Highway, Busselton from 'Residential R15' to 'Residential R40/R60' and Lots 11 & 35 Bussell Highway, Busselton from 'Tourist' to 'Residential R40/R60' (Consideration for Adoption for Final Approval). Mr Paull, representing the proponent, was in agreement with the Officer Recommendation. He also expressed appreciation to the Shire's Planning staff for the assistance they have provided throughout the entire process.

11.2 Mr Peter Harding addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.2, Draft Local Commercial Planning Strategy - Adoption for Community Consultation. Mr Harding, representing the proponent, was not in agreement with the Officer Recommendation, but was generally in agreement with the Alternative Motion proposed for consideration by Councillor Masters.

- 11.3 Mr Lloyd Anderson and Mr Daniel White addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.2, Draft Local Commercial Planning Strategy - Adoption for Community Consultation. Mr Anderson and Mr White, representing the owner of a property mentioned in and affected by the Strategy, were not in agreement with the Officer Recommendation, but were in agreement with the Alternative Motion proposed for consideration by Councillor Masters, subject to inclusion in the motion of part of Site 4.
- 11.4 Ms Sandra Doherty addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 12.1, Interim Accommodation Strategy for the Busselton Public Library and Construction of a Community Resource Centre (Lotteries House). Ms Doherty, Vice Chair of the Community Resource Reference Group, was in agreement with the Officer Recommendation.
- 11.5 Mr Kevin Galliers addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.4, Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater. Mr Galliers, owner of a property directly opposite the subject property, was not in agreement with the Officer Recommendation.
- 11.6 Ms Coralie Daff addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.4, Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater. Ms Daff, owner of a property directly opposite the subject property, was not in agreement with the Officer Recommendation.
- 11.7 Mr Howard Emery addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 13.4, Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater. Mr Emery, CEO of Freemasons WA, advised that Freemasons WA had withdrawn the application and hence any discussions tonight about this matter relate to something that does not exist.

**12. BUSINESS FROM PREVIOUS MEETING****12.1 INTERIM ACCOMMODATION STRATEGY FOR THE BUSSELTON PUBLIC LIBRARY AND CONSTRUCTION OF A COMMUNITY RESOURCE CENTRE (LOTTERIES HOUSE)**

<b>SUBJECT INDEX:</b>	Library Management Economic Development
<b>STRATEGIC INITIATIVE:</b>	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities.
<b>BUSINESS UNIT:</b>	Corporate Relations
<b>SERVICE:</b>	Library Services
<b>DATE OF COMPLETION:</b>	October 2011
<b>VOTING REQUIREMENT:</b>	Simple majority item 1, 2, 4 and 6 Absolute majority item 3, 5 and 7

*Ms Sandra Doherty had addressed the Council earlier as a Party with an Interest in this matter (refer to Item 11.4 of these Minutes).*

**PRÉCIS**

At a Special Council Meeting on 2 December 2008, the Council adopted the recommendations from the Library Services Plan (with modifications) (CO812/361-264). A primary recommendation from this plan was that the Shire should progress investigation into the expansion of the existing Busselton Library to meet both current and future requirements. To facilitate this process, Officers were directed to investigate options to expand the Busselton Library footprint within the Busselton CBD through the development of an interim accommodation strategy (CO812/363). An intrinsic part of this strategy was to ensure the inclusion of an enhanced local studies/local history facility.

The intent of this report is to:

1. confirm to the Council (as per CO812/362) that it is not feasible to use the existing Department of Environment and Conservation's facility in Queen Street, to expand the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> over these two sites;
2. seek endorsement for the construction of a 1,800m<sup>2</sup> community resource centre on the existing library site which includes the construction of a 135m<sup>2</sup> local studies facility and approve a funding application to LotteryWest to fully fund the non-Shire component of this project; and
3. seek support and funding approval to progress to concept design and tender ready documentation stage a joint project that provides for a 1,700m<sup>2</sup> expanded library footprint on the existing library site.

**OFFICER RECOMMENDATION**

That the Council:

1. Accept this report (as per C0812/362) to note that it is not feasible to utilise the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> (over two sites).
2. Endorse the preferred option (Option 4 – Busselton Library and Lotteries House) for the Community Resource Centre (Agenda Attachment A) being the construction of a community resource centre and 135m<sup>2</sup> local studies area on R41445 Lot 416.
3. Approve a funding application for the construction of a Community Resource Centre adjacent to the existing Busselton Library on R41445 Lot 416 (as outlined in Option 4 – Agenda Attachment A) to be placed with LotteryWest for consideration within their next funding round and report back to the Council on the outcome of the funding application.
4. Endorse the transfer \$344,000 from the Busselton Library Extension reserve to enable the drafting of master design and construction ready documents and the construction of a stand alone facility to house local studies within the community village.
5. Endorse the modification of the existing Busselton Library Extension Reserve description as follows "to provide funding for the expansion of the Busselton Library including a local studies facility" in the 2009/10 budget.
6. Progress expansion of the Busselton Central Public Library as part of the wider "Community Village" concept (Agenda Attachment A) to the master design and construction ready tender stage as per the proposed funding model to capitalise on new funding opportunities and transfer \$156,000 from the Busselton Library Extension Reserve for this purpose in the 2009/10 budget.
7. Request the CEO to pursue grant opportunities to fund the expansion of the Busselton Central Public Library and report the outcomes back to the Council by November 2009 in order to determine possible inclusion of an expanded Busselton Library into Stage 1.
8. Revoke C0411/392 and formally withdraw from the agreement between the Shire of Busselton and the Department of Child Protection in relation to construction of a Geographe Community Centre and:
  - (a) Request that the Department of Child Protection instigate arrangements to return the vesting of the land adjacent to the

Geographe Leisure Centre (Lot 301 Recreation Lane) to the Shire of Busselton;

- (b) Request that the Department of Child Protection return \$200,000 provided by the Shire as a contribution to construction of a Community Centre to the Shire; and
- (c) Transfer any returned contribution from the Department of Child Protection as a result of this request into the Busselton Library Extension Reserve.

Note: Staff had provided a Revised Officer Recommendation for the Council's consideration, which removed reference to a "preferred option".

The Director, Community and Organisational Development advised that Clauses 4, 6 and 8 of the Revised Officer Recommendation require Absolute Majority Decisions of the Council. In addition, Clause 8 recommends revocation of a previous Council decision and this would require the support of five Councillors for the matter to be debated, in accordance with the requirements of Regulation 10 of the Local Government (Administration) Regulations.

#### **REVISED OFFICER RECOMMENDATION**

That the Council:

1. Accept this report (as per C0812/362) to note that it is not feasible to utilise the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> (over two sites).
2. Endorse the concept of a 'Community Village' comprising of the construction of a 1800m<sup>2</sup> community resource centre, a 135m<sup>2</sup> local studies area and expanded Busselton Library on R41445 Lot 416 (noting that the footprint of the final facility will be determined during the design phase).
3. Approve a funding application for the construction of a Community Resource Centre adjacent to the existing Busselton Library on R41445 Lot 416 to be placed with LotteryWest for consideration within their next funding round and report back to the Council on the outcome of the funding application.
4. Endorse the transfer of \$344,000 from the Busselton Library Extension reserve to enable the drafting of master design and construction ready documents and the construction of a stand alone facility to house Local Studies within the community village.

