



## **COUNCIL MEETING 10 JUNE 2009**

### **En Bloc Council Resolution**

#### **RECOMMENDATION**

That the Officer Recommendations for **Items 14.1, 14.2, 14.3, 14.4, 14.5, 14.6 and 16.1** be adopted.

#### **Items to be dealt with by separate resolution, without debate**

<b>Item No. and Title</b>	<b>Page No.</b>	<b>Reason for Separate Resolution</b>
<b>Item 14.7 - Busselton Central Business District (CBD) Specified Area Rate - Adoption of 2009/10 Draft Annual Budget</b>	56-62	<b>Cr Masters wishes to declare an Interest Affecting Impartiality.</b>  <b>Absolute Majority Decision Required</b>

## Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
13.1 - Draft Revised Extractive Industry Policy	Cr Masters	5-11	<p>1. It is unrealistic to expect that a Shire policy will be 100% effective at achieving its objectives. The addition of the words "wherever reasonable" recognises that an extractive industry license may need to be issued in some circumstances even if the landscape character is not able to be fully protected and maintained.</p> <p>2. The aim of the fourth Objective is not designed to prevent positive or desirable impacts from occurring. Similarly, not all negative impacts are likely to be so severe as to be unreasonable. As a result, the addition of the word "unacceptable" provides some flexibility and recognises the reality of what the policy is attempting to achieve.</p> <p>3. Some tourist attractions, especially those focusing on eco-tourism, may not incorporate a building within their operations.</p> <p>The suggested change allows this policy to apply to those tourist attractions that incorporate non-built facilities.</p> <p style="text-align: right;"><b>Continued over page ▼</b></p>	<p>That the Officer Recommendation be adopted with the following changes made to the draft Extractive Industry Policy:</p> <ol style="list-style-type: none"> <li>1. the first Objective of this Policy on page 2 to read: <i>"To protect and maintain wherever reasonable the existing landscape character"</i>;</li> <li>2. the fourth Objective on page 3 to read: <i>"* to ensure that extractive industry does not have an unacceptable impact"</i>;</li> <li>3. on page 4, the definition (interpretation) of Tourist Attraction to read: <i>"means a building, group of buildings and associated facilities and including other non-built facilities substantially used for the attraction"</i></li> <li>4. the first dot point of clause 6.2.1.9 on page 8 to have the following words added at the end of the clause: <i>"unless ground conditions are sufficiently wet such that the likelihood of dust or sand being blown within or off the site is low."</i>;</li> <li>5. the 11th dot point of clause 6.2.1.9 on page 8 to read: <i>"The maximum height of overburden mounds and stockpiles are to be no high than 3.0 metres unless appropriately stabilised with a soil binding agent, while the maximum height of top soil mounds and stockpiles are to be no higher than 2.0 metres."</i></li> </ol> <p style="text-align: right;"><b>Continued over page ▼</b></p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
13.1 (Continued)	Cr Masters	5-11	<p>4. Under dry soil conditions, strong winds can cause serious dust problems. However, especially in winter, wet or damp soil conditions can often prevent the generation of dust so this eventuality is accounted for through the suggested amendment.</p> <p>5. In the mining industry, the value of topsoil for revegetating disturbed areas lies in its retention of a viable population of soil micro-flora and fauna. Standard industry practice is to restrict topsoil stockpiles to two metres in height, partly to reduce the risk that a larger volume of topsoil will begin to self compost, thereby killing micro-organisms, and partly to provide opportunities for the roots of temporary vegetation growing on the topsoil stockpile (as often happens through self seeding) to reach the deepest parts of the stockpile, thereby sustaining many micro-organisms.</p> <p>6. All backfill material should pose minimal or no biosecurity risk to the eventual post-extraction land use. Much builders rubble has a similar biosecurity risk as waste soil or material from residential areas and all should be managed to reduce biosecurity risks to an acceptable level. Further, the addition of the words "where appropriate" is suggested to take account of those situations where the post-excitation land use is not agricultural.</p>	<p>6. clause 6.3.1.3 to read:</p> <p><i>"The Shire may consider granting approval to backfilling with quality topsoil, suitable spoils from residential lots, builders' rubble, waste soil or material sources from residential areas subject to management measures being implemented to remove biosecurity risks and to ensure that the long-term security of the eventual farming land use (where appropriate) is protected.</i></p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
