



COUNCIL MEETING 13 MAY 2009

En Bloc Council Resolution

RECOMMENDATION

That the Officer Recommendations for **Items 13.2, 14.2, 15.4, 15.5, 16.1 and 16.5** be adopted.

Items to be dealt with by separate resolution, without debate

Item No. and Title	Page No.	Reason for Separate Resolution
Item 15.1 - Tender Selection Criteria - TEN02/09 Provision of Traffic Management Services	63-68	Absolute Majority Decision Required for Rec. 2.
Item 15.2 - Tender Selection Criteria - TEN03/09 Supply, Delivery and Laying of Asphalt	69-73	Absolute Majority Decision Required for Rec. 2.
Item 15.3 - Tender Selection Criteria - TEN04/09 Supply and Delivery of Premixed Concrete	74-78	Absolute Majority Decision Required for Rec. 2.

Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>13.1 - Submission to the Department of Water on the Draft Water Quality Improvement Plan for Vasse and Wonnerup Wetlands and Geographe Bay</p>	<p>Cr Masters</p>	<p>5-11</p>	<p>Clause 2 is somewhat ambiguous in that it supports better mechanisms to improve water quality in new urban areas but states that such mechanisms are not proposed for rural areas, without clearly stating whether such mechanisms should apply to new or existing rural land uses. Since the WQIP does not recommend new mechanisms be enforced in existing urban areas but only in new urban areas, a similar recommendation should be made with respect to rural land uses, i.e., that enforceable mechanisms be recommended for new rural land uses, not for existing rural land uses.</p> <p>Clause 5 as it is currently written does not actually state that the Shire supports the use of ATUs, although such support is implied. The suggested alternative motion simply makes it clear that the Shire does support their use.</p>	<p>That clauses 1, 3, 4 and 6 of the Officer Recommendations be adopted and that clauses 2 and 5 be replaced by the following clauses:</p> <ol style="list-style-type: none"> 2. The WQIP sets out clear, enforceable mechanisms to manage nutrient export from new urban development. However, it does not propose similar mechanisms for the management of nutrient exports from new developments on land to be used for rural or agricultural purposes. It is considered that the plan should either propose such mechanisms or propose a time by which such mechanisms should be developed if reduction targets are not being met by other means. 5. In areas of the Shire where deep sewerage services are not presently provided, it is proposed that the use of Aerobic Treatment Unit systems (ATUs) may be an acceptable alternative, but the WQIP does not recognise or make any recommendations regarding legislative changes necessary to implement the use of such equipment. The Shire supports the need to change existing legislation so that approved ATUs can be more widely used in appropriate areas within the Shire.

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
14.1 - Annual Review of the Council's Fees and Charges	Cr Masters	26-52	The 24 pages of fees and charges include some new fees and charges as well as many that propose increases well in advance of the current national CPI increase. Rather than take up what could be a large amount of the time of a formal Council meeting to discuss and seek advice on the merits or otherwise of dozens or hundreds of these proposed new or significantly higher fees and charges, I believe it is more appropriate to hold a workshop where staff can explain the background to those changes of interest or concern to Councillors.	That Item 14.1 Annual Review of the Council's Fees and Charges be deferred to a workshop of Councillors prior to returning it to a subsequent Council meeting.
14.1 - Annual Review of the Council's Fees and Charges	Staff	26-52	As detailed at Appendix A.	Adoption of <u>Officer Recommendation</u> with changes as detailed at Appendix A.