5. Endorse the modification of the existing Busselton Library Extension Reserve description as follows "to provide funding for the expansion of the Busselton Library including a local studies facility" in the 2009/10 budget.
6. Progress expansion of the Busselton Central Public Library as part of the wider "Community Village" concept to the master design and construction ready tender stage noting the Councils preference to retain the existing library structure: and
  - (a) transfer \$156,000 from the Busselton Library Extension Reserve for this purpose in the 2009/10 budget.
  - (b) provide a report to the Council on the outcomes of the master planning stage.
7. Request the CEO to pursue grant opportunities to fund the expansion of the Busselton Central Public Library and report the outcomes back to the Council by November 2009 in order to determine possible inclusion of an expanded Busselton Library into Stage 1.
8. Revoke C0411/392 and formally withdraw from the agreement between the Shire of Busselton and the Department of Child Protection in relation to construction of a Geographe Community Centre; and:
  - (a) Request that the Department of Child Protection instigate arrangements to return the vesting of the land adjacent to the Geographe Leisure Centre (lot 301 Recreation Lane) to the Shire of Busselton;
  - (b) Request that the Department of Child Protection return \$200,000 provided by the Shire as a contribution to construction of a Community Centre to the Shire; and
  - (c) Transfer any returned contribution from the Department of Child Protection as a result of this request into the Busselton Library Extension Reserve
9. Form a Councillor Reference Group for the Library Expansion and Community Resource project and nominate three Councillors for membership during the term of the project.

#### **REVOCATION OF PREVIOUS COUNCIL DECISION**

The revocation of a previous decision of the Council (in this case C0411/392) requires the support of five Councillors for the matter to be debated. The Presiding Member sought an indication of support from those Members present to debate this matter. All Councillors indicated their willingness to debate the matter.

**MOTION**

Moved Councillor Hanran-Smith, seconded Councillor Hastie:

That the Revised Officer Recommendation be adopted subject to the following:

(a) inclusion of a new Clause 6(c) as follows:

6(c) that Shire Officers work with the architects during the design process to examine opportunities for retaining the present library building for use by the Shire for any suitable purpose and that they provide a report to the Council no later than November 2009.

(b) inclusion of a new Clause 10 as follows:

10. That the Council request the CEO to formally thank all the community organisations that have been involved with the Museum Working Group and the Community Reference Group on this project until now and that the Shire looks forward to continuing this relationship to bring this very important, long-awaited community project to fruition.

**AMENDMENT MOVED**

**AMENDMENT**

Moved Councillor Hastie, seconded Councillor Clarke:

That Clause 4 of the Revised Officer Recommendation be amended by inclusion, following the word "studies" in the last line, of the words "History, Archival and Family History facilities".

**AMENDMENT CARRIED 12/0**

**AMENDMENT**

Moved Councillor Underdown, seconded Councillor Masters:

That Clause 9 of the Revised Officer Recommendation be amended by inclusion, at the end, of the words "being Councillor ....., Councillor ..... and Councillor ....." and nominations for these positions be called at this meeting.

**AMENDMENT CARRIED 12/0**

**COUNCILLOR NOMINATIONS**

At this time, the Presiding Member called for interested Councillors to nominate for the positions on the Councillor Reference Group for the Library Expansion and Community Resource project.

- (a) Councillor Clarke nominated Councillor Hanran-Smith and he accepted the nomination.
- (b) Councillor Hanran-Smith nominated Councillor Hastie and she accepted the nomination.
- (c) Councillor Tuffin nominated Councillor Binks and he accepted the nomination.

There being no further nominations, the Presiding Member declared Councillor Hanran-Smith, Councillor Hastie and Councillor Binks to be the successful appointees to the Councillor Reference Group for the Library Expansion and Community Resource project.

**COUNCIL DECISION**

C0908/272            Moved Councillor Hanran-Smith, seconded Councillor Hastie:

That the Council:

1. Accept this report (as per C0812/362) to note that it is not feasible to utilise the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m<sup>2</sup> (over two sites).
2. Endorse the concept of a 'Community Village' comprising of the construction of a 1800m<sup>2</sup> community resource centre, a 135m<sup>2</sup> local studies area and expanded Busselton Library on R41445 Lot 416 (noting that the footprint of the final facility will be determined during the design phase).
3. Approve a funding application for the construction of a Community Resource Centre adjacent to the existing Busselton Library on R41445 Lot 416 to be placed with LotteryWest for consideration within their next funding round and report back to the Council on the outcome of the funding application.
4. Endorse the transfer of \$344,000 from the Busselton Library Extension reserve to enable the drafting of master design and construction ready documents and the construction of a stand alone facility to house Local Studies, History, Archival and Family History facilities within the community village.

5. Endorse the modification of the existing Busselton Library Extension Reserve description as follows "to provide funding for the expansion of the Busselton Library including a local studies facility" in the 2009/10 budget.
6. Progress expansion of the Busselton Central Public Library as part of the wider "Community Village" concept to the master design and construction ready tender stage noting the Council's preference to retain the existing library structure: and
  - (a) transfer \$156,000 from the Busselton Library Extension Reserve for this purpose in the 2009/10 budget.
  - (b) provide a report to the Council on the outcomes of the master planning stage.
  - (c) that Shire Officers work with the architects during the design process to examine opportunities for retaining the present library building for use by the Shire for any suitable purpose and that they provide a report to the Council no later than November 2009.
7. Request the CEO to pursue grant opportunities to fund the expansion of the Busselton Central Public Library and report the outcomes back to the Council by November 2009 in order to determine possible inclusion of an expanded Busselton Library into Stage 1.
8. Revoke C0411/392 and formally withdraw from the agreement between the Shire of Busselton and the Department of Child Protection in relation to construction of a Geographe Community Centre; and:
  - (a) Request that the Department of Child Protection instigate arrangements to return the vesting of the land adjacent to the Geographe Leisure Centre (lot 301 Recreation Lane) to the Shire of Busselton;
  - (b) Request that the Department of Child Protection return \$200,000 provided by the Shire as a contribution to construction of a Community Centre to the Shire; and
  - (c) Transfer any returned contribution from the Department of Child Protection as a result of this request into the Busselton Library Extension Reserve
9. Form a Councillor Reference Group for the Library Expansion and Community Resource project and nominate three Councillors for membership during the term of the project. being Councillor Hanran-Smith, Councillor Hastie and Councillor Binks.

10. That the Council request the CEO to formally thank all the community organisations that have been involved with the Museum Working Group and the Community Reference Group on this project until now and that the Shire looks forward to continuing this relationship to bring this very important, long-awaited community project to fruition.

**CARRIED 12/0**  
**BY ABSOLUTE MAJORITY**

**EN BLOC COUNCIL RESOLUTION**

At this juncture Items 13.3, 15.1, 15.2 and 15.3 were considered in accordance with Clause 11.1 of the Standing Orders via an En Bloc resolution of Council.

C0908/273 Moved Councillor Masters, seconded Councillor Hastie:

That the Officer Recommendations for Items 13.3, 15.1, 15.2 and 15.3 be adopted.

**CARRIED 12/0**

13.3 **PREPARATION OF MODEL SCHEME TEXT COMPLIANT TOWN PLANNING SCHEME**

<b>SUBJECT INDEX:</b>	Town Planning Scheme Review
<b>APPLICATION NUMBER:</b>	N/A
<b>STRATEGIC INITIATIVE:</b>	2.4.5 Develop a new town planning scheme to provide for the lifestyle we cherish and protect
<b>BUSINESS UNIT:</b>	Strategic Planning and Sustainability
<b>SERVICE:</b>	Strategic Land Use Planning
<b>DATE OF COMPLETION:</b>	30 September, 2009
<b>VOTING REQUIREMENT:</b>	Simple majority
<b>PROPOSAL:</b>	Draft Scheme Text for Adoption for Advertising
<b>LOT SIZE</b>	N/A
<b>ZONE:</b>	N/A
<b>POLICIES:</b>	Nil

**PRÉCIS**

The Council is asked to consider a draft, 'policy neutral', 'model scheme text compliant' town planning scheme. If adopted as a draft it would be referred to the Western Australian Planning Commission and Environmental Protection Authority seeking consent to advertise for public comment. The preparation of the draft scheme reflects a resolution of the Council in early 2008.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/274 Councillor Masters, Councillor Hastie (En Bloc):

