



COUNCIL MEETING 11 NOVEMBER 2009

En Bloc Council Resolution

RECOMMENDATION

That the Officer Recommendation for **Item 15.2** be adopted.

Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
13.1 Implementing Development Assessment Panels in Western Australia	Officers	4	The recommendation has been revised following input from Councillors raising additional items to include in the submission.	<u>Cr Len Boyling will declare an Impartiality Interest in this item.</u> That officers prepare a submission to the Minister for Planning stating that the Shire of Busselton does not support the introduction of Development Assessment Panels in the form proposed, based on the following reasons, and that if introduced any enabling legislation should respond to the issues, as identified below:

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				<ul style="list-style-type: none"> a. The value of development threshold is too low and should be raised to a minimum of \$5 million and provide for those applications that would otherwise be dealt with under delegation by the Local Government to be excluded from determination by the DAP. b. The proposal will increase the cost of processing of development applications to local governments without any acknowledgment of the need to increase fees. Additional fees are required to cover the cost of administering the DAP process, the secretariat role and the additional time required for officers and Councillors to prepare for and attend panel sessions. The current regulated planning fees do not cover the full cost of determination of development applications and this proposal will result in the local community funding a system that withdraws the decision making from the local representatives. c. The proposal will increase the complexity of the planning system by introducing another layer of approval for applications that would otherwise be dealt with under delegation.

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				<p>d. The proposal will increase the time to determine applications as it is unlikely that a fortnightly meeting cycle as common to Local Government will be established for the majority of panels. Additional processes may need to be developed to allow the Council to review the recommendation to the DAP, or to provide direction to its representatives, to ensure that the views of the community are considered.</p> <p>e. The proposal would be logistically unworkable from an administrative perspective due to the proposed revolving secretariat and varying systems and processes between local governments as have been developed to meet the needs of individual Local Governments.</p> <p>f. The proposal reduces the opportunity for residents to take part in the planning process. At present residents have the opportunity to address council on major developments that affect them and if interested can inform themselves of all items under consideration by the Council due to the advertising undertaken, or if a submitter due to the notification provided. It is not clear when, how or, if, an agenda for a DAP will be publically available or advertised or what opportunity will be available to a local community member to express their view.</p>

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				<p>g. The proposal will impose a further burden on Councillors with a requirement to travel potentially large distances to participate in a DAP. These time and distance constraints may preclude some Councillors from nominating for a DAP.</p> <p>h. The proposal will remove a Council's ability to make decisions on local issues and in reflecting the local community's views. As the elected representatives of their community, Councils should be the decision making body on major development applications.</p> <p>i. It is unreasonable to expect a Council to fund the defence in the SAT of a decision of the DAP, if that decision does not follow the Local Government's recommendation. Where the determination of the DAP is contrary to the recommendation of the Local Government appeals should be managed and funded by the State.</p>

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15.1 Tender Recommendation Report - Ten 05/09 Supply, Delivery And Laying Of Turf For The New Dunsborough Oval	Officers	11	<p>The report identifies that the item requires an absolute majority decision of the Council, however, this is not the case. Also, the revised recommendation from officers corrects a typographical error (from \$145,00 to \$145,000).</p>	<ol style="list-style-type: none"> 1. That all tenderers be advised that West Coast Turf is the preferred tenderer for RFT TEN 05/09 Supply, Delivery, and Laying of Turf for the New Dunsborough Oval based on its tender submission of 22 September 2009, including its schedule of rates, for the supply, delivery and installation of approximately 21,070m² of turf as per the Shires specification at a cost of \$120,578.00 2. That the Council endorses the Whole of Project Cost Estimate in the amount of \$145,000 to include: <ul style="list-style-type: none"> • A potential variation of up to 20% of the estimated quantities of turf to be supplied and installed, not known at contract award.

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15.3 Domestic Verge Side Rubbish Collection	Cr Len Boyling	18	To ensure that over the next 11 months, all of the preliminaries are completed and that the service is introduced without delay. In addition, the officer recommendation makes no mention of cost recovery. I see this as a specific, clearly identifiable service to our residents and should only be introduced on a user pays basis.	<ol style="list-style-type: none"> 1. That the Council include "Verge Side Rubbish Collection" as a priority project in the 2010/2011 Corporate Plan. 2. That Council's "Refuse Collection – Services Policy 211/2 be amended to include an annual verge side collection service within the "prescribed area". 3. That Council include in its annual budget estimates a once a year verge side rubbish collection service with the first verge side collection being provided during the months of October/November 2010. 4. That Council levy an annual verge side collection service fee on all properties within the prescribed area as defined within policy 211/2, such fee to be based on a full cost recovery of the service provided (with the exception of item 5 below). 5. For the financial year 2010/2011 only, the verge side collection service fee be limited to \$25.
15.3 Domestic Verge Side Rubbish Collection	Cr Grant Henley	18	<ol style="list-style-type: none"> i. I believe the ratepayers should be aware of the estimated cost imposition; in addition to regular services charges already levied; and be able to comment on the need versus cost of this suggested project. ii. Should the ratepayers be amenable to the collection then the process to implement it be brought forward to the earliest commencement date practicable. 	<ol style="list-style-type: none"> 1. That the council submit the proposed project 'Verge Side Rubbish Collection' for public consultation prior to making a decision on the progression of the project. 2. That the council include 'Verge Side Rubbish Collection' in the 2009/10 Corporate Plan with the intention that a verge side rubbish collection service be provided in the 2010/11 financial year.

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15.4 Possible Change Of Name - Harmans Road South	Cr Anne Ryan	23	At no time has the community had any input into this matter, nor the Augusta-Margaret River Shire Council.	<ol style="list-style-type: none"> 1. That the proposal is advertised for community consultation for a period of not less than 35 days. 2. That the CEO write to the Shire of Augusta-Margaret River (AMR) to request the matter be reported to the AMR Council for its consideration. 3. That the matter is then referred back to the Council for further consideration after the resolution of the AMR Shire Council and any community response.
16.1 Consideration Of Text For The Draft Of Annual Report For The 2008/2009 Financial Year	Officers	29	Minor changes as recommended by Councillors at the briefing session have been incorporated into the document. The recommendation also gives scope for further minor changes to be made if necessary prior to printing the document.	That the Council endorses the printing of the text of the Annual Report for the 2008/2009 financial year, subject to a final proofing of the document to incorporate minor typographical alterations as required.