13.1 - Draft Revised Extractive Industry Policy	Cr Tuffin	5-11	To ensure that optimum protection and safety is provided to students on school buses by removing the possibility of any traffic conflict between heavily loaded trucks and schools buses when both are operating over the same sections of road.	That the Extractive Industry Policy be amended by removing Paragraph 6.5.1.2 (on Agenda page 12) and replacing it with  “Where it is proposed to operate haulage operations on roads that are designated school bus routes, operating times shall not be during, nor within 15 minutes of scheduled school bus times, and the applicant shall have determined, for affected roads, the accurate school bus times and shall also have achieved agreement to the arrangement from the School Bus Coordinator.”
13.2 - Proposal For Performing Arts And Creative Industries Centre	Cr Stubbs	12-23	This is not a matter that should be rushed. The Council should decide on a site after consulting the community, not based wholly on a consultant recommendation.	<ol style="list-style-type: none"> <li>1. That the Officer Recommendation not be adopted.</li> <li>2. That Signal Park and Barnard Park be submitted to the Busselton Foreshore Redevelopment Group as possible sites for a Performing Arts and Creative Industries Centre for the purpose of community consultation on foreshore development.</li> <li>3. That the CEO provide a report to the Council as soon as practicable on all sites within the Shire that may be considered suitable for a Performing Arts and Creative Industries Centre developed by the Shire or on a joint venture basis with others. The report to be compiled ‘in-house’ and is to be supported with a list of strengths and weaknesses for each site as identified by the staff.</li> <li>4. That the CEO provide the Council with a report in June 2010 on the composition of a Performing Arts and Creative Industries Centre Community Reference Group including Councillor representation.</li> </ol>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
13.3 - Redevelop Existing Tourist Development to Include 14 Apartments and One Day Spa	Cr Binks		This proposed development will have a significant impact on the Yallingup community and township. It is important that the community have the opportunity to do so.	That this item is deferred until the Ordinary Council Meeting on 24 June 2009, in order to allow residents of the Yallingup community greater opportunity to address the Council regarding this proposed development.
14.8 - Proposal to Borrow - Overdraft Facility	Cr Stubbs	63-65	It does not make sense to borrow monies on overdraft while the Shire has large sums of monies invested.	<ol style="list-style-type: none"> <li>1. That the Officer Recommendation not be adopted.</li> <li>2. That Council authorise the CEO to use; <ol style="list-style-type: none"> <li>(a) funds held as restricted assets and currently invested or proposed to be invested</li> <li>(b) other appropriate funds currently invested or proposed to be invested;</li> <li>(c) funds that would in time be transferred to Reserve Funds;</li> </ol> as operating funds in lieu of borrowing funds on overdraft facility. </li> </ol>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
15.1 - WA Plantation Resources - Application for a Restricted Access Vehicle Permit	Cr Masters	66-69	<ol style="list-style-type: none"> <li>1. The suggested change makes it clearer to the company that it has a choice between keeping its trucks off the school bus routes for the designated times or agreeing with the school bus coordinator to the shorter times when school buses are using the subject roads.</li> <li>2. The small increases suggested to the maximum number of trips per day and per week are designed to provide modest operational flexibility to the company, while still making it clear that the average trips per day and per week are not to be exceeded.</li> </ol>	<p>That the Officer Recommendation be adopted with the following changes:</p> <ol style="list-style-type: none"> <li>1. In clause (c), the word "Alternately" is replaced by the word "However".</li> <li>2. Clause (f) to read: "The restriction of the total movements of restricted access vehicles will be an average of 3 trips and a maximum of 4 trips on any one day and an average of 15 trips and a maximum of 18 trips per week in total."</li> </ol> <p><b>Note: Staff have provided a Revised Officer Recommendation for the Council's consideration (refer next page). This revision will have an effect on Cr Masters' Alternative Motion.</b></p>