That the Council -

1. In pursuance of Part V of the *Planning and Development Act 2005* ('the Act') and the *Town Planning Regulations 1967* ('the Regulations') adopt the draft *Shire of Busselton Local Planning Scheme 21*, consisting of the scheme text included as Agenda Attachment A and the same scheme map as the current *Shire of*

*Busselton District Planning Scheme No. 20* scheme map, other than the area identified as 'Dunsborough Industrial Park' shall instead be identified as 'SP31'; and

2. That, as the draft scheme is, in the opinion of Council consistent with Part V of the Act and Regulations made pursuant to the Act, it be referred to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) as required by the Regulations and Part V of the Act, and, on receipt of consent to advertise from the WAPC and a response from the EPA indicating that the draft scheme is not subject to formal environmental assessment, be advertised for a period of 90 days in accordance with the Regulations.\

**CARRIED 12/0**  
**EN BLOC**

15.1 STINGER NET

<b>SUBJECT INDEX:</b>	Environmental Management.
<b>STRATEGIC INITIATIVE:</b>	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community
<b>BUSINESS UNIT:</b>	Infrastructure Services.
<b>SERVICE:</b>	Maintenance and Development
<b>DATE OF COMPLETION:</b>	12 August 2009.
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRÉCIS**

Following an earlier resolution of the Council (C0905/149), this report provides the costing for installation of stinger nets for Dunsborough. The Council is provided with the following information for its consideration in the upcoming 2009/2010 Budget.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/275 Councillor Masters, Councillor Hastie (En Bloc):

That the installation of stinger nets at the Dunsborough Foreshore be deferred for further consideration in the preparation of the 2010/2011 budget and in the review of the five year financial plan.

**CARRIED 12/0**  
**EN BLOC**

15.2 IMPLEMENTATIONS OF CAPITAL WORKS PROJECTS: 2009/2010.

<b>SUBJECT INDEX:</b>	Financial Management.
<b>STRATEGIC INITIATIVE:</b>	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community
<b>BUSINESS UNIT:</b>	Infrastructure Development
<b>SERVICE:</b>	Infrastructure Development
<b>DATE OF COMPLETION:</b>	12 August 2009.
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRECIS**

The purpose of this report is to seek the Council's approval to start some of the budgeted capital projects prior to the adoption of the 2009/2010 budget. This would allow for continuity of work flow for the operations staff, during the transition from the previous 2008/2009 to the new 2009/2010 budget.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/276 Councillor Masters, Councillor Hastie (En Bloc):

That the Council approve the implementation of the Capital Works projects listed below prior to final adoption of the 2009/2010 Council Budget pursuant to Section 6.8(1)(a) of the Local Government Act 1995.

2009/2010 Footpath Works	Budget
Barnard Road	\$47,940.00
Gifford Road	\$9,730.00
<b>SUB TOTAL</b>	<b>\$57,670.00</b>

2009/2010 Asphalt Overlay	Budget
Bignell Drive	\$103,400.00
Bunbury Street	\$32,100.00
<b>SUB TOTAL</b>	<b>\$135,500.00</b>

2009/2010 Gravel Resheet	Budget
Adams Rd	\$33,700.00
Chamber Road	\$146,440.00
Downes Road	\$179,040.00
Heath Road	\$108,550.00
Mewett Road	\$70,040.00
<b>SUB TOTAL</b>	<b>\$537,770.00</b>

<b>2009/2010 Road Reconstruction</b>	<b>Budget</b>
Jindong Treeton	\$126,190.00
Kaloorup Road	\$449,700.00
<b>SUB TOTAL</b>	<b>\$575,890.00</b>

<b>2009/2010 Oval &amp; Reserve Works</b>	<b>Budget</b>
Dunsborough Oval – Construct new football oval	\$1,300,000.00
Sir Stewart Bovell Park – Upgrade internal roads	\$55,300.00
Lou Western Oval – upgrade carpark	\$75,700.00
Sir Stewart Bovell Park – Renew bore	\$372,900.00
<b>SUB TOTAL</b>	<b>\$1,803,900.00</b>
<b>GRAND TOTAL</b>	<b>\$3,110,730.00</b>

**CARRIED 12/0  
EN BLOC**

15.3 RAILS TO TRAILS

<b>SUBJECT INDEX:</b>	Crown land administration.
<b>STRATEGIC INITIATIVE:</b>	1.1.2 Build and recognise the value of our cultural heritage
<b>BUSINESS UNIT:</b>	Infrastructure Development
<b>SERVICE:</b>	Development Control
<b>DATE OF COMPLETION:</b>	All planning work during 2011/12. Construction work will depend on the project scope but is likely to be many years thereafter.
<b>VOTING REQUIREMENT:</b>	Simple majority

**PRÉCIS**

This report fulfils a previous resolution of the Council (C0807/206) requiring a report on the status of the rails to trails project with recommendations.

This report proposes that the Council adopts a new "rails to trails" policy.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/277 Councillor Masters, Councillor Hastie (En Bloc):

1. That the allocation of \$40,000 in the 2010/11 and 2011/12 budgets for the development of the rails to trails strategy and to progress implementation of that strategy be considered as part the next review of the 5 year financial plan.
2. That the following be adopted as the Council Policy for rails to trails:

Purpose

The intent of this policy is to state the Shire's position with respect to the use of land that formed government railways within the district; to establish a framework for the development and management of recreation trails on that land to form what may be referred to as "rails to trails"; and to link the rails to trails with other recreational and heritage trails within the region.

Background

The government railway network within the region was once extensive and much of the land that formed the railway reserves remains as State land. As part of a state wide railway network, the three lines that ran through the district were:

- (a) Boyanup to Busselton;
- (b) Busselton to Flinders Bay; and

- (c) Wonnerup to Nannup.

The land has recognised heritage and environmental value and given the extent of the land, it also has potential for many uses. This policy proposes that the land is retained as State land, as non-motorised transport corridors, and managed for the purpose of recreation trails.

#### Policy content

With respect to the land that formed the government railway network within the region, the Council recognises the significance of the land as a strategic transport corridor, for recreation and for its heritage and environmental values.

It is the position of the Council then that:

- (a) the land is a valuable public asset and should be retained as Crown land;
- (b) unless the Council approves otherwise, the land is to be kept as a contiguous transport corridor;
- (c) under the *Land Administration Act 1997* and with the Minister of Lands approval, the land is to be made Crown Reserve and managed for the primary purpose of 'recreation trail'; and
- (d) where the Council determines that the Shire is capable of managing sections of the Crown Reserve, the Shire may advise the Minister that the Shire would be willing to accept a management order over those sections of Crown Reserve.

It is the intent of the Council that:

- (a) the land be promoted, developed and managed as recreation trails for non-motorised transport, or what may be referred to as "rails to trails";
- (b) within the Shire district, the Busselton Jetty forms the head of the rails to trails;
- (c) the rails to trails network is integrated with other recreational and heritage trails within the Shire district and the broader region;
- (d) the Shire works openly with neighbouring local governments, landowners and government agencies towards achieving a regional trails scheme of world-class standard;

- (e) the promotion, development and management of the rails to trails be achieved through a strategic plan that has the endorsement of the Council and describes among other things: objectives, priorities, key stakeholders, communications, funding, resourcing and measures of success; and
- (f) the Shire engages the community in all phases of the development and management of the rails to trails.

