



ITEMS FOR DEBATE

COUNCIL MEETING 21 SEPTEMBER 2022

ADOPTION BY EXCEPTION RESOLUTION

<u>RECOMMENDATION</u>	
That the Committee Recommendations for Items 12.2, 12.4, and 12.5 and the Officer Recommendations for Items 13.1, 14.1, 15.1 and 17.1 be adopted en bloc.,	
12.2	Policy and Legislation Committee - 7/9/2022 - COUNCIL POLICY: REGISTRATION OF HOLIDAY HOMES
12.4	Finance Committee - 7/9/2022 - LIST OF PAYMENTS MADE - JULY 2022
12.5	Finance Committee - 7/9/2022 - FINANCIAL ACTIVITY STATEMENTS - YEAR TO DATE AS AT 31 JULY 2022
13.1	AMENDMENT NO. 53 TO LOCAL PLANNING SCHEME NO. 21 (SCHEDULE 9 – EXEMPTED ADVERTISEMENTS) - FINAL ADOPTION
14.1	RFT 07/22 - LANDFILL CELL 2 LINER - SUPPLY AND INSTALL
15.1	COMMUNITY ASSISTANCE PROGRAM (CAP) - 2022 REVIEW AND PROCESS IMPROVEMENTS
17.1	COUNCILLORS' INFORMATION BULLETIN

ITEMS TO BE DEALT WITH BY SEPARATE RESOLUTION (WITHOUT DEBATE)

Item No.	Item Title	Reason
12.1	Policy and Legislation Committee – 7/9/2022 – HOLIDAY HOMES AMENDMENT LOCAL LAW 2022	Absolute Majority Required
15.2	MARGARET RIVER BUSSELTON TOURISM ASSOCIATION VISITOR SERVICING PROPOSAL	Absolute Majority Required
16.1	ADOPTION OF CORPORATE BUSINESS PLAN 2022 - 2026	Absolute Majority Required

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Item No. 12.3	Policy and Legislation Committee - 7/9/2022 - COUNCIL POLICY AMENDMENT: COMMUNITY HIRE OF CITY PROPERTY	Pulled by Officers	Page 22
<p><u>AMENDED RECOMMENDATION</u></p> <p>That Council adopt the amended Council policy: Community Hire of City Property (Attachment B) to replace the current policy (Attachment A), inclusive of the following changes to point 5.6:</p> <p>5.6. <i>The City facilitates the hire of the Cultural Precinct facilities for community use. These include:</i></p> <ul style="list-style-type: none">a. <i>Busselton Performing Arts and Convention Centre (BPACC, working title)</i>b. <i>Weld Theatre</i>c. <i>Old Courthouse</i>d. <i>Stables Studio</i>e. <i>Stables Courtyard</i>f. <i>Sergeants Quarters</i>			
<p><u>REASONS FOR AMENDMENT</u></p> <p>The Weld Theatre and Sergeants Quarters are currently leased to community organisations who manage how they are utilised, including any community hire. Given this, it is considered appropriate to remove them from the Policy.</p> <p>While the City does facilitate community use of the property, they are not currently available for hire directly from the City and hence the Policy does not apply directly to them. On recognising this officers felt it was appropriate to pull the item and propose the amendment.</p>			
<p><u>OFFICER COMMENT</u></p> <p>As above.</p>			
<p><u>LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS REQUIREMENT</u></p> <p>Pursuant to regulation 11(da) of the <i>Local Government (Administration) Regulations 1996</i>, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.</p>			

