



COUNCIL MEETING 25 FEBRUARY 2009

En Bloc Council Resolution

RECOMMENDATION

That the Officer Recommendations for **Items 14.1, 14.2 and 16.2** be adopted.

Items to be dealt with by separate resolution, without debate

Item No. and Title	Page No.	Reason for Separate Resolution
Item 17.1 - Royalties for Regions - Country Local Government Fund - Shire of Busselton Allocation 2008/2009	72 - 75	Absolute Majority Decision Required

Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>13.1 - Local Settlement Planning Strategy: Consultation Strategy - Communication Programme</p>	<p>Cr Emery</p>	<p>3 - 14</p>	<p>BADRA is a newly formed residents' group that wishes to work co-operatively with the Shire. Last week, BADRA addressed Councillors and requested that they be included in any consultative processes that the Shire holds. This consultation strategy appears to be the perfect form to include this group.</p>	<p>Adoption of Officer Recommendation, renumbered as Clause 1 and inclusion of a new Clause 2 as follows:</p> <p>2. That the Busselton and Districts' Residents' Association (BADRA) be included in the community representative groups (identified on Page 8 of the Agenda Item).</p>
<p>13.2 - Draft TPS Amendment No. 134 & Development Guide Plan – Location 4367 Nuttman Road, Chapman Hill</p>	<p>Cr Masters</p>	<p>15-32</p>	<p>1a. The creation of bushland lots in a rural area creates a likelihood that new non-farming residents will expect a quiet rural lifestyle when in fact rural life usually includes noise from tractors and pumps, dust from firebreak construction and soil maintenance, and drift from agricultural sprays. I believe the Shire has a moral responsibility to alert potential buyers of these four lots to these impacting activities and the usual</p>	<p>1a. That a new clause be included: 2.f. That a memorial be placed on the titles of the Bushland Protection lots stating that the area may be subject to chemical spraydrift, noise, dust and odour from nearby agricultural land as a result of normal farming practices.</p> <p>1b. That a new clause be included: 2.g. That a memorial be placed on the titles of Bushland Protection lot s 1 and 2 stating that part of each lot is within 1000 metres of a Strategic Mineral Resource Protection Area for titanium-zircon mineralisation and may be subject to noise, vibration, dust and reduced visual amenity as a result of normal mining operations, should mining take place.</p>

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13.2 - (Continued)	Cr Masters		<p>way for this to happen is for caveats to be placed on the titles.</p> <p>1b. In a similar way to the Shire's moral obligation to advise landowners they may be affected by adverse impacts from normal agricultural activities, so the potential owners of lots 1 and 2 should be advised that mining may impact upon their quiet enjoyment of their land, should mining take place.</p> <p>2. The officer recommendations in relation to the positions of proposed building envelopes is inflexible and highly restrictive. The future owners of these lots should be given as much flexibility in choosing the position of their future homes as is reasonable. To this end, once the blue gum plantations on lots 1, 2 and 4 are harvested within the next two years, the potential</p>	<p>2. That a new clause be included:</p> <p>6. Building Envelopes, Building Protection Zones and Hazard Separation Zones shall be capable of being located within any portion of lots 1, 2 and 4 that is effectively devoid of remnant native vegetation, provided that buildings proposed to have 'Level 1 Construction' of AS3959 shall have a Building Protection Zone of 25 metres and a Hazard Separation Zone of 75 metres and buildings proposed to have "Level 2 Construction' of AS3959 shall have a Building Protection Zone of 20 metres and a Hazard Separation Zone of 15 metres, all of which zones are to be wholly located on land that is devoid of remnant native vegetation.</p>

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13.2 - (Continued)	Cr Masters		to locate building envelopes in different parts of the lots increases very significantly. The proposed resolution seeks to give maximum flexibility to the owners of these lots as to the location of their homes, while still applying all requirements of the Bush Fire Management Plan.	
13.2 - Draft Amendment No. 134 & DGP Location 4367 Nuttman Road, Chapman Hill (Consideration for Final Approval)	Staff	15-32	To allow modification of the proposed Fire Management Plan following receipt of further advice from FESA	Adoption of Officer Recommendation subject to the addition of new sub-para 2 (f) as follows: <i>2(f) The proposed Fire Management Plan be modified to include a firebreak around the entire perimeter of the subject land."</i>
13.2 - Draft Amendment No. 134 & DGP Location 4367 Nuttman Road, Chapman Hill (Consideration for Final Approval)	Cr Emery	15-32	The requirements of the Fire Management Plan are unclear. Are firebreaks required all around as per FESA advice? If not, under what ruling are they exempt?	Adoption of Officer Recommendation with inclusion of a new clause as follows: That the DGP is amended to address an n amended Fire Management Plan.