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>15.6 - Busselton Regional Airport - Noise Management Plan And Section 46 (Change To Environmental Conditions)</p>	<p>Cr Tuffin</p>	<p>90 - 105</p>	<p>Preamble:</p> <p>There is widespread acceptance of a vision for Busselton to have a well developed, modern and well managed airport, but one that causes minimum disruption to any of our residents. This vision is shared by the Airport Residents' Group It is the intent of this motion to bring this vision to fruition.</p> <p>1. Consultation</p> <p>To achieve the vision it is unquestionable that a workable and widely accepted Noise Management Plan is needed. Given that the entire purpose of the NMP is to protect those living near the Airport it is imperative that they are involved in the formative stages of the preparation of such a plan. It is also worth noting that all submissions from residents to the previous Draft NMP (2008) were highly critical, and yet they are now</p> <p style="text-align: right;"><i>Continued over page →</i></p>	<p>1. That the Council declines to accept The Officer Recommendations 1 and 2 .</p> <p>2. That as soon as practicable the CEO form an Airport Advisory Group (the Group) with representation invited from:</p> <ul style="list-style-type: none"> (a) Busselton and Dunsborough Chambers of Commerce (1 Representative); (b) GBTA (1 Representative); (c) Busselton Aero Club (1 Representative); (d) a member of the public appointed by this Council. (1 Representative); (e) two members of the group representing affected members of the public, i.e. the Airport's Residents' Group. (2 Representatives); and (f) two Councillors appointed by the Council <p>3. The Group be authorised to co-opt other temporary members to provide expertise when, and if it is required. (for example EPA, FIFO operators and CASA).</p> <p>4. The Group be requested to develop - as a matter of priority, and using the draft plan provided in the Agenda for the May 13th meeting as a basis for discussion,- a Draft Noise Management Plan to be submitted to Council as soon as possible.</p> <p style="text-align: right;"><i>Continued over page →</i></p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
15.6 (Continued)	Cr Tuffin	90 - 105	<p>being asked to comment on a revised edition that only differs from the original in that it increases the permissible noise level from 65dB to 80dB and increases the hours of operation from a 7.00am to 5.00am start.</p> <p>Furthermore, there has been no consultation or discussion whatsoever with the Airport Residents' Group or its spokesperson.</p> <p>2. The cost to the ratepayer of implementing the NMP or the Section 46 Application could vary from a few hundred thousand dollars to tens of millions. It is neither reasonable, nor intelligent to send a document out for public consultation, or to make a submission for a Section 46 Application, until these figures have at least been thoroughly investigated.</p> <p style="text-align: right;"><i>Continued over page →</i></p>	<p>5. The Group be requested - also as a matter of priority – to consider the Section 46 Application as outlined in the Agenda papers for the May 13th 2009 meeting, and to submit a report to the Council on the outcomes arising from this consideration.</p> <p>6. The Group be authorised to consider any issue involving the operations and development of the Airport and report regularly to the Council on the results of their discussions, and that these issues include, but not be limited to, the development of a Fly Neighbourly Agreement (FNA) and the long term future of a Busselton Regional Airport.</p>

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15.6 (Continued)	Cr Tuffin	90 - 105	<p>3. The effects of the NMP and Section 46 Application will be much wider than just those the residents that live near the airport. The proposed NMP calls for the Training Area to be: Track Coastal to Cape Naturaliste, Down the West Coast to Gracetown across to Cowaramup and then back. Much of this training will be legally conducted at heights down to 500 feet and with noisy manoeuvres such as full power spin recoveries, stalls, and mock forced landings, and with noise levels at residences permissible to 80dB.</p> <p>(Most noise complaints come from such Training Areas and other areas outside the 20 ANEF contour.)</p>	

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<p>16.2 - Community Hub - Results of Preliminary Site Investigation - Lot 42 Causeway Road, Busselton</p>	<p>Cr Stubbs</p>	<p>107- 112</p>	<p>A lot has transpired since the Council decided to explore (in stages) the possibility of developing a Community Hub on Rotary Park. This motion proposes that the project be put on the back burner and that the Council look at some short term initiative to address any staff needs in the short term.</p>	<ol style="list-style-type: none"> 1. That Officer Recommendation 1 be adopted. 2. That the Council decline to adopt Officer Recommendations 2 and 3. 3. That the Council acknowledges that the downturn in the global economy.....reported to be the deepest global recession since the "Great Depression" of the 1930s and the corresponding severe contraction of the Australian economy is likely to severely impact on many residents and ratepayers within the Shire of Busselton. 4. That the Council acknowledges that the Shire's ability to provide new and/or improved services and facilities in 2009/2010 and subsequent years is likely to be constrained as a result of the contraction of the Australian economy. 5. That the Council acknowledges that, as a consequence of these difficult economic conditions, rate increases should be kept to an absolute minimum and increases above the national CPI are to be avoided. 6. That the Council acknowledges that the State Government's Local Government reform proposals are creating significant uncertainty within Local <p style="text-align: right;"><i>Continued over page →</i></p>