That, where practicable:

- (a) a walk-cycle trail is constructed on the alignment of the old railway formation;
- (b) the character of the railway formation mound is retained;
- (c) the walk-cycle trail is made suitable for hiking and for riding of bicycles designed for trails, although where the trail passes through built-up and residential areas, the trail be made more suitable for the expected traffic and usage;
- (d) the heritage characteristics of the heritage railway be retained, particularly for the design of structures such as bridges, crossings and formations;
- (e) at various stages, the trail is designed allowing for access by broad sections of the community;
- (f) the trail provides for a range of interests and experiences including recreation, heritage, environmental and adventure; and
- (g) the landscape of the reserve land be retained and enhanced so that it is in keeping with the natural environment.

**CARRIED 12/0**  
**EN BLOC**

### ITEMS CONSIDERED BY SEPARATE RESOLUTION

At this juncture, in accordance with Clause 11.2 of the Standing Orders, those items requiring an Absolute Majority or in which Councillors had declared Financial, Proximity or Impartiality Interests, but that had not otherwise been identified for debate, were considered.

13.1 DRAFT SCHEME AMENDMENT NO. 137: PROPOSED REZONING OF LOT 41 BUSSELL HIGHWAY, BUSSELTON FROM 'RESIDENTIAL R15' TO 'RESIDENTIAL R40/R60' AND LOTS 11 & 35 BUSSELL HIGHWAY, BUSSELTON FROM 'TOURIST' TO 'RESIDENTIAL R40/R60' (CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL)

<b>SUBJECT INDEX:</b>	Town Planning Schemes and Amendments
<b>APPLICATION NUMBER:</b>	P6937
<b>STRATEGIC INITIATIVE:</b>	2.4.1 Support development that is contained in identified nodes with well defined boundaries
<b>BUSINESS UNIT:</b>	Strategic Planning and Sustainability
<b>SERVICE:</b>	Strategic Land Use Planning
<b>DATE OF COMPLETION:</b>	09/09/2009
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>PROPOSAL:</b>	The proposed Amendment would facilitate the development of a purpose built residential complex, comprising 48 one and two bedroom units that would meet a demand for this type of accommodation in close proximity to the Busselton town centre.
<b>LOT SIZE:</b>	6,461m <sup>2</sup>
<b>ZONE:</b>	'Tourist' 'Residential R15'
<b>POLICIES:</b>	1. Draft Local Tourism Planning Strategy 2. Residential Design Codes

*Mr Rob Paull had addressed the Council earlier as a Party with an Interest in this matter (refer to Item 11.1 of these Minutes).*

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Anne Ryan
<b>Item No. / Subject</b>	Item 13.1, Draft Scheme Amendment No. 137: Proposed Rezoning of Lot 41 Bussell Highway, Busselton from 'Residential R15' to 'Residential R40/R60' and Lots 11 & 35 Bussell Highway, Busselton from 'Tourist' to 'Residential R40/R60' (Consideration for Adoption for Final Approval)
<b>Type of Interest</b>	Financial Interest
<b>Declaration</b>	This is my principal place of residence.
<b>Councillor Ryan left the meeting at 7.15 p.m. and did not vote on this item.</b>	

## PRÉCIS

The Council is requested to consider adopting for final approval draft Amendment No. 137 to the Scheme, which proposes to rezone Lot 41 Bussell Highway, Busselton from 'Residential R15' to 'Residential R40/R60' and Lots 11 and 35 Bussell Highway, Busselton from 'Tourist' to 'Residential R40/R60'.

The intent of the draft amendment is to facilitate the development of a purpose built residential complex, comprising one and two bedroom units that would meet a demand for this type of accommodation in close proximity to the Busselton town centre.

In support of the draft amendment, indicative concept, site layout and elevation plans have been submitted that demonstrate the potential development of 48 grouped and multiple dwelling units on the subject land.

It is also proposed that a range of special conditions be introduced into the Scheme to ensure that future development of this site meets appropriate design outcomes, especially with respect to sustainability.

The draft amendment was advertised for community consultation and no objections or substantive issues were raised. It is recommended that the Council adopts draft Amendment No. 137 for final approval.

## COUNCIL DECISION / OFFICER RECOMMENDATION

C0908/278 Moved Councillor Masters, seconded Councillor Binks:

1. That the Council, in pursuance of Part V of the *Planning and Development Act 2005*, adopt draft Amendment No. 137 to the Shire of Busselton District Town Planning Scheme No. 20 for final approval for the purposes of rezoning Lot 41 Bussell Highway, Busselton from Residential R15 to Residential R40/R60 and Lots 11 and 35 Bussell Highway, Busselton from Tourist to Residential R40/R60 and including Lots 11, 35 and 41 Bussell Highway, Busselton in Schedule 7 Special Provision Areas pursuant to the Scheme to which the following special provisions will apply:

Particulars of Land	Zone	Special Provisions
Lots 11, 35 and 41 Bussell Highway, Busselton	Residential R40/R60	1. Prior to submission of an application for planning approval, a single Development Guide Plan for the whole site shall be prepared and adopted consistent with clause 25 of the Scheme, except that it will not require endorsement by the Western Australian Planning Commission.

Particulars of Land	Zone	Special Provisions
		<p>2. The Development Guide Plan shall ensure that for all residential development above R40:</p> <ul style="list-style-type: none"> <li>(i) not less than 60% of units are single bedroom;</li> <li>(ii) the average and minimum site area may be varied by a maximum of 5% less than that minimum area specified in table 1 of the Residential Design Codes of WA in addition to the density bonus applicable to single bedroom dwellings;</li> <li>(iii) development is orientated towards and provides for public surveillance of Bussell Highway; and</li> <li>(iv) development demonstrates outstanding environmental and sustainability features.</li> </ul>

2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to Scheme Amendment No. 137.
3. That the Council refer Amendment No. 137 to the Shire of Busselton District Town Planning Scheme No. 20, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.

**CARRIED 10/1**  
Dissenting Voter:  
 Councillor Wes Hartley

7.16 p.m. At this time Councillor Ryan returned to the meeting.

15.4 REQUEST FOR PROVISION OF PLAYGROUND - COUNTRY ROAD, BOVELL

<b>SUBJECT INDEX:</b>	Land Administration.
<b>STRATEGIC INITIATIVE:</b>	1.3.1 Build community vitality and a sense of place through nodal design and development
<b>BUSINESS UNIT:</b>	Infrastructure Development
<b>SERVICE:</b>	Development Control
<b>DATE OF COMPLETION:</b>	30 June 2011
<b>VOTING REQUIREMENT:</b>	Absolute Majority

**PRÉCIS**

This report is in response to a valid petition received by the Shire on the 6 May 2009 requesting for the provision of a Playground in the Country Road Estate at the Sir Stewart Bovell Park.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/279            Moved Councillor Hanran-Smith, seconded Councillor Ryan:

**ABSOLUTE MAJORITY REQUIRED**

That an amount of \$40,000 be included for consideration in the 2010/2011 FY budget to supply and install a small playground including two picnic benches as a temporary arrangement within Sir Stewart Bovell Park as shared facility until such time as the Sir Stewart Bovell playing fields are extended into the Country Road public open space.

**CARRIED 12/0**  
**BY ABSOLUTE MAJORITY**

16.2 MINOR SPORT AND COMMUNITY GRANTS - 2009/10

<b>SUBJECT INDEX:</b>	Leisure Services
<b>STRATEGIC INITIATIVE:</b>	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities
<b>BUSINESS UNIT:</b>	Community Development
<b>SERVICE:</b>	Leisure Services and Community Development
<b>DATE OF COMPLETION:</b>	30 September 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority for Officer Recs. 1 and 2. Absolute Majority for Officer Rec. 3.

**PRÉCIS**

Each year the Council provides financial assistance to community groups and organisations through the Minor Assistance for Sporting, Recreation and Community Projects Scheme (MAS.) This assistance is for the provision or improvement of community, sporting, recreation and cultural facilities and/or to purchase items of durable equipment. These funds are made available on a dollar for dollar basis, and it has been the Council's practice to not exceed a \$2,000 contribution, per application.

