



COUNCIL MEETING 22 JULY 2009

En Bloc Council Resolution

RECOMMENDATION

That the Officer Recommendations for **Items 13.1, 15.1 and 15.4** be adopted.

Items to be dealt with by separate resolution, without debate

Item No. and Title	Page No.	Reason for Separate Resolution
NIL		

Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>13.2 - Draft Environmental Management Plan for Locke Estate (Consideration to Adopt the Plan for Community Consultation Purposes</p>	<p>Staff</p>	<p>12-18</p>	<p>As identified in the consultation section of the staff report;</p> <p><i>'Prior to presenting this report to the Council, a preliminary draft of the EMP was made available to participants of the Locke Estate EMP workshop. This was not intended to be a separate opportunity to comment on the substance of the plan, but was an opportunity for parties that may be affected by the Plan to identify any factual errors.'</i></p> <p>This process identified the following issues that they requested be changed prior to being advertised for community consultation – but were not received prior to completion of the Council report.</p> <p>Page 18 of the EMP contains a photo of peppermint trees in poor health and a well liner at the base of the tree. It was felt that the inference was that water extraction had caused the trees to be in poor health.</p> <p>It was noted that there are many factors which could be causing poor <i>(Continued over page ▼)</i></p>	<p>1. That the draft Environmental Management Plan for Locke Estate be adopted under Clause 3.54 of the Local Government Act for the purposes of formal consultation of 28 days involving advertising and inviting public comment on the document subject to the following changes;</p> <p>A) Deleting the words “close to water extraction bore” from the caption on Page 18, and</p> <p>B) Within Appendix D;</p> <p>(i) the features, values and opportunities under 4.1.1 and 4.1.3 be represented as a combined list of items without attributing individual contributors.</p> <p>(ii) a notation be placed below the chart under 4.1.2 to state “the information above is only intended to give a general indication of perceived threats to the Locke Estate”, and</p> <p>(iii) at 4.1.4; add the qualifying statement - “Some of the views expressed in this section were not shared by all who were in attendance at the workshop.”</p> <p>C) Inclusion of advice in the report on the current Shire position (C0802/075) in respect to Coastal Management works at the site.</p> <p>2. That, the Draft Plan be referred back for the Council’s consideration following consultation.</p>

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13.2 <i>(Continued)</i>	Staff	12-18	<p>health in peppermint trees on site. It was felt that the words “close to water extraction bore” should be removed from the caption.</p> <p>Appendix D – Consultation Plan and Reporting, contains a record of outcomes of the consultation workshop. There are 3 suggested changes.</p> <p>1. Under 4.1.1 and 4.1.3 from the way the information is tabulated, it appears that those listed only supported or suggested one environmental feature, or value or opportunity. This was because the workshop facilitator asked for new information as he went around the room to the different tables represented. Workshop participants felt they were all in agreement with all of the information that was put up under these two questions and therefore it would be more accurate if the features, values and opportunities were just represented as a combined list of items without attributing individual contributors.</p> <p style="text-align: right;"><i>(Continued over page ▼)</i></p>	

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<p>13.2 <i>(Continued)</i></p>	<p>Staff</p>	<p>12-18</p>	<p>2. Under 4.1.2 workshop participants felt that a notation was required underneath the bar chart because there is considerable overlap with the issues, and one needed to be understand the context of the workshop to understand the rankings. E.g. Vegetation clearing is a threat to the vegetation on Locke Estate but is not likely to occur unless it is associated with another activity such as Development. Access and High Use are also interrelated, however, the way the data was collected and presented limits the interpretation that can come from it. It was recommended that a simple notation be placed below the chart to indicate the information is only intended to give a general indication of perceived threats to the reserve.</p> <p>3. Under 4.1.4 participants felt that this section needed a qualifying statement as follows.</p> <p>“Some of the views expressed in this section were not shared by all who were in attendance at the workshop.”</p>	

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13.3 - Yallingup Beach Caravan Park - Boundary Encroachments	Cr Hanran-Smith	19-29	<p>The encroachments have been a constant cause of friction between the lessee and the local community for many years, especially with the encroachment and destruction of native vegetation on the Road Reserve between the roadway and the present S.W encroaching corner of the Caravan Park.</p> <p>My reason for requesting an increase in the ex-gratia payment is that the lessee has had the benefit of using the Road Reserve for seven years since the \$2500 offer was resolved by the Council and I see that \$2500 amount as just a symbolic gesture which does not take into account the value of that use of the Shire's Road Reserve by the lessee.</p>	<ol style="list-style-type: none"> 1. That the Shire accepts an offer of \$5000 as an ex-gratia payment to the Shire in relation to the matter of encroachments onto the Yallingup Beach Road Reserve and commits to spend these funds in improvements to the local reserves, Yallingup Hall or its precinct. Should no payment be received within two months of this resolution then the Shire will commence proceedings to have any development within the Yallingup Beach Road Reserve removed. 2. That the CEO advise the Department of Regional Development and Lands that the Council supports the closure of that portion of Yallingup Beach Road reserve occupied by the existing dwelling only as shown on Agenda Attachment E (85.69m²) and its amalgamation with Reserve 31917 or any other reserve, as advised by the Department of Regional Development and Lands subject to: <ol style="list-style-type: none"> (a) There to be no further or additional development in the area to be closed and this area to be used for the existing dwelling only, subject to point (b) with this restriction to be referred to in the lease document for the site, (b) That the existing dwelling located on the "to be closed" area be demolished at the end of its life or as part of any redevelopment of the Caravan Park, whichever is the sooner and the lease to terminate at that time. i.e. it is not to be renovated or replaced in that location. This requirement to be addressed in the lease. <p style="text-align: right;"><i>(Continued over page ▼)</i></p>

