



ITEMS FOR DEBATE

COUNCIL MEETING 21 JUNE 2023

ADOPTION BY EXCEPTION RESOLUTION

RECOMMENDATION

That the Committee Recommendations for items 12.1, 12.2, 12.3, 12.5, 12.6, 12.7, 12.8, 12.9 and 12.11, and the Officer Recommendations for items 14.1, 15.1, 15.2, 16.1 and 17.1 be adopted en bloc:

12.1	Policy and Legislation Committee – 10/5/2023 – COUNCIL POLICY REVIEW: EVENTS
12.2	Policy and Legislation Committee - 10/5/2023 – PROPOSED LOCAL PLANNING POLICY: IDENTIFICATION OF COMPLEX DEVELOPMENT APPLICATIONS – CONSIDERATION OF ADOPTION FOR ADVERTISING
12.3	Policy and Legislation Committee - 10/5/2023 - CONSOLIDATED PARKING SCHEME AMENDMENT - PROWSE WAY, DUNSBOROUGH
12.5	Audit and Risk Committee - 7/6/2023 - REVIEW OF THE AUDIT AND RISK COMMITTEE
12.6	Audit and Risk Committee - 7/6/2023 - CEO REVIEW OF SYSTEMS AND PROCEDURES (REG 17)
12.7	Finance Committee - 7/6/2023 - LIST OF PAYMENTS MADE - APRIL 2023
12.8	Finance Committee - 7/6/2023 - FINANCIAL ACTIVITY STATEMENTS - YEAR TO DATE AS AT 30 APRIL 2023
12.9	Finance Committee - 7/6/2023 - RATE EXEMPTION - FREE REFORMED CHURCH OF BUSSELTON INC
12.11	Finance Committee - 7/6/2023 - REVIEW OF THE FINANCE COMMITTEE
14.1	RFT 06/23 MECHANICAL SERVICES
15.1	BUSSELTON CULTURAL PRECINCT STRATEGY
15.2	COMMUNITY ASSISTANCE PROGRAM 2022/2023 ROUND 4 OUTCOMES
16.1	REQUEST FOR VARIATION SUBLEASE RAVENSTHORPE NOMINEES PTY LTD
17.1	COUNCILLORS INFORMATION BULLETIN

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION

Item No.	Item Title	Reason
12.4	Policy and Legislation Committee - 10/5/2023 - BUSHFIRES BRIGADES LOCAL LAW	Disclosure of Impartiality Interest – Cr Cronin
12.10	Finance Committee - 7/6/2023 - AMENDMENT TO ADOPTED SCHEDULE OF FEES AND CHARGES FOR THE 2023/2024 FINANCIAL YEAR	Absolute Majority Required

ITEMS FOR DEBATE

Item No. 9.1	Petition – PLAYGROUND – ARDFIN STREET, DUNSBOROUGH	Pulled by Officers	Page 7
<u>AMENDED RECOMMENDATION</u>			
That the Council receive the petition and refer it to the CEO for action.			
<u>REASONS FOR AMENDMENT</u>			
During discussion on this item at the agenda briefing session, the CEO noted he would be liaising with the Developers and the Engineering and Works Services team to workshop a suitable outcome for the playground at Ardfin Street, Dunsborough.			
<u>OFFICER COMMENT</u>			
As above.			
<u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u>			
Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations</i> 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.			

<p>Item No. 13.1</p>	<p>PROPOSED AMENDMENT 56 TO LOCAL PLANNING SCHEME 21 SPECIAL CHARACTER AREA - CONSIDERATION FOR INITIATION FOR ADVERTISING</p>	<p>Pulled by Cr Ryan</p> <p>Disclosure of Financial Interest – Cr Cox</p>	<p>Page 78</p>
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ALTERNATIVE RECOMMENDATION

That the Council defer item 13.1 until the Ordinary Council Meeting of 16 August, 2023.

REASONS FOR ALTERNATIVE

There is concern within the affected community groups that the current officer’s recommendation formally triggers the initiation of the amendment rather than allow informal consultation of those residents affected in the Special Character Areas initially and then resume the process of initiating the amendment at the August meeting.

Whilst I am mindful that the matter needs resolution, the Pennock decision was determined in 2021 and a few weeks delay will ensure that our community members are given the opportunity to consult with their planning consultants and inform their members and in turn ensure that Council are fully aware of any issues arising.

OFFICER COMMENT

The proposed amendment involves modification of clause 5.7.3 to reinstate planning controls that were in practice in these SCA prior to the Pennock decision in 2021, for approximately 20 years. This would mean consistency with planning practices that exist throughout the rest of LPS 21, where discretionary decision making applies.

Extensive consultation has been undertaken with the community over the past two years since the Pennock decision in relation to the negative outcomes that lack of discretion can create.