Item No. 13.2	BUSHFIRE NOTICE REVIEW - DIRECTION ON RECOMMENCEMENT	Pulled by Cr Ryan	Page 78
<p><u>ALTERNATIVE RECOMMENDATION</u></p> <p>That the Council with respect to the review of the City’s Bushfire Notice-</p> <ol style="list-style-type: none"> 1. Supports reformatting of the current notice to make it easier for the community and staff to understand and implement where necessary. 2. Supports removal of provisions in the current notice that do not need to be, or should not be, included in a Bushfire Notice. 3. Requests that a draft revised Bushfire Notice be completed in time for the 23/24 fire season. 4. Supports the development of an engagement strategy and in particular the formation of a reference group by the CEO as part of the review process, comprised of community members, representatives of key stakeholder groups, Bush Fire Advisory Committee and Councillors, to inform the review process. 5. Requests a further report on this matter when the new State Government legislation has been enacted and anticipated changes to the State Planning Framework including the State’s Bushfire Prone Area Mapping have been completed. 			
<p><u>REASONS FOR ALTERNATIVE</u></p> <p>The State Government is currently drafting the <i>Consolidated Emergency Services Act</i>, which will combine the <i>Fire Brigades Act 1942</i>, <i>Bush Fire Act 1954</i>, and <i>Fire and Emergency Services Act 1998</i>.</p> <p>This revised legislation once adopted, will require a revision of the City’s bushfire notice, as the statutory framework which allows local governments to impose requirements on land owners in relation to management of fuel loads and implementation of firebreaks is pursuant to the <i>Bush Fires Act 1954</i> which forms part of this review. It is anticipated the draft consolidated act will be released as a Green Bill for consultation early 2023.</p>			
<p><u>OFFICER COMMENT</u></p> <p>It is somewhat difficult for officers to identify how the alternative would result in a different process or outcome than what was set out in the officer recommendation, other than in respect to the scope of changes that may be made for the 2023/24 fire season. Some commentary on the timeframes and issues associated with introducing a notice revised in the manner it is thought that the alternative envisages for 23/24 is set out below. Some broader commentary that Crs may find useful is also provided.</p> <p>Commentary on process for 23/24 notice</p> <p>The City’s annual bushfire notice is communicated to landowners in two key ways. Firstly, it is published in the Government Gazette. That is all that is necessary to fulfil legal obligations to implement the notice, but is clearly not a very effective way of communicating with landowners. As a result, the notice is also sent out with rates notices, usually in July of each year. At times in the past, the notice was sent out in separate correspondence in September or October, and therefore closer to the fire season. If the notice continues to be sent out with rates notices, however, it essentially means that any changes for a forthcoming fire season need to be resolved by March/April in any given year. Changes to inspection processes and procedures, as well as staff training/education, would also need to begin mid-year.</p>			

That timeframe would make it difficult to draft a new notice for 23/24, have any meaningful engagement as part of that process, and then undertake broader community consultation as part of the process, prior to the Council making a decision. It is also difficult to see how introducing a notice revised in the manner it is thought that the alternative envisages could occur without making some changes to the actual substance of the notice – i.e. there would need to be some change to the actual requirements that landowners needed to comply with. That is a key reason why officers did not recommend the making of changes for the 23/24 season. Should a draft notice be presented to the Council in March or April 2023, there is considered to be a significant chance that the Council may not actually wish to adopt the draft that is presented.

Broader commentary

Whilst there is a review and consolidation of emergency services legislation being undertaken by the State and it is true that should result in a change to the statutory head of power for bush fire notices, it is not expected that will resolve the key issues that triggered the need to review the City's bush fire notice – as those issues are matters of detail that one would not expect to be addressed in an act of Parliament.

Also, whilst not directly reflected in the reasons put forward by Cr Ryan, officers have seen some commentary suggesting that an aim of the review in the past has been to align the City's bush fire notice with planning regulations and policy that are and have been subject of change. Whilst it is true that the State has and continues to make changes to bushfire planning policies, the key matter that the review sought to address and that caused a very significant level of community angst during an earlier phase of consultation is something that has not changed to any significant degree across the whole of WA since 2015 and has, in fact, not changed significantly in the western part of the City of Busselton since 2008.

There are inconsistencies between planning and building control decisions made by the City (which are made on the basis of certain things being achieved through bush fire notices), the content of the City's bush fire notice (which sometimes does not reflect those planning and building control decisions) and the actual implementation of the notice (and if the City enforced the notice 'to the letter' many of the concerns expressed during the earlier consultation on this matter would re-emerge). Resolving those inconsistencies will require changes to the bush fire notice. Further, whilst fully resolving the inconsistencies may not be possible, it is hoped that the inconsistencies can be resolved to some degree, and in a manner that is aligned with community values and appropriately balances bush fire safety, environmental, amenity and financial considerations.

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.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Item No.	Item Title
18.1	AMENDMENT TO THE 2022/2023 ANNUAL BUDGET