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<p>13.3 - Proposed 'Yacht Storage Shed' - Part Lot 4539, Reserve 17319 King Street, Busselton</p>	<p>Staff</p>	<p>33 - 41</p>	<p>To modify condition 2 (m) to appropriately reflect the tenure of the land.</p>	<p>Adoption of Officer Recommendation subject to condition 2(m) being modified to read as follows:</p> <p>2(m) Prior to the issue of a building licence, the applicant shall provide a bond in accordance with the Council Policy to the value of \$1,500 to the Shire of Busselton. The bond may be in the form of cash, cheque or bank guarantee and is a performance guarantee against satisfactory completion of conditions of this approval. The performance guarantee will be refunded in full immediately the outstanding works are completed/established as appropriate to the condition(s). Any such bond is to be accompanied by a written authorisation from the lessee of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will also recover the bond, or part of the bond as appropriate, being the cost to the Shire, including administrative costs, of completing or rectifying any outstanding works.</p>

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<p>13.4 - Proposed TPS Amendment and Development Guide Plan – Part Lot 4208, Biddle Road, Quindalup</p>	<p>Cr Masters</p>	<p>1- 19 of Addendum No 1</p>	<p>1. Reducing the building setback to portions of the Biddle Road frontage from 50 to 20 metres will allow two of the proposed lots to enjoy excellent views which extend all the way to Geographe Bay. While this will maximise the financial returns to the developer, nonetheless it provides future landowners the opportunity to take advantage of a 'beautiful view' which would otherwise be lost within a 50 metre building setback.</p> <p>2. As suggested by the developer, the draft development guide plan and the scheme amendment should not be treated as one process. They should be separated so that the developer and staff can progress the development guide plan while the EPA is considering the amendments.</p>	<p>1. That clause 1. a. i. be amended to read:</p> <p>The removal of provisions that have the effect of reducing the building setback to portions of the Biddle Road frontage from 50 metres down to 20 metres, other than for the land currently contained within existing strata lots 4 and 5.</p> <p>2. That clause 3 be deleted.</p>

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13.4 - Proposed TPS Amendment and Development Guide Plan – Part Lot 4208, Biddle Road, Quindalup	Cr Binks	1- 19 of Addendum No 1	Permitting the advertising of the draft DGP independent of the Scheme Amendment will result in the reduction of potentially unnecessary delays	Adoption of <u>Officer Recommendation</u> with the following amendment: That Item 3 is deleted, and that item 4 is renumbered item 3.
13.5 - Draft Development Guide Plan – Lot 177 Rendezvous Road, Vasse	Cr Masters	43-52	Wetlands are environmental sumps: because they occupy the lowest part of the landscape, they fill not just with water but with nutrients, refuse, weeds, feral animals, pesticides and hence suffer from many of the activities which take place on higher land surrounding them. In order to minimise or eliminate these adverse impacts, it is standard practice to create buffer zones around wetlands within which management bodies can undertake actions designed to protect the wetland from long-term harm.	That the Council defer consideration of the Draft Development Guide Plan for Lot 177 Rendezvous Road, Vasse, until a new subdivision plan incorporating a 20 metre POS buffer between the wetland and the northern boundaries of proposed lots 1 and 2 is designed.

