



COUNCIL MEETING 12 AUGUST 2009

En Bloc Council Resolution

RECOMMENDATION

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

Items to be dealt with by separate resolution, without debate

Item No. and Title	Page No.	Reason for Separate Resolution
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)	24-28	Cr Ryan wishes to declare a Financial Interest in relation to this item.
Item 15.4 - Request for Provision of Playground - Country Road, Bovell	79-84	Absolute Majority Decision Required
Item 16.2 - Minor Sport and Community Grants - 2009/10	89-93	Absolute Majority Decision Required for Officer Rec. 3.

Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
13.2 - Draft Local Commercial Planning Strategy - Adoption For Community Consultation	Cr Hanran-Smith	29-48	<p>With reference to item 1.a.ii., it is inappropriate to consider placing the automotive industry in this residential area.</p> <p>As to item 2.b. the fatal flaws with sites 1 and 2 are identified in the Officer's report and surely the fact that site 1 has already been rejected at the State Government level makes further consideration of site 1 a waste of Shire resources.</p>	<p>Cr Stubbs will declare a Financial Interest in relation to this item.</p> <p>Adoption of Officer Recommendation subject to deletion of Clauses 1.a.ii. and 2.b.</p>
	Cr Masters	29-48	<p>Of the alternative sites proposed by staff as the future medium-term location of Busselton's automotive industry (car yards, etc), all except Site 1 have serious and unacceptable flaws. Sites 4 and 5 are owned by people who have advised council that they do not approve of this proposed use for their land and they will not sell so as to allow this land use to occur. In addition, site 4 adjoins existing urban land and may adversely impact on the quality of life for those landowners.</p> <p style="text-align: right;"><i>(Continued over page ▼)</i></p>	<p>That the Officer Recommendation not be adopted until the Draft Strategy is amended to identify Site 1 (Koorden Place) as the preferred site for the automotive industry. Once this has occurred, the Draft Strategy is to be brought back to the Council for formal adoption as a draft for community consultation purposes.</p>

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13.2 <i>(Continued)</i>	Cr Masters		<p>Site 2 is unacceptable for environmental reasons, being wholly located within a wetland area. Sites 3 and 5 require employees and patrons using each site to gain access via the Busselton bypass, thereby potentially compromising the purpose of this road which is to provide a higher travel speed bypass away from built-up areas of Busselton townsite. Both these sites are more remote from the Busselton CBD than is considered reasonable for most users of the services provided by the car yards, while site 3 is also a contaminated site and developmental costs would be higher than for all other sites under consideration. The Busselton airport site may be a very long-term alternative site but, for the foreseeable future, it is too remote from the Busselton townsite to be considered viable.</p> <p>Site 1 will require strict landscaping and environmental protection conditions to be attached to any land use rezoning which would allow its use for car yards and associated industry. However, if the automotive industry is prepared to fully meet these conditions, then this site is considered viable in the short- to medium-term for this purpose.</p>	

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>Item 13.4 - Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater</p>	<p>Cr Binks</p>	<p>58-64</p>	<p>The Council notes the following reasons for requiring the modifications:</p> <ul style="list-style-type: none"> (a) the proposed maximum height of 19.5 metres is excessive and not in keeping with the requirements of the scheme; (b) the proposed height is not in keeping with the amenity and existing height limits of the existing surrounding developments; and (c) the proposed setback of 2 metres with an average of 4 metres is not consistent with the setbacks of existing adjoining developments. 	<p>Cr Underdown will declare an Interest Affecting Impartiality in relation to this item.</p> <ol style="list-style-type: none"> 1. 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 with the following modifications to ensure that the plan is consistent with the requirements of the scheme: <ul style="list-style-type: none"> (a) the maximum height limit above natural ground level for any building be limited to 10 metres, and (b) the setbacks applicable to development of the site to be consistent with those applying to adjoining development. 2. That the Council notes the following reasons for requiring the aforementioned modifications: <ul style="list-style-type: none"> (a) the proposed maximum height of 19.5 metres is excessive and not in keeping with the requirements of the scheme; (b) the proposed maximum height is not in keeping with the amenity and existing height restrictions of the existing surrounding developments; and (c) the proposed setback of 2 metres with an average of 4 metres is not consistent with the setbacks of existing adjoining developments.

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<p>Item 13.4 - Draft Development Guide Plan for 137 Aged Persons Dwellings on Lot 29 and 30 William Drive, Broadwater</p>	Cr Ryan	58-64	<p>The height, scale and density of this development is unacceptable.</p> <p>The Strategic Plan maintains that we “Ensure development of the Shire recognizes the unique character of the region and successfully balances” (it).</p>	<p>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 rejected.</p>
<p>16.1 - Local Law Review – Shire of Busselton Dust and Building Waste Control Local Law 2009</p>	Staff	85-88	<p>To make 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.</p>	<p>Adoption of the Officer Recommendation subject to amendment to Clause 1 by inclusion, following the figure “2009” in the second line, of the words <i>“subject to the following:</i></p> <p><i>(a) including page numbers in the local law;</i></p> <p><i>(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;</i></p> <p><i>(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</i></p> <p><i>(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.”</i></p>