



ITEMS FOR DEBATE
COUNCIL MEETING 13 DECEMBER 2023

ADOPTION BY EXCEPTION RESOLUTION

RECOMMENDATION

That the Committee Recommendations for items 10.1, 10.2, and 10.3 and the Officer Recommendations for items 11.2 and 15.1 be adopted en bloc:

10.4	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Media and Public Statements
10.6	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Waste Management Facility and Plant Reserve
10.7	Policy and Legislation Committee - 8 November 2023 - Various Council Policy Reviews - Early Clearance of Subdivisions, Reinstatement Works in Road Reserves, Crossovers, Defects Liability Bonds for Subdivisions and Management and Removal of Asbestos
10.9	Finance Committee 6 December 2023 – Monthly Financial Report – Year to Date 31 st October 2023
10.10	List of Payments Made – October 2023
12.1	Capital Programs of Works
14.2	CEO KPI Reporting: Local Procurement
15.1	Elected Member Information Bulletin

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION

Item No.	Item Title	Reason
10.2	Policy and Legislation Committee - 8 November 2023 - Dogs Local Law	Absolute Majority Required
10.3	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Bush Fire Brigade Management Policies	Disclosure of Impartiality Interest Mayor Phill Cronin
10.5	Policy and Legislation Committee - 8 November 2023 - Council Policy Review - Elected Member Training and Professional Development	Absolute Majority Required
10.8	Audit and Risk Committee - 29 November 2023 - 2022/23 Annual Financial Statements, Audit Report and Management Letter	Absolute Majority Required
13.1	Busselton Jetty Inc Short Term Lease of Ballaarat Room as Interim Marine Discovery Centre	Absolute Majority Required
14.1	Annual Report 2022-2023	Absolute Majority Required

ITEMS FOR DEBATE

Item No. 10.1	Policy and Legislation Committee - 8 November 2023 - Local Planning Policy Review: Adoption following consultation - LPP 1.5 Coastal Setbacks	Pulled by Cr Ryan	Page 35
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council pursuant to Clause 4, Part 2 of Schedule 2, 4 (3) (iii) – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve <u>not to proceed with draft LPP 1.5 Coastal Setbacks, as set out at Attachment A and retain existing policy LPP1.5 (Policy number changed from LPP 18 on 11/5/2020) adopted by Council on 10/3/2010 C1003/069</u></p>			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>This new Policy proposal was advertised in February 2021 with comment period closing on 5 March 2021. A review of the policy was undertaken. It took 21 months for the item to be presented to Council for final consideration of adoption/refusal at its meeting on 25 January 2023. At that time ten submissions were received.</p> <p>It was argued that the item should be deferred at the December 2022 meeting as followed due to late information on an approved DA (see below):</p> <p><i>COUNCIL DECISION C2212/314</i> <i>Moved Councillor A Ryan, seconded Councillor P Cronin. That this item be referred to the next Ordinary Meeting of Council on 25 January 2023. CARRIED 9/0</i></p> <p>In the meantime a DA was approved on Geographe Bay Road East, despite the Policy <u>not yet</u> being adopted! It was also evident that aggrieved affected neighbours were not consulted (which was later confirmed by staff) and Council requested the consultation process be undertaken again due to the timing lapse and the wording of the consultation be made more understandable.</p> <p><i>January 2023 - COUNCIL DECISION C2301/012</i> <i>That the Council: 1. Pursuant to Clause 4, Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve not to proceed with draft LPP 1.5 Coastal Setbacks, as set out at Attachment A; and 2. Pursuant to Clause 4, Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 adopt draft LPP 1.5 Coastal Setbacks as a draft for advertising, as set out at Attachment A.</i> <i>CARRIED 7/1</i></p> <p>A further consultation was done and correspondence, while made simpler to understand, still had wrong telephone numbers listed in the correspondence. In the original round of consultation (21/4/23 – 29/5/23) there were 10 submissions with 6 objections to any change, three in support of draft LPP1.5 and one neutral. In the following consultation (4/2/21 to 5/3/21) there were 11 Submissions with eight objections to any change, two supportive and one neutral.</p>			

Further, it has become evident that not all submissions have been noted in the Schedule of Submissions and I am not sure why the first round of submissions and the second round have been added together but it is indeed evident that the majority submissions for both consultations wanted to remain with the status quo.

It is arguable that draft LPP 1.5 will “*Purpose 2 2.1 Reduce the impact of built form when viewed from Geographe Bay Road and the adjoining coastal reserve and 2.2 Provide for development that contributes to, and is consistent with, the established streetscape*”. Landholders, subject to the abovementioned DA, will absolutely disagree with these statements.

It is ironic that this Policy is allowing building of properties closer to the ocean yet other ratepayers are being subjected to greater restrictions on climate change ramifications (noting submission 6, 12 respectively).

The City is currently undertaking a review of the Local Planning Scheme and will be the perfect opportunity to visit the whole Scheme when it is conducted.

OFFICER COMMENT

Officers consider that the proposed changes are appropriate as the current policy has no planning basis to require additional setbacks for all lots fronting Geographe Bay Road. It is considered that general streetscape is adequately addressed by the Design Principles of the R-Codes.

It is acknowledged that there was an error in the phone number on the letters that were sent to the community, however submitters were given the opportunity to discuss the proposed changes with officers and the ability to attend online workshops. Officers consider that this error made no significant difference to stakeholders being able to voice their concerns.

The Local Planning Scheme review will not include reviewing the content of Local Planning Policies.

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.