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13.5 (Continued)	Cr Masters		<p>The current subdivision design of Lot 177 creates a buffer of less than 5 metres between sections of lots 1 and 2 and the wetland that is to become shire-managed POS. Within this narrow buffer, a dual use path will be constructed which will also double as a strategic firebreak. However, no land will be available to allow management actions designed to protect and enhance the wetland's many environmental and social values.</p> <p>The current subdivision design of Lot 177 creates a buffer of less than 5 metres between sections of lots 1 and 2 and the wetland that is to become shire-managed POS. Within this narrow buffer, a dual use path will be constructed which will also double as a strategic firebreak. However, no land will be available to allow management actions designed to protect and enhance the wetland's many environmental and social values.</p>	

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13.5 (Continued)	Cr Masters		The subdivision should be redesigned to provide a 20 metre buffer between the northern boundary of private land and the southern edge of the wetland. The need for this buffer is recognised by the officer's comment that "A 10m building setback is identified to the proposed POS on proposed Lots 1 and 2. This will ensure protection of the amenity of the POS." However, it will not ensure protection of the wetland. Hence the proposed resolution.	
Item 15.1 - Amended Budget for the Provision of Playground to Cloisters Estate and Busselton Lifestyle Village Public Open Space	Cr Ryan	59 - 63	The residents of Cloisters, and surrounds, have never had a playground and this has been sadly lacking for many years. Residents have been lobbying me for approximately two years to have this playground in place.	<p>Absolute Majority Decision Required</p> <p>Adoption of <u>Officer Recommendation</u>, numbered as Para. 1 and inclusion of a new Para. 2 as follows:</p> <p>2. That the playground is given the highest priority of works for playground works.</p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
16.1 - Small Local Projects Fund 2008/09 - Nos. 12 and 13	Staff	64-65	To allow the Council to determine whether there is sufficient merit in Cr Binks' proposal to approve the funds recommended by Cr Binks, although outside of the money available for him to recommend for disbursement in accordance with Council policy 202/1.	Adoption of Officer Recommendation 1 relating to Cr Hastie's allocation request, unchanged. Council to determine in relation to Cr Binks' allocation request.
16.3 - Busselton Foreshore Consultation	Cr Masters	20 – 25 of addendum No 1	While the intent of the Member for Vasse's Busselton Foreshore Steering Committee is supported, a number of issues should be resolved by the Council prior to the Council providing its support for the Committee. Specifically, the Terms of Reference contain a number of grammatical mistakes, the definition of the foreshore area is incomplete and they include phrases which require clearer explanation, for example, does "cost neutral funding model" mean that the funding model proposed by the Committee is not able to make a profit and what is meant by "certain scale commercial development"?	That the Resolution be deferred until the Council has resolved with the Member for Vasse the following matters: 1. Correction of grammatical errors within the Terms of Reference; 2. Definition of the beachfront/foreshore area that is to be subject to the Committee's deliberations; 3. Obtained a clear understanding of uncertain phrases within the Terms of Reference, including but not limited to "cost neutral funding model" and "certain scale commercial development"; 4. Membership on the Committee of a representative nominated by the Busselton Shire Council, and 5. Membership on the Committee of a representative nominated by the Busselton Chamber of Commerce and Industry.

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<p>16.3 (Continued)</p>	<p>Cr Masters</p>		<p>Further, if council is being asked to commit \$50,000 of ratepayer's money to implementing recommendations of the Committee, then ratepayers through the council have a legitimate right to be formally involved in the framing of the Terms of Reference and to have formal representation on the Committee.</p> <p>Finally, one of the major roles of the Committee is to provide recommendations on ways to create long-term income for jetty maintenance from the lease of commercial beachfront lots, yet the Committee appears to lack local expertise of such commercial matters. A representative of the Busselton Chamber of Commerce and Industry should be nominated by the Chamber for inclusion on the Committee.</p>	

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<p>16.4 - Membership Of Meelup Regional Park Management Committee and Councillor's Resignation From The Keep Busselton Beautiful Committee</p>	Staff	69-71	<p>Officer Rec. 1 requires an Absolute Majority Decision of the Council.</p> <p>Officer Rec. 2 requires that the Council considers expressions of interest from any Councillors wishing to take on the role of member of the Keep Busselton Beautiful Committee.</p>	<p>Adopt Officer Recommendation 1 as is.</p> <p>Council to determine any motion to be moved in relation to Officer Rec. 2, following consideration of any expressions of interest from any Councillors wishing to take on the role of member of the Keep Busselton Beautiful Committee.</p>
<p>16.5 - Decisions From the General Meeting of Electors Conducted on 4 February 2009</p>	Staff	Pages 1 - 5 Agenda Addendum 2	<p>Due to the late distribution of this report and the fact that it was not available for the first Agenda briefing session, this item has been pulled by staff in case Councillors have questions that they wish to raise.</p>	