This report provides a summary of the MAS applications that were received for the 2009/10 financial year and seeks the Council's decision regarding priority of funding.

To guide the future management of the MAS, a policy (see Recommendation 2) has been drafted and this report is seeking endorsement of this policy.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/280

Moved Councillor Clarke, seconded Councillor Hastie:

**SIMPLE MAJORITY REQUIRED**

1. That the Council prioritise the applications for financial assistance as follows:

Ranking	Organisation	Project	Budget Request 09/10
1 (High Priority)	Busselton Netball Association Inc	Replacement flooring for the netball club rooms at Lou Weston Oval	\$2,000.00
2 (Medium Priority)	Geographe Bay Table Tennis Club	3 x table tennis tables and nets	\$1,485.00
3 (Medium Priority)	Dunsborough Bay Yacht Club Inc	Connection of water services to club house site	\$2,000.00
4 (Medium Priority)	Busselton Horse and Pony Club	"Limestone Wall" complex for cross country course upgrade	\$1,878.40

Ranking	Organisation	Project	Budget Request 09/10
5 (Medium Priority)	Busselton Kart Club Inc	1) 1 x Rain water tank for canteen (\$800); 2) 1 x Whirly bird fan for toilet (\$300)	\$550.00
6 (Medium Priority)	Disabled Surfers Association	1) 1 x Trailer (\$12,000); 2) 8 x Soft surfboards (\$3200); 3) Rash vests (\$4000); 4) Beach matting (\$unknown)	\$2,000.00
7 (Medium Priority)	Busselton Hockey Stadium	1 x Set of goals	\$800.00
8 (Medium Priority)	Busselton Baptist Church	50 x Chairs for the Baptist Church Community Centre	\$2,000.00
9 (Medium Priority)	Busselton Surf Life Saving Club	2 x Racing skis	\$1,360.00
10 (Medium Priority)	Busselton Softball Association	1) 2 x Canvas pitching plates (\$373); 2) 2 x 1st safety bases and 4 x 2nd & 3rd bases (\$576.00)	\$474.50
11 (Medium Priority)	LAMP Inc	1 x Reclined exercise bike and 1 x Foos ball table	\$624.50
12 (Low Priority)	Busselton Community Garden	1) Artificial turf to line the skate park ramp 2) 1 x Water filter for the community garden	\$2,000.00
13 (Low Priority)	Geographe Outrigger Canoe Racing Club Inc	1) 1 x OC6 Canoe Trolley and 2) 1 x OC6 Canoe Storage Rack	\$500.00
14 (Low Priority)	Busselton Shire Brass Band	40 x Winter jackets (casual uniforms)	\$1,102.00
<b>TOTAL AMOUNT</b>			<b>\$18,774.40</b>

2. That the following be adopted as the Council policy for the administration and management of this projects grant scheme:

Policy for the Administration of the Minor Assistance for Sporting, Recreation and Community Projects Grants Scheme

Purpose

This Policy will be used to manage the future assessment of the Minor Assistance for Sporting, Recreation and Community Projects Grants Scheme.

Objective

The objective of this policy is to provide direction as to the future management and administration of the Minor Assistance for Sporting,

Recreation and Community Projects Scheme (MAS) by outlining the following:

- (a) An allocation of \$20,000 be maintained under a renamed "Minor Assistance for Sporting, Recreation and Community Grants Project Scheme" commencing in the 2010/11 financial year;
- (b) The MAS is opened at the start of February and closed at the end of March each year during which time community groups and organisations can make application in accordance with the budget preparation process;
- (c) An assessment panel comprising of three staff and one Councillor assess each application against a selection criteria to establish the funding priorities. The criteria to establish the priorities for funding are as follows:
  1. Consideration of the groups' capacity to generate funds from other sources.
  2. Consideration of previous financial assistance from the Council.
  3. Greater consideration being given to predominantly junior, as opposed to senior, groups.
  4. Consideration of the number of people within the community who will benefit by the funding (i.e. size of the group).
  5. Funding assistance to projects of a development nature, and not funding of day to day operational/non-capital requirements of groups.
- (d) The final funding approval is delegated to the Chief Executive Officer who will progress the recommendations of the assessment panel without further need for referral to the Council.

**ABSOLUTE MAJORITY REQUIRED**

3. That the Council delegates to the Chief Executive Officer the authority to determine the applications for funding under the MAS in accordance with the policy of the Council after receiving the recommendations of the assessment panel. This will commence in the 2010/11 financial year.

**CARRIED 12/0  
BY ABSOLUTE MAJORITY**

**13. LIFESTYLE DEVELOPMENT REPORT**

- 13.1 DRAFT SCHEME AMENDMENT NO. 137: PROPOSED REZONING OF LOT 41 BUSSELL HIGHWAY, BUSSELTON FROM 'RESIDENTIAL R15' TO 'RESIDENTIAL R40/R60' AND LOTS 11 & 35 BUSSELL HIGHWAY, BUSSELTON FROM 'TOURIST' TO 'RESIDENTIAL R40/R60' (CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL)

This Item was considered earlier in the Meeting as part of the Items Requiring Separate Resolutions Without Debate, due to Councillor Ryan declaring a Financial Interest ([C0908/278](#), page 27 to 29 inclusive).

- 13.2 DRAFT LOCAL COMMERCIAL PLANNING STRATEGY - ADOPTION FOR COMMUNITY CONSULTATION

<b>SUBJECT INDEX:</b>	Scheme Review: Local Commercial Planning Strategy
<b>APPLICATION NUMBER:</b>	N/A
<b>STRATEGIC INITIATIVE:</b>	2.4.5 Develop a new Town Planning Scheme to provide for the lifestyle we cherish and protect
<b>BUSINESS UNIT:</b>	Strategic Planning and Sustainability
<b>SERVICE:</b>	Strategic Land Use Planning
<b>DATE OF COMPLETION:</b>	12 September 2009
<b>PROPOSAL:</b>	Adoption of draft Local Commercial Planning Strategy for community consultation
<b>LOT SIZE:</b>	N/A
<b>ZONE:</b>	N/A
<b>POLICIES:</b>	Busselton Urban Growth Strategy, 1999 Busselton Town Centre Guide Plan, 2004 Dunsborough Structure Plan 1990 Dunsborough Urban Design Strategies Busselton Industrial Development Code

*Mr Peter Harding, Mr Lloyd Anderson and Mr Daniel White had all addressed the Council earlier as Parties with an Interest in this matter (refer to Items 11.2 and 11.3 of these Minutes).*

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Ian Stubbs
<b>Item No. / Subject</b>	Item 13.2, Draft Local Commercial Planning Strategy - Adoption for Community Consultation
<b>Type of Interest</b>	Financial Interest
<b>Declaration</b>	The main issue relates to car yards. All of the car dealers in Busselton are sponsors and supporters of the Busselton Golf Club. A couple of them are significant and major sponsors. Because I am employed by the Golf Club, I am required to declare a Financial Interest.
<b>Councillor Stubbs left the meeting at 7.17 p.m. and did not vote on this item.</b>	

## PRÉCIS

The undertaking of a review of the Shire's town planning scheme is identified as a high priority in the Shire's *Strategic Plan* as adopted by the Council. The preparation of a local commercial planning strategy is an important and necessary part of that review process.

Accordingly, in 2007 the Shire commenced development of the strategy, with a draft strategy being presented for the Council's consideration in June 2008. At that time, the Council deferred adoption of the draft local commercial planning strategy for consultation purposes pending –

- \* Further consultation with the local automotive industry regarding potential sites for an 'automotive park'; and
- \* The undertaking of a broader stakeholder workshop.