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16.2 (Continued)	Cr Stubbs	107-112		<p>Government and that this uncertainty applies equally to the future governance of the Shire of Busselton.</p> <p>7. That as a consequence of the above items 3 - 6, Council resolves to defer indefinitely the proposal for a "Community Hub" on Rotary Park.</p> <p>8. That the Council directs the CEO to reassess the Shire's short term (five years) needs for additional office space and to report to Council by the end of September 2009 on all options available to Council to meet those needs.</p>
16.3 - Busselton Football & Sportsman's Club Lease Renewal	Cr Stubbs	113-115	\$500 is a significant impost on a local community sporting group. The rental should be left unchanged.	That the Officer Recommendation be adopted but with an annual rent of \$150 plus GST.
16.4 - Busselton Horse and Pony Club - Request for Lease Renewal	Cr Stubbs	116-118	\$500 is a significant impost on a local community sporting group. The rental should be left unchanged.	<p><i>NB: Cr Masters will declare an Interest Affecting Impartiality in relation to this matter.</i></p> <p>That the Officer Recommendation be adopted but with an annual rent of \$150 plus GST.</p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>16.6 - Demand Assessment for Regular Passenger Transport Service to the Southwest</p>	<p>Cr Masters</p>	<p>122-130</p>	<p>Clause 1 - The South West Regional Airport Study includes within its proposals significantly expanded use of the BRA which in turn will result in longer hours of operation and greater disturbance to residents living close to the BRA. The Council should not endorse such proposals until it is clear what their impacts and noise mitigation costs might be.</p> <p>Clause 4 - Roughly half way between Busselton and Margaret River townsites, there are extensive areas of pine plantation on publicly owned land. Considering the social impacts that might occur should a new airport be sited on privately owned land (not to mention the actual cost of such land), it is important that the sites to be investigated include these pine plantations and other potentially suitable public land.</p> <p>Clause 5. - Community consultation should only take place after the noise impacts and the</p> <p style="text-align: right;"><i>Continued over page →</i></p>	<p>That clauses 2, 3 and 4 (a) of the Officer Recommendations be accepted and that the remaining clauses be amended as follows:</p> <ol style="list-style-type: none"> 1. That the Council receive the South West Regional Airport Study dated February 2009. 4.(b) Investigate further sites to acquire land, with an emphasis to be placed on existing publicly owned land such as pine plantations, for a new airport to meet long term requirements of the region. 5. That the CEO: <ol style="list-style-type: none"> (a) identify and assess the cost of noise mitigation strategies, including potential purchase of land and how these strategies could be funded, if interstate flights are proposed to proceed; (b) conduct community consultation on a proposal to commence interstate flights to and from the BRA once these strategies have been completed, and (c) report to the Council on the findings of the strategy study and community consultation once the strategies have been completed and community consultation has been conducted.

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16.6 (Continued)	Cr Masters	122-130	cost of their mitigation have been clearly understood, both by the Council and by potentially affected residents of the area in which a new airport might be located. The suggested changes to Officer Recommendation 5 rearranges the order in which the CEO should undertake certain actions: first, identify and cost the strategies; then conduct the community consultation; and finally report to the Council.	

Council Agenda - 13 May 2009Item 14.1 - Annual Review of the Councils Fees & ChargesAmendments required to the Draft Schedule of Fees and Charges

Agenda Page No.	Description	Amendment	Reason
33	Ranger Fees to Impound Stock		
	Stock (3) to include wethers, ewes, lambs, goats - per head - if impounded after 6pm and before 6am	Draft Fees 2009/10 (Exc GST) to be amended to \$77.27	Error in GST calculation
36	Exploration Drilling Licences - Shire Roads/ Reserves		
	11-30 Holes	Draft Fees 2009/10 (Inc GST) to be amended to \$764.50	Error in GST calculation
	more than 100 holes	Draft Fees 2009/10 (Inc GST) to be amended to \$1,963.50	Error in GST calculation
	Traffic Management		
	Traffic Management - Traffic Count Data - fee per site recording (existing data)	Draft Fees 2009/10 (Exc GST) to be amended to \$55.00	GST not applicable
	Directional Signs for Tourist Attractions and Services		
	Annual Licence fee per blade	Draft Fees 2009/10 (Exc GST) to be amended to \$27.50	GST not applicable
50	Overnight Rates		
	Peak Season - (2 Adults per night)	Draft Fees 2009/10 (Exc GST) to be amended to \$32.27	Error in GST calculation

Agenda Page No.	Description	Amendment	Reason
	Pensioner Rate (2 Adults per night)	Draft Fees 2009/10 (Exc GST) to be amended to \$24.09	Error in GST calculation
	Weekly Rates - Off Season		
	Up to 27 days 2 Adults (per week)	Draft Fees 2009/10 (Exc GST) to be amended to \$168.18	Error in GST calculation
	After 27 Days - Long Term 2 Adults per week	Draft Fees 2009/10 (Exc GST) to be amended to \$165.88	Concessional GST
	After 27 Days - Long Term Pensioner Rate (2 Adults per week)	Draft Fees 2009/10 (Exc GST) to be amended to \$146.92	Concessional GST
	After 27 Days - Long Term Single Person Rate	Draft Fees 2009/10 (Exc GST) to be amended to \$140.28	Concessional GST
	Weekly Rate (Peak Season)		
	After 27 days 2 Adults per week (reduced GST applicable)	Draft Fees 2009/10 (Exc GST) to be amended to \$218.20	Concessional GST
51	Semi Permanents		
	Annual Charge entitles 80 days use for 2 people	Draft Fees 2009/10 (Exc GST) to be amended to \$3,127.96	Concessional GST