



## COUNCIL MEETING 23 SEPTEMBER 2009

### En Bloc Council Resolution

#### RECOMMENDATION

That the Officer Recommendations for **Items 15.1, 16.2, 16.4 and 16.6** be adopted.

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

Item No. and Title	Page No.	Reason for Separate Resolution
<u>NIL</u>		

### Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p><b>13.1</b> Lot 3 (HSE 97) Caves Road, Abbey - 10 Chalets Within a Conservation Zone and Alteration to the Approved Site Plan</p>	Cr Masters	5	<p>Based upon verbal advice presented to councillors on September 16, the proponent believes that some issues of difference between his preferred development for this section of his land and the land use preferred by shire staff have been resolved in recent weeks and is reasonably confident that further resolution is possible. Considering the legal and planning complexities of this item and recognising the willingness of all parties to work together to achieve a mutually acceptable outcome, should one be possible, then it is suggested that this item should be deferred for a two month period.</p>	<p>That consideration of this item be deferred for a period of two months so that the proponent is given a further and final opportunity to negotiate a resolution to his proposal to construct 10 chalets within the conservation zoned section of his property.</p>

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16.1 Small Local Projects Fund 2009/10 - Nos 2 to 4	Officers	15	To clarify that the Councillors making the request for funding for SLP4 are Crs Clarke and Hastie jointly, not Cr Underdown as printed in the agenda. The funding is proposed to assist members of the group with expenses and will be provided to the group and not an individual.	<p data-bbox="1070 213 2042 277">That the following amounts be allocated from the Council's Small Local Projects Budget Allocation:</p> <table border="1" data-bbox="1236 309 2042 794"> <thead> <tr> <th data-bbox="1236 309 1292 389">No</th> <th data-bbox="1292 309 1467 389">Councillor Making Request</th> <th data-bbox="1467 309 1599 389">Amount</th> <th data-bbox="1599 309 1789 389">Recipient</th> <th data-bbox="1789 309 2042 389">Purpose for which funds will be used</th> </tr> </thead> <tbody> <tr> <td data-bbox="1236 389 1292 469">2</td> <td data-bbox="1292 389 1467 469">Cr Hastie</td> <td data-bbox="1467 389 1599 416">\$700</td> <td data-bbox="1599 389 1789 469" rowspan="3">Busselton Woodturners' Group</td> <td data-bbox="1789 389 2042 469" rowspan="3">Building of storeroom at Woodturners' premises</td> </tr> <tr> <td data-bbox="1236 416 1292 443"></td> <td data-bbox="1292 416 1467 443">Cr Clarke</td> <td data-bbox="1467 416 1599 443">\$500</td> </tr> <tr> <td data-bbox="1236 443 1292 469"></td> <td data-bbox="1292 443 1467 469">Cr Underdown</td> <td data-bbox="1467 443 1599 469">\$500</td> </tr> <tr> <td data-bbox="1236 469 1292 580">3</td> <td data-bbox="1292 469 1467 580">Cr Hanran-Smith</td> <td data-bbox="1467 469 1599 580">\$965</td> <td data-bbox="1599 469 1789 580">Possum Centre Busselton Inc.</td> <td data-bbox="1789 469 2042 580">To purchase brooder to aid in survival of orphaned Possum joeys</td> </tr> <tr> <td data-bbox="1236 580 1292 794">4</td> <td data-bbox="1292 580 1467 794">Cr Clarke Cr Hastie</td> <td data-bbox="1467 580 1599 794">\$500 \$500</td> <td data-bbox="1599 580 1789 794">Rotary International Group Study Exchange 2009</td> <td data-bbox="1789 580 2042 794">To cover personal expenses towards the exchange. These costs include host gifts, uniforms, language courses / tutorials, equipment etc.,</td> </tr> </tbody> </table>	No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used	2	Cr Hastie	\$700	Busselton Woodturners' Group	Building of storeroom at Woodturners' premises		Cr Clarke	\$500		Cr Underdown	\$500	3	Cr Hanran-Smith	\$965	Possum Centre Busselton Inc.	To purchase brooder to aid in survival of orphaned Possum joeys	4	Cr Clarke Cr Hastie	\$500 \$500	Rotary International Group Study Exchange 2009	To cover personal expenses towards the exchange. These costs include host gifts, uniforms, language courses / tutorials, equipment etc.,
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16.3 Ludlow Tourism Precinct Development Study	Officers	24	This change will ensure that no Shire funds are expended until the MOU is executed and Officers and the Council are confident the major issues can be resolved. The revised recommendation provides for existing parts 1 and 2 of the Officer Recommendation to proceed and requires all other actions as recommended to only be undertaken when and if the MOU is executed.	<p>That:</p> <ol style="list-style-type: none"> <li>1. the Council supports in principle the proposed Ludlow Tourism Precinct project;</li> <li>2. the CEO invites the Department of Environment and Conservation, Shire of Capel, Tourism WA, Heritage Council of WA, Department of Indigenous Affairs, the Forest Products Commission and Cable Sands to be part of an MOU. The purpose of the MOU is to resolve land tenure, zoning, boundary re-alignment, heritage buildings and site rehabilitation. The draft MOU be presented to the Council by 31 December 2009, or as soon after as facilitating the constituent parties allows;</li> <li>3. the following be undertaken when and if the MOU is executed: <ol style="list-style-type: none"> <li>a. the CEO negotiate with the Forest Products Commission for the proceeds of timber sales from Lots PIN 527082/527077 to be assigned to the Ludlow project for the sole purpose of restoring heritage buildings;</li> <li>b. a suitably qualified consultant be engaged to provide an independent assessment of the heritage buildings on the proposed site;</li> <li>c. the CEO negotiates with the Health Department to determine an adequate mosquito control program and risk assessment procedures;</li> <li>d. an amount of \$50,000 be proposed as part of the draft 2011/2012 budget for consideration to fund independent financial modelling for the staged project to commence in 2013.; and</li> <li>e. the Corporate Plan item (3.2.1.3) in respect to this matter be changed from "Undertake a feasibility study for Ludlow Caravan Park" to "Ludlow Tourism Park Project Planning".</li> </ol> </li> </ol>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
16.5 Locke Estate Project Progress Report	Cr Clarke	45	It is important that the residents of Busselton and tourists have access to this beautiful beach.	<p><b>Cr Hartley will declare an Interest Affecting Impartiality in this item.</b></p> <p><b>Officers have provided an Alternative Recommendation for this item to better reflect the lease application process.</b></p> <p>That the Officer Recommendation be adopted with the addition of:</p> <p>6.</p> <p>a. That the Road Reserve adjoining the western boundary of Reserve 22674 be made available for public access to the beach.</p> <p>b. This reserve to be fenced from the neighbouring blocks (refer attachment A).</p>