Following that additional consultation, the Council is now asked to further consider adopting a draft strategy for consultation purposes, subject to a number of recommended changes to address issues raised in the consultation undertaken since June 2008 and to reflect some changes in the broader context. The most significant changes are in response to the consultation with the local automotive industry and to reflect the Council's recent adoption for consultation purposes of the Ambergate North Development Guide Plan.

In particular, it is recommended that two additional, potential sites to accommodate automotive sales and servicing be identified in the draft strategy. It should also be noted that some broad guidelines for the identification of other potential sites in the future, if necessary, are also included in the draft strategy. In addition, it is recommended that additional consultation sessions are held during the formal consultation period to allow stakeholders to discuss and comment on the draft strategy.

Following the formal consultation period the Council would then be asked to consider the draft in the light of any submissions received and, potentially, undertake further consultation and/or research before the making of a recommendation to the Western Australian Planning Commission on the draft strategy.

The local commercial planning strategy will set out the broad strategic direction for the planning and development of commercial activity in the Shire. There will, however, be both the scope and the need to review and refine that direction during the preparation of an overall local planning strategy for the Shire and the subsequent development of the new town planning scheme.

**OFFICER RECOMMENDATION**

That the Council -

1. Adopt the *Shire of Busselton Local Commercial Planning Strategy (May 2008)* (Agenda Attachment A) as a draft for consultation purposes, subject to the following modifications -
  - a. With respect to the automotive industry -
    - i. Identification (in a 'conceptual' fashion on maps) of 'Site 5' (Lot 800 Chapman Hill Road) as a potential site for the automotive industry;
    - ii. Identification (in a 'conceptual' fashion on maps) of 'Site 4' (including lots 384, 385, 5, 228, 100, 101 25, 26 and 28) as a further investigation site for the automotive industry following development of a draft local settlement planning strategy;
  - b. With respect Ambergate North, amendments to ensure consistency with the Council's resolutions of 11 March 2009 to (C0903/083 and C0903/084) to adopt the draft Ambergate North Development Guide Plan for consultation purposes;
  - c. Include a tabular summary of existing and proposed industrial areas within the Shire;
  - d. Set out that development of buildings higher than three storeys in the Busselton and Dunsborough town centres should require a careful consideration of design issues and the development of more detailed planning guidelines relating to taller buildings;
  - e. With respect to potential redevelopment of the Busselton foreshore, update to reflect the current committee and associated process;
  - f. Clearly recommend that development strategies be developed for all industrial areas to establish the types of uses that will be acceptable, as well as to encourage good design outcomes;
  - g. Address factual errors and make changes to maps as follows -
    - i. Replace Figures 8a, 9, , 10, 11 and 12 with more detailed mapping which includes; road names; outline of road hierarchy; cadastre; and existing zoning;
    - ii. Include a map of each local centre including: cadastre; road names; existing uses and 500 metre walkable radius;

2. Highlight the following issues for further consideration in the Local Settlement Planning Strategy-
  - a. The future zoning and development of the land currently occupied by the automotive industry along Bussell Highway; and
  - b. The future zoning and development of the land within 'Site 1' (Causeway Road) as identified by representatives of the automotive industry.
3. Advertise the Shire of Busselton Draft Local Commercial Planning Strategy in accordance with the Scheme Review Communications Strategy for a minimum period of 60 days.
4. Undertake two community information sessions during the 60 day advertising period:
5. Refer the Shire of Busselton Draft Local Commercial Planning Strategy to relevant State Government agencies for comment during the advertising period; and
6. Report back to the Council on the draft strategy and submissions received following the close of the advertising period.

Note: Councillors Hanran-Smith and Masters had provided Alternative Motions for the Council's consideration.

7.19 p.m. At this time the Executive Manager, Systems and Information left the meeting and did not return.

### **MOTION**

Moved Councillor Hanran-Smith, seconded Councillor Clarke:

That the Officer Recommendation be adopted subject to deletion of Clauses 1.a.ii. and 2.b.

### **FORESHADOWED MOTION**

During debate on this matter, Councillor Masters advised that he did not intend to move the motion he had previously provided for the Council's consideration, however foreshadowed his intention to move the following motion:

"That the Officer Recommendation be adopted, subject to:

1. Clause 1.a. being removed;
2. the Strategy being endorsed for consultation subject to Sites 1,2, 3 and 4 being included as potential sites for use by the automotive

industry, with the Strategy emphasising that these four sites and other potential sites are advertised for the purpose of seeking community feedback; and

3. the CEO continuing negotiations between the Shire and owners/lessees of automotive industry operations with a goal of identifying a mutually acceptable site to be used by the automotive industry.

7.30 p.m. At this time the Director, Community Infrastructure left the meeting and did not return.

#### **FORESHADOWED MOTION**

During debate on this matter, Councillor Hartley foreshadowed his intention to move the Officer Recommendation.

#### **MOTION PUT**

Moved Councillor Hanran-Smith, seconded Councillor Clarke:

That the Officer Recommendation be adopted subject to deletion of Clauses 1.a.ii. and 2.b.

#### **LOST 4/7**

##### Dissenting Voters:

Councillor Bernie Masters  
Councillor Wes Hartley  
Councillor David Binks  
Councillor Tom Tuffin  
Councillor Anne Ryan  
Councillor Jackie Emery  
Councillor Rob Underdown

Note: As the Motion was lost, Councillor Masters was able to move the Motion that he had previously foreshadowed:

#### **COUNCIL DECISION**

C0908/281 Moved Councillor Masters, seconded Councillor Ryan:

That the Council -

1. Adopt the *Shire of Busselton Local Commercial Planning Strategy (May 2008)* (Agenda Attachment A) as a draft for consultation purposes, subject to the following modifications -
  - a. With respect to the automotive industry –
    - i. Identification (in a 'conceptual' fashion on maps) of 'Site 4' (including lots 384, 385, 5, 228, 100, 101 25, 26 and 28)

- as a further investigation site for the automotive industry following development of a draft local settlement planning strategy;
- ii. the Strategy being endorsed for consultation subject to Sties 1,2, 3 and 4 being included as potential sites for use by the automotive industry, with the Strategy emphasising that these four sites and other potential sites are advertised for the purpose of seeking community feedback; and
  - iii. the CEO continuing negotiations between the Shire and owners/lessees of automotive industry operations with a goal of identifying a mutually acceptable site to be used by the automotive industry.
- b. With respect Ambergate North, amendments to ensure consistency with the Council's resolutions of 11 March 2009 to (C0903/083 and C0903/084) to adopt the draft Ambergate North Development Guide Plan for consultation purposes;
  - c. Include a tabular summary of existing and proposed industrial areas within the Shire;
  - d. Set out that development of buildings higher than three storeys in the Busselton and Dunsborough town centres should require a careful consideration of design issues and the development of more detailed planning guidelines relating to taller buildings;
  - e. With respect to potential redevelopment of the Busselton foreshore, update to reflect the current committee and associated process;
  - f. Clearly recommend that development strategies be developed for all industrial areas to establish the types of uses that will be acceptable, as well as to encourage good design outcomes;
  - g. Address factual errors and make changes to maps as follows –
    - i. Replace Figures 8a, 9, , 10, 11 and 12 with more detailed mapping which includes; road names; outline of road hierarchy; cadastre; and existing zoning;
    - ii. Include a map of each local centre including: cadastre; road names; existing uses and 500 metre walkable radius;
2. Highlight the following issues for further consideration in the Local Settlement Planning Strategy-
- a. The future zoning and development of the land currently occupied by the automotive industry along Bussell Highway; and

- b. The future zoning and development of the land within 'Site 1' (Causeway Road) as identified by representatives of the automotive industry.
3. Advertise the Shire of Busselton Draft Local Commercial Planning Strategy in accordance with the Scheme Review Communications Strategy for a minimum period of 60 days.
4. Undertake two community information sessions during the 60 day advertising period:
5. Refer the Shire of Busselton Draft Local Commercial Planning Strategy to relevant State Government agencies for comment during the advertising period; and
6. Report back to the Council on the draft strategy and submissions received following the close of the advertising period.