Informal consultation has previously occurred with the resident groups of Eagle Bay, Yallingup and Dunsborough/Quindalup in relation to this matter (between February 2023 and May 2023 and officers feel it is unlikely that further informal consultation on this amendment will provide residents groups any additional clarification to what has already been provided to date.

It is anticipated that the next step for engagement with the community would be as set out in item (4.) of the Council resolution noting that coordinating workshops with City staff and the resident groups and the preparation of development controls will require the assistance of an external consultant and an overall project time frame of 9-12 months.

Officers are proposing to undertake an extensive review of the Local Planning Policies in parallel with the Scheme Amendment and drafting of Scheme No.22, with broader consultation prior to the end of this year with the development controls to be considered during the progress of Scheme 22.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.

Item No. 13.2	PROPOSED ABBEY SOUTH STRUCTURE PLAN AND ASSOCIATED AMENDMENT NO. 55 TO LOCAL PLANNING SCHEME NO.21 - CONSIDERATION FOR FINAL APPROVAL	Pulled by Cr Cronin	Page 86
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ALTERNATIVE RECOMMENDATION

That Council defer item 13.2 until the Ordinary Council meeting of 16 August 2023 and request the Western Australian Planning Commission for an extension of time for the local government assessment of the proposal to the 1 September 2023 to allow for resolution of the following matters:

- 1. Consultation between the Proponent, City of Busselton and Main Roads WA in order to:**
 - a. Review the location of the intersection to Bussell Highway.**
 - b. Develop a preliminary road layout concept for the Bussell Highway intersection which provides for full access.**
 - c. Refine the T-intersection preliminary road layout concept for the Caves Roads intersection which:**
 - i. Provides one access point onto Caves Road that limits vegetation removal;**
 - ii. Limits the impacts to access and egress of lots on the northern side of Caves Road; and**
 - iii. Provides for safe pedestrian crossing.**
- 2. Incorporate areas of lower density (R10) by amendment of Attachment G (schedule of Modifications) to provide:**
 - a. A transition between Urban areas and Public Open Space within the Open Space Investigation area/Conservation Zone; and**
 - b. Areas adjacent the Caravan Park to the west.**

REASONS FOR ALTERNATIVE

The Structure Plan proposal raises substantial traffic concerns which the proponent, City of Busselton and Main Roads have not yet been able to fully resolve within the statutory timeframes that the City is required to provide a recommendation on the proposal.

Further progress towards the resolution of these concerns is required, that focuses on addressing traffic impact, external road connections, vehicle/pedestrian safety and impact to surrounding landowners.

A revision to the density codes of the structure plan is required to;

- a) Address concerns raised by the community over the proposed density of the structure plan.
- b) Allow for the provision of a lower density code (R10) which will cater to current demand for larger block sizes, and reflect the character of the surrounding area.
- c) Provide a more optimal transition between the high-density Urban Areas, Caravan Park and Public Open Space.

This Alternative seeks an extension to allow for the above to transpire and a revised structure plan to be submitted by the proponent.

OFFICER COMMENT

The officer report has recommended modifications which require one T-intersection access onto Caves Road and updated intersection design for the Bussell Highway connection. It is further anticipated that the WAPC will require a revised Traffic Impact Assessment as a modification to the structure plan (and relevant technical appendices). This WAPC modification will allow for the appropriate modelling information to be considered and tested for the intersection designs which will be finalised through the subdivision process.

Further modelling is not considered necessary for further consideration as the traffic network capacity will not be adversely impacted on by the proposal. Officers have come to this conclusion as the traffic numbers, being entirely generated from vehicle movements within the structure plan area are fairly low. At total development 3500 vehicle movements/day (vpd) is anticipated with less than 1000 vpd distributed via the Bussell Highway connection. To contrast within a 20-year period Bussell Highway will experience in excess of 15,000 vpd. It is also noted that Caves Road traffic movements will decrease substantially once the Vasse Dunsborough Link is constructed to approximately 2500 vpd, which will benefit the structure plan area as it is anticipated that Caves Road will be the busiest intersection.

The R20-40 density code will deliver predominately R20 lot sizes, often larger than the minimum lot size of 450m² specified in the Residential Design Codes and 500-900m² sized blocks are anticipated. The R20 code is the base code and applies in all instances except where:

- I. The lot (or lots) has a laneway abutting the rear boundary; or
- II. The lot (or lots) is directly abutting or immediately opposite the main north-south POS spine; or
- III. The lot (or lots) are within a 400m walkable catchment of the Monaghans local centre; or
- IV. The lot (or lots) are located at the end of a street block.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT

Pursuant to regulation 11(da) of the *Local Government (Administration) Regulations* 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.