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13.3 <i>(Continued)</i>	Cr Hanran-Smith	19-29		<p>(c) All costs of the amalgamation, lease amendments, survey and incidentals be met by the applicant (Menelle Holdings) and further that the Shire be indemnified against any other related costs.</p> <p>(d) That the lessee be bound to maintain the vegetation buffer where it exists on the land in question.</p> <p>(e) That any infrastructure, excepting the house mentioned in clause (a), be removed from the Road Reserve within two months of the date of this resolution.</p> <p>3 That Menelle Holdings Pty Ltd be advised that they are required to lodge a retrospective Development Application for the development on the encroachments into lot 4906 ,lot 4338 and lot 4120, within three months from the date of this resolution.</p> <p>4. As in Officer Recommendation</p> <p>5. As in Officer Recommendation.</p> <p>6. As in Officer Recommendation.</p> <p>7. As in Officer Recommendation.</p> <p>8. As in Officer Recommendation.</p> <p>9. That any lease between the Shire and any lessee of the caravan park site be for five years with any renewal to occur in the Shire’s usual fashion.</p>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
14.1 - Interim Accommodation Strategy for the Busselton Public Library and Construction of Community Resource Centre (Lotteries House)	Staff	30	The agenda listed this item for consideration, with a report to follow in an addendum. The report was not distributed for the 22 July meeting such that officers can incorporate additional information provided at the Councillor Briefing Session on 15 July into the final report.	That it be noted in the minutes of the 22 July meeting that the report relating to item 14.1 listed for consideration was not presented for this meeting and that consideration of this matter will be referred to a future Council Meeting.
15.2 - Layman Road - Verge/ Entry Statement Upgrade	Cr Stubbs	34-44	The works are not of a high priority however the matter needs re-consideration at a later date.	That the Officer Recommendation be adopted with the addition of the following additional Clause 3: 3. That the works program for Layman Road be submitted again for the Council's consideration in March 2013.
15.3 - Five Year Capital Projects Plan 2010 - 2015	Cr Stubbs	45-49	The public would appreciate being consulted on this plan. The Council should be informed on what the public thinks in relation to the plan.	That the Officer Recommendation be adopted with the addition of the following additional Clause 3: 3. That the Five Year Capital Projects Plan be advertised for public comment for a period of 35 days and the submissions received be reported to the Council with Officer recommendations relating to each submission.
	Cr Reid	45-49	This would enable Councillors to gain an evaluation of the options available to them to manage any rate increase in the 2009/10 year.	That this item be deferred to the first Council meeting after the rate modelling workshop has concluded.

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15.5 - Review of Community Infrastructure Technical Specifications	Cr Binks	53-58	The presentation of the information in its current form makes it extremely difficult for Councillors to identify those specifications which are proposed for change. If the Council is to endorse specifications that have changed, then Councillors should be presented with information that is easy to comprehend.	That item 15.5 REVIEW OF COMMUNITY INFRASTRUCTURE TECHNICAL SPECIFICATIONS is deferred until such time as the Shire is able to provide the Council with an executive summary detailing those technical specifications that are proposed to change along with details of the specifications in their current form, in a manner that is easier to understand.
	Cr Masters	53-58	Engineers, planners and other technical and professional individuals and businesses/ organisations who operate within the Shire are the people who have to implement the Standards and Specifications that are being adopted by Council. While the Shire staff have considered the feedback provided informally by developers and others in preparing these Technical Specifications, a more formal process inviting advice from the engineering, planning and other practitioners who have to implement the specifications on a day-by-day basis is considered desirable if the Standards and Specifications are to be kept relevant and up to date to meet local needs. <i>(Continued over page ▼)</i>	That the Officer Recommendation be accepted with the following two clauses added: 3. That the CEO distribute copies of the amended Standards and Specifications to a representative number of non-government individuals and organisations who operate within the Shire and who implement the Standards and Specifications in the course of their normal day-to-day work, with a request for feed-back to be provided to the Shire on the technical accuracy and relevance of the Standards and Specifications. 4. That, prior to any future review of the Standards and Specifications, the CEO contact a range of non-government individuals and organisations who operate within the Shire and who implement the Standards and Specifications in the course of their normal day-to-day work, requesting their advice on any recommended changes to the Standards and Specifications.

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<p>15.5 <i>(Continued)</i></p>	<p>Cr Masters</p>	<p>53-58</p>	<p>Hypothetically, a consulting engineer working in adjoining shires could know from experience that a certain diameter drainage pipe is excessive and unnecessary in certain situations.</p> <p>Similarly, changes to water sensitive design criteria within a planning context may be standard practice in other parts of WA but may not be reflected in the current Standards and Specifications.</p> <p>A two year review of the Shire's technical standards is to be applauded and the suggested changes to the Officer Recommendation, if adopted, will assist in ensuring that the reviews include up to date changes as applied by industry practitioners.</p>	