**CARRIED 6/5**

Dissenting Voters:

Councillor Bethwyn Hastie  
Councillor Don Hanran-Smith  
Councillor Bev Clarke  
Councillor Wes Hartley  
Councillor Ross Bromell

Note: The Council amended Clause 1 of the Officer Recommendation in order to seek community feedback on sites 1, 2, 3 and 4 as potential sites for use by the automotive industry.

Note: As the motion was carried, Councillor Hartley was unable to move the Officer Recommendation that he had previously foreshadowed.

8.02 pm. At this time Councillor Stubbs returned to the meeting.

13.3 PREPARATION OF MODEL SCHEME TEXT COMPLIANT TOWN PLANNING SCHEME

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council (C0908/274, pages 19 and 20).

13.4 DRAFT DEVELOPMENT GUIDE PLAN FOR 137 AGED PERSONS DWELLINGS ON LOT 29 AND 30 WILLIAM DRIVE, BROADWATER

<b>SUBJECT INDEX:</b>	Development Guide Plans
<b>APPLICATION NUMBER:</b>	SP09/0002
<b>STRATEGIC INITIATIVE:</b>	2.1.3 Work with developers to ensure community sensitive townsites and neighbourhoods layouts and functionality
<b>BUSINESS UNIT:</b>	Strategic Planning
<b>SERVICE:</b>	Strategic Land Use and Sustainability Planning
<b>DATE OF COMPLETION:</b>	30 August 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>PROPOSAL:</b>	Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater
<b>LOT SIZE:</b>	8.5 ha – Development Area 3.0 ha
<b>ZONE:</b>	Special Purpose
<b>POLICIES:</b>	Use of Reflective Building Materials

*Note: Mr Kevin Galliers, Ms Coralie Daff and Mr Howard Emery had addressed the Council earlier as Parties with an Interest in this matter (refer to Items 11.5, 11.6 and 11.7 of these Minutes).*

<b>Name / Position</b>	Councillor Rob Underdown
<b>Item No. / Subject</b>	Item 13.4, Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater
<b>Type of Interest</b>	Interest Affecting Impartiality
<b>Declaration</b>	With regard to the above item, I disclose that I have an association with the Freemasons. As a consequence there may be perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.

## PRÉCIS

Freemasons WA are proposing to redevelop Lots 29 and 30 William Drive for a retirement village comprising of up to 137 dwellings contained within a development footprint of around 3.0 ha in the southern portion of the site. The remaining 5.5 ha of the site is proposed by the applicants to be ceded to the Shire as foreshore reserve.

The existing aged persons dwellings in the south east portion of the subject land would be completely redeveloped as part of the proposal. The Scheme requires that a Development Guide Plan be approved prior to submission of an application for planning consent for development of this land.

The key issues associated with the proposal are considered to be building height and density, and foreshore reserves/management. Increased height, above the standard in the Scheme, and density has been supported by officers for advertising, in part because of the significant size of the site and the benefits to visual impact and amenity associated with the ceding of a large portion of the site as foreshore reserve.

It is recommended that the Development Guide Plan be adopted for advertising and then brought back to the Council for determination.

### **OFFICER RECOMMENDATION**

That the draft Development Guide Plan for Lots 29 and 30 William Drive, Broadwater proposing 137 aged persons units (TPG plan No. 709.033 DAP1HDGP 160609) be endorsed, pursuant to clause 25 of the Shire of Busselton District Town Planning Scheme No. 20 for advertising.

Note: The Presiding Member advised that the proponents had formally cancelled this application, however the matter is still on this meeting agenda and will need to be resolved on by the Council. In light of the cancellation, this could simply be a resolution to note that the application has been withdrawn, or, alternatively the Council could still resolve to provide some direction for the future development of the site.

Note: Councillors Binks and Ryan had previously provided Alternative Motions in relation to this issue for the Council's consideration. Councillor Binks indicated that as a result of the cancellation of the application, he did not wish to proceed with the motion he had previously provided and wished instead to move the following motion:

### **MOTION**

Moved Councillor Binks, seconded Councillor Underdown:

1. That Council notes the cancellation of application SP09/0002 for 137 Aged Persons Dwellings On Lot 29 and 30 William Drive, Broadwater.
2. That future development applications for Lots 29 and 30 William Drive, Broadwater, are consistent with the requirements of the scheme including the following conditions:

- (a) the maximum height limit above natural ground level for any building be limited to 10 metres in keeping with the amenity and existing height restrictions of surrounding development; and
- (b) the setbacks applicable to development of the site to be consistent with those applying to adjoining development.

**AMENDMENT MOVED**

**AMENDMENT**

Moved Councillor Masters, seconded Councillor Binks:

That Clause 2(b) of the motion be amended by deletion of the word "adjoining" and inclusion of the word "surrounding".

**AMENDMENT CARRIED 12/0**

**AMENDMENT**

Moved Councillor Ryan, seconded Councillor Tuffin:

That the motion be amended by inclusion of a new Clause 3 as follows:

3. That any future applications for Lots 29 and 30 William Drive, Broadwater, be brought to the Council before any advertising takes place.

**MOTION (PROCEDURAL)**

Moved Councillor Hanran-Smith, seconded Councillor Masters:

That the motion be put.

**CARRIED 11/1**

Dissenting Voter:  
Councillor Ian Stubbs

**AMENDMENT PUT**

Moved Councillor Ryan, seconded Councillor Tuffin:

That the motion be amended by inclusion of a new Clause 3 as follows:

3. That any future applications for Lots 29 and 30 William Drive, Broadwater, be brought to the Council before any advertising takes place.

**AMENDMENT CARRIED 11/1**

Dissenting Voter:  
Councillor Wes Hartley

**MOTION (PROCEDURAL)**

Moved Councillor Hanran-Smith, seconded Councillor Masters:

That the motion be put.

**CARRIED 8/4**

Dissenting Voters:

Councillor Ian Stubbs  
Councillor Rob Underdown  
Councillor David Binks  
Councillor Anne Ryan

**COUNCIL DECISION**

C0908/282 Moved Councillor Binks, seconded Councillor Underdown:

1. That Council notes the cancellation of application SP09/0002 for 137 Aged Persons Dwellings On Lot 29 And 30 William Drive, Broadwater.
2. That future development applications for Lots 29 and 30 William Drive, Broadwater, are consistent with the requirements of the scheme including the following conditions:
  - (a) the maximum height limit above natural ground level for any building be limited to 10 metres in keeping with the amenity and existing height restrictions of surrounding development; and
  - (b) the setbacks applicable to development of the site to be consistent with those applying to surrounding development.
3. That any future applications for Lots 29 and 30 William Drive, Broadwater, be brought to the Council before any advertising takes place.

**CARRIED 11/1**

Dissenting Voter:

Councillor Wes Hartley

Note: In addition to noting the cancellation of application SP09/0002 for 137 Aged Persons Dwellings On Lot 29 And 30 William Drive, Broadwater, the Council's decision provides clear directions to staff with respect to any future applications for development of the sites with particular regard to height and setback conditions in order to maintain the existing amenity of the surrounding locality.

**14. SYSTEMS AND INFORMATION REPORT**

Nil

**15. COMMUNITY INFRASTRUCTURE REPORT****15.1 STINGER NET**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/275](#), page 21).

**15.2 IMPLEMENTATIONS OF CAPITAL WORKS PROJECTS: 2009/2010.**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/276](#), pages 22 and 23).