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16.5 Locke Estate Project Progress Report	Officers	45	<p>This item has been revised to better reflect the lease application process recommended for both existing lessees and new applicants. Part 2 provides essential lease terms upon which applicants will base their decision to apply and Part 4 provides information of which the applicants should be cognisant, but will not be required until mid 2010.</p> <p>Nominations from Councillors for the LEWG are also required.</p>	<p><b>Cr Hartley will declare an Interest Affecting Impartiality in this item.</b></p> <ol style="list-style-type: none"> <li>1. That the current Lessees of campsites on Reserve 22674, the Locke Estate, be offered the first right of refusal for new leases over their currently leased sites.</li> <li>2. That the current lessees be given until the end of January 2010 to provide the Shire with an indicative application for lease, based on the following lease criteria; <ol style="list-style-type: none"> <li>a) all leases will be for a term of 21 years and subject to the approval of the Minister for Lands.</li> <li>b) that the new lease boundaries be generally consistent with the diagram attached (Attachment 1), and</li> <li>c) a lease fee of \$800.00 per annum per site.</li> </ol> </li> <li>3. That any site remaining available following that date in part 2 will be publicly offered by Expression of Interest (EOI) to incorporated community groups or organisations.</li> <li>4. That all future lessees will be required to meet the following criteria; <ol style="list-style-type: none"> <li>(i) be a 'Not for Profit' Incorporated body with charitable, educational, and / or benevolent objectives</li> <li>(ii) have a Business Plan clearly setting out the services the organisation intends to provide and to whom those services will and will not be provided</li> <li>(iii) be able to demonstrate that the organisation has the financial and business acumen to operate a campsite for the purposes stated in its Business Plan, and</li> <li>(iv) in the case of an existing lessee, demonstrate compliance with their obligations under the current lease.</li> </ol> <p>Submission of this information will not be required until mid 2010.</p> </li> <li>5. That the Locke Estate Working Group (LEWG) be established by December 2009 and comprise a staff representative, two Councillors, representatives of three lessees and one community member not connected with any lessee group.</li> <li>6. That the two Councillor nominations for inclusion in the LEWG be Councillor _____ and Councillor _____.</li> </ol>

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p><b>16.7</b> Proposal for Rio Tinto to Undertake One Flight Per Week Prior to 7am from the Busselton Airport for a Six Month Trial</p>	<p>Cr Tuffin</p>	<p>60</p>	<p>The Motion being moved in Item 18.4 of the Agenda calls for the establishment of FIFO Trial of six months with a review at the end of that time, and will therefore meet the outcomes sought in Officers Recommendations 1 and 2. However, there is a crucial and important difference between the Officers' Recommendation and the Motion and this difference goes to the heart of the entire problem. The Officers Recommendation offers a large number of residents nothing, except an unpopular Trial, while the Motion seeks a compromise solution that is far more acceptable to everyone, but still allows for the Trial. If the Officers Recommendation is passed it will signal that a very one sided stance is being taken by the Council and will be offensive to several hundred residents who live near the airport. This will lead to further angst and almost certainly legal action.</p> <p>The Motion, on the other hand, calls for other concomitant action to be taken with the Trial while the Recommendations do not. The Motion has its genesis in the meetings of the BRAAG where there was a strongly voiced desire to reach a compromise and a mutually acceptable solution to the problem of establishing an operational airport - but doing so without unreasonable disturbance to the ratepayers living around the airport. As a result, the Motion offers the residents some assistance by seeking to limit or ban flight training by "heavy" aircraft. (in this case heavy means over 2000kg MTOW) while asking them to accept the Trial of 5.00 to 7.00 am flights over their houses.</p>	<p><b>Officers have provided an Alternative Recommendation for this item as it is proposed that this report is considered in conjunction with the Notice of Motion at Item 18.4 and the conditions were inadvertently omitted from the original Officer Recommendation. It is recommended that Item 18.4 be brought forward to this juncture.</b></p> <p>That the Officer Recommendation not be accepted.</p> <p>(Note: Cr Tuffin intends to move the motion of which he has given notice at Item 18.4 of the agenda which is the matter recommended to be brought forward to be considered in conjunction with this item).</p>

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