15.1 – WA Plantation Resources – Application for a Restricted Access Vehicle Permit	Cr Tuffin	66-69	To ensure that optimum protection and safety is provided to students on school buses by removing the possibility of any traffic conflict between heavily loaded trucks and schools buses when both are operating over the same sections of road.	<p>That the Officer Recommendation be accepted subject to Recommendation (c) (page 69 of the Agenda) being altered to read:</p> <p>“Where it is proposed to operate haulage operations on roads that are designated school bus routes, operating times shall not be during, nor within 15 minutes of scheduled school bus times, and the applicant shall have determined, for affected roads, the accurate school bus times and shall also have achieved agreement to the arrangement from the School Bus Coordinator.”</p> <p><b>Note: Staff have provided a Revised Officer Recommendation for the Council's consideration (refer next page). This revision will have an effect on Cr Tuffin's Alternative Motion.</b></p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p><b>151 - WA Plantation Resources - Application for a Restricted Access Vehicle Permit</b></p>	<p>Staff</p>	<p>66-69</p>	<p>The Officer Recommendation contained in the Meeting Agenda was incorrect.</p>	<p>That the application from WA Plantation Resources for the use of Vasse - Yallingup Siding Road from the Gaskell Tree Farm to Quindalup Siding Road for use by Restricted Access Vehicles is approved, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(a) Transport hours be Monday to Friday – 7:00am to 6.00pm;</li> <li>(b) No transport is to occur on public holidays or weekends;</li> <li>(c) Where roads are designated school bus routes, applicants shall not operate between the times 7:30 am and 9:00 am and 3:00 pm and 4:30 pm on school days. Alternately, operating times may be other than within 15 minutes of scheduled school bus times where the applicant has determined, for affected roads, the accurate times and achieved agreement to the arrangement from school bus coordinator. (Enquiries can be made with the School Bus Liaison Officer on 9755 0528 or South West Coachlines on 9754 2977);</li> <li>(d) Other Restricted Access Vehicle conditions of a standard nature deemed necessary by the Shire of Busselton are to apply;</li> <li>(e) The Shire may reserve the right to request MRWA to withdraw the Restricted Access Vehicle permit at any time as deemed necessary;</li> <li>(f) The restriction of the total movements of restricted access vehicles on any one day will be 3 trips and no more than 15 trips per week in total.</li> </ul>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
16.2 - Reserve 27342 Harris Road	Cr Hastie	73-78	The resident feedback sheets and residents that I have spoken to in the area strongly support the Reserve being left as public open space with facilities for children, older folks and walkers. Yoganup Park is a fair distance away and residents would like a park close by.	Adoption of Officer Recommendation Clauses 1, 2 and 3, with inclusion of a new Clause 4 as follows:  4. That the CEO prepare a budget item for the 2010/2011 financial year to provide the reserve with play equipment, seating and barbeques similar to Rotary Park.
16.3 – Corporate Plan 2009-10	Cr Tuffin	79-81	Both Strategic Initiatives are contrary to Council resolutions still currently on the books.	That the Officers' Recommendation be accepted subject to the following two Strategic Initiatives being deleted:  (a) 2.1.2.5 Secure a suitable commercial tenancy for the old Fire Station in Queen Street; and  (b) 5.2.3.3. Develop Community Hub on Lot 68 Southern Drive and Lot 42 Causeway Road.*.  * NB: p 81 of the Agenda refers to the Strategic Initiative to <i>Develop Community Hub on Lot 68 Southern Drive and Lot 42 Causeway Road</i> as Number 5.2.3.2. This is incorrect and it should read 5.2.3.3.