**15.3 RAILS TO TRAILS**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/277](#), pages 24 to 26 inclusive).

**15.4 REQUEST FOR PROVISION OF PLAYGROUND - COUNTRY ROAD, BOVELL**

This Item was considered earlier in the Meeting as part of the Items Requiring Separate Resolutions Without Debate, due to the requirement for an Absolute Majority Decision of the Council ([C0908/279](#), page 30).

**16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT****16.1 LOCAL LAW REVIEW - SHIRE OF BUSSELTON DUST AND BUILDING WASTE CONTROL LOCAL LAW 2009**

<b>SUBJECT INDEX:</b>	Local Laws
<b>STRATEGIC INITIATIVE:</b>	5.1.3 Ensure regulatory requirements are met
<b>BUSINESS UNIT:</b>	Legal
<b>SERVICE:</b>	Legal Services
<b>DATE OF COMPLETION:</b>	31 January 2010
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRÉCIS**

The Council has previously resolved to consider implementing a dust control local law. The purpose of this report is for the Council to consider whether to commence the process of making the new local law pursuant to section 3.12 of the *Local Government Act 1995*. It is recommended that the Council commence the law-making process for the proposed *Shire of Busselton Dust and Building Waste Control Local Law 2009* "Dust Control Local Law".

**OFFICER RECOMMENDATION**

1. That the Council commences the law-making process, for the Dust and Building Waste Control Local Law 2009, the purpose and effect of the local law being as follows:

Purpose: To provide for the regulation, control and management of dust, sand drift, rubbish and litter, on building sites, extractive industries and subdivisions on land within the district so as to protect the amenity of the district.

Effect: To establish the requirements relating to dust, sand drift, rubbish and litter control on building sites, extractive industries and subdivisions on land within the district.

2. That the Council authorise the CEO to carry out the law making procedure under section 3.12(3) of the *Local Government Act 1995* by following the procedures set out in sequence in the Act; by –
  - (a) giving Statewide public notice and local notice of the proposed local law; and
  - (b) giving a copy of the proposed local law and public notice to the Minister for Local Government.
3. That the CEO, after close of the public consultation period, submit to the Council for consideration a report on any submissions received on the proposed local law to enable the Council to consider the

submissions made and to determine whether to make the local law in accordance with section 3.12(4).

Note: Staff had provided a Revised Officer Recommendation for the Council's consideration which makes some minor alterations such that the law is easier to read and includes a definition of 'litter' and a correct definition of 'waste' and also to provide information regarding a dust management plan template separately but with the draft Law.

### **COUNCIL DECISION / REVISED OFFICER RECOMMENDATION**

C0908/283 Moved Councillor Hanran-Smith, seconded Councillor Masters:

1. That the Council commences the law-making process, for the Dust and Building Waste Control Local Law 2009, subject to the following amendments to the draft Local Law:
  - (a) including page numbers in the local law;
  - (b) Including a definition of litter in section 1.4 of the Local Law whereby litter has the meaning given to it in section 5 of the Litter Act 1979;
  - (c) replacing the 4 with a 3 in the definition of waste in section 1.4 of the Local Law such that it refers to section 3(1) of the Waste Avoidance and Resource Recovery Act 2007; and
  - (d) including a footnote which does not form part of the law but to be advertised with the law advising that a template detailing the requirements for a Dust Management Plan will be available from the Shire's Community Infrastructure Directorate Standards and Specifications.

the purpose and effect of the local law being as follows:

Purpose: To provide for the regulation, control and management of dust, sand drift, rubbish and litter, on building sites, extractive industries and subdivisions on land within the district so as to protect the amenity of the district.

Effect: To establish the requirements relating to dust, sand drift, rubbish and litter control on building sites, extractive industries and subdivisions on land within the district.

2. That the Council authorise the CEO to carry out the law making procedure under section 3.12(3) of the *Local Government Act 1995* by following the procedures set out in sequence in the Act; by –
  - (a) giving Statewide public notice and local notice of the proposed local law; and

- (b) giving a copy of the proposed local law and public notice to the Minister for Local Government.
- 3. That the CEO, after close of the public consultation period, submit to the Council for consideration a report on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4).

**CARRIED 12/0**

16.2 MINOR SPORT AND COMMUNITY GRANTS - 2009/10

This Item was considered earlier in the Meeting as part of the Items Requiring Separate Resolutions Without Debate, due to the requirement for an Absolute Majority Decision of the Council ([C0908/280](#), pages 31 to 33 inclusive).

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

18. MOTIONS of which notice has been given

Nil

19. CONFIDENTIAL REPORTS

Nil

20. NOTICES OF MOTION proposed for consideration at a future Meeting

Nil

21. QUESTIONS FROM MEMBERS WITHOUT NOTICE

21.1 **Councillor Bernie Masters:**

An email was sent to all Councillors from a resident who is having difficulties with neighbours. Is it possible for the CEO to write, as requested by the resident, to the owners of the property simply pointing out the occasions on which the Shire has received complaints about the property, not offering any judgement, but simply reporting it so that the owner of the property is aware of the problems?

***Response – Presiding Member:***

*I have formally forwarded the email to the CEO and the Director of Lifestyle Development.*

***Response – Director, Community and Organisational Development:***

*As a matter of principle I would be reluctant to simply advise the number of complaints that have been received without carrying out some form of investigation or consideration about whether those complaints are justified. A complaint is nothing until it is investigated in some way.*

***Response – Director, Lifestyle Development:***

*If we write to the owner advising of the complaints, we would only be advising of the complaint from one person. My understanding is that the owner is aware of the ongoing issues between the two properties.*

**21.2 Councillor Bernie Masters:**

In relation to the Down South Community Directory, in the 2008/09 Directory the maps that were produced had very small street names. The new directory is much easier to read. Is it possible that the staff who have produced the new directory could be commended and congratulated.

***Response – Presiding Member:***

*I was part of the consultative group who commented on the previous directory. Indications were that the maps and the green text were very difficult to read and most of these issues have been corrected in the current directory.*

**21.3 Councillor Bethwyn Hastie:**

Could my appreciation be passed on to all of the staff for their contribution to the library/community resource centre report.

***Response – Presiding Member:***

*I am sure it can be.*

**21.4 Councillor Ian Stubbs:**

Could I refer back to the time that you have allocated for the Budget Meeting? It is my personal opinion that it is insufficient time to consider the budget. One and a half to two hours to consider the budget, given the history behind it, is far too short a period of time. Would you reconsider this decision and bring the meeting forward or to another date? If you don't do that and we don't complete the budget adoption within this very limited timeframe, is it your intention to see the meeting adjourned?

***Response – Presiding Member:***

*The date and time for the meeting have been advertised. The agenda for the 26 August Council meeting is relatively small in nature. There have been discussions about whether the budget meeting can be completed in two hours and if we need to we have the flexibility to run over into the Briefing Session on 19 August in relation to the 26 August Meeting, as we are not under any statutory framework in relation to the Briefing Session or Community Access Session. However I am of the view that the budget meeting can be completed in the time allocated.*

**21.5 Councillor Bernie Masters:**

Is it possible that at 4.30 p.m. on that date that we could adjourn and recommence on conclusion of the Community Access Session?

***Response – Presiding Member:***

*The Presiding Member will give you that advice at the meeting.*

***Response – Director, Community and Organisational Development:***

*That is a decision that the Council can make in the meeting.*

8.38 p.m. At this time Councillor Masters left the meeting and did not return.

**22. NEXT MEETING**

A Special Council Meeting to adopt the Shire’s 2009/10 Budget will be held on Wednesday, 19 August 2009, commencing at 2.30 p.m.

The next Ordinary Council Meeting will be held on Wednesday, 26 August 2009, commencing at 5.30 p.m.

**23. CLOSURE**

The meeting closed at 8.39 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 51 WERE CONFIRMED AS A TRUE	
AND CORRECT RECORD ON _____	
DATE: _____	PRESIDING MEMBER: _____