



ITEMS FOR DEBATE

COUNCIL MEETING 16 NOVEMBER 2022

ADOPTION BY EXCEPTION RESOLUTION

RECOMMENDATION

That the Committee Recommendations for Items 12.1, 12.2, 12.3, 12.4, and 12.5, and the Officer Recommendations for Items 13.2 and 17.1 be adopted en bloc;

12.1	Airport Advisory Committee – 12/10/2022 – BUSSELTON MARGARET RIVER AIRPORT – OPERATIONS UPDATE
12.2	Finance Committee – 2/11/2022 – LIST OF PAYMENTS MADE – SEPTEMBER 2022
12.3	Finance Committee – 2/11/2022 – FINANCIAL ACTIVITY STATEMENTS – YEAR TO DATE AS AT 30 SEPTEMBER 2022
12.4	Finance Committee – 2/11/2022 – RATE EXEMPTION APPLICATION – RAY VILLAGE AGED SERVICES INC
12.5	Finance Committee – 2/11/2022 – RATE EXEMPTION APPLICATION – JOBS SOUTH WEST INC
13.2	AMENDMENT NO. 54 TO LOCAL PLANNING SCHEME NO. 21 (LOT 2883 PUZEY ROAD, WILYABRUP)
17.1	COUNCILLORS' INFORMATION BULLETIN

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

Item No.	Item Title	Reason
13.3	DRAFT LOCAL STRUCTURE PLAN, LOTS 176, 201 AND 9000 RENDEZVOUS ROAD, VASSE - REPORT FOR ADOPTION FOR FINAL APPROVAL	Absolute Majority Required
15.1	SENIOR CITIZENS GRANT AGREEMENT – AMENDMENT	Absolute Majority Required

ITEMS FOR DEBATE

Item No. 13.1	PROPOSED ABBEY SOUTH STRUCTURE PLAN AND ASSOCIATED AMENDMENT NO. 55 TO LOCAL PLANNING SCHEME NO. 21 - CONSIDERATION FOR ADOPTION	Pulled by Officers	Page 130
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AMENDED RECOMMENDATION

That Council:

~~1. In pursuance of Part 4 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), adopts the Abbey South Structure Plan (Attachment B) for consultation, to be advertised concurrently with Amendment 55, as set out below.~~

1. Request ~~written consent confirmation~~ from the Western Australian Planning Commission that a Structure Plan may be prepared for Abbey South in accordance with Schedule 2, cl.15 of the Regulations.

2. Require the following modifications to Amendment No. 55 of the City of Busselton Local Planning Scheme No. 21 prior to advertising:

(a) Inserting 'Special Provision Area No. 76' to read as follows –

No	Particulars of Land	Zone	Special Provisions
SP76	As identified on the Scheme map	Urban Development	<ol style="list-style-type: none"> 1. A single structure plan is to be prepared for the entire Special Provision Area. 2. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to set out the following: <ol style="list-style-type: none"> i. A water management report that takes into consideration the land to the south and addresses all water-related matters relevant to the proposal. ii. Measures to manage risk from coastal inundation. iii. Open space requirements. iv. Measures to retain, manage, and enhance environmental values associated with the Special Provision Area including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna

				<p>species, ecological linkages and wetlands, within 'public open space', road reserves, and/or conservation areas (as identified on the Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced.</p> <p>v. The provision of vegetated buffers to ensure appropriate visual screening and separation of development from main roads adjoining the Special Provision Area.</p> <p>vi. Measures to provide for the safe and efficient movement of pedestrians and cyclists to, from, and within the Special Provision Area, including crossings of main roads adjoining the Special Provision Area.</p> <p>3. A Local Development Plan is to be prepared on Lots 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway to address :</p> <p>i. Location of car parking, pedestrian access and vehicular/service access areas for development where adjacent or located on Lot 402;</p> <p>ii. Amenity of the locality and surrounds; and Landscape values and visual management considerations.</p>
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3. Subject to the modifications detailed in Part 3.2 above, in accordance with Section 75 of the Planning and Development Act 2005, adopt Amendment No. 55 of the City of Busselton Local Planning Scheme No. 21 (Attachment D) for advertising, for the purposes of amending the Scheme Map (Attachment E) by:
 - i. Replacing the 'Rural' and 'Conservation' zones over Lots 4, 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway, Abbey with the 'Urban Development' zone; and
 - ii. Amending the boundary of the Landscape Value Area to align with the west, south and east boundaries of Lot 4 Caves Road, Abbey.
4. In accordance with Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 55 of the City of Busselton Local Planning Scheme No. 21 is a 'standard amendment' in accordance with r.34 of the Regulations as it is:
 - i. an amendment that is consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission; and
 - ii. an amendment that does not result in any significant environment, social, economic or governance impacts on land in the scheme area.
5. Note that, as the Amendment is in the opinion of the Council consistent with Part V of the Planning and Development Act 2005 (Act) and Regulations made pursuant to the Act, upon preparation of necessary documentation, the Amendment be referred to the Environmental Protection Authority (EPA) as required by the Act, and on receipt of a response from the EPA indicating that the Amendment is not to be subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Regulations. In the event that the EPA determines that the Amendment is to subject to formal environmental assessment, this assessment is to be prepared prior to advertising of the proposal.
- ~~6. Through agreement with the applicant, modify the Abbey South Structure Plan prior to advertising as follows:~~
6. Note that the City cannot adopt the Abbey South Structure Plan prior to the receipt of written consent from the Western Australian Planning Commission, as outlined in Part 1 above.
7. Note that subject to existing delegation, it is envisaged that the Abbey South Structure Plan will be adopted for advertising, through agreement with the applicant, with the following modifications:
 - i. Incorporating vegetated buffers within the Structure Plan area to ensure sufficient screening to Caves Road and Bussell Highway;
 - ii. Applying a range of R-Codes to Lots 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway, Abbey, to accommodate an increased diversity of development opportunities;
 - iii. Improving permeability of Lots 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway, Abbey, through the modification to the proposed network of roads / paths / reserves; and
 - iv. Identification of a higher order cycle path through the Structure Plan area that connects to the City's existing and planned network.

8. Prior to implementing the above, require the proponent to prepare revised amendment documents consistent with the modifications set out in the Parts above.

REASONS FOR AMENDMENT

An amended recommendation is proposed to ensure that proper approval processes are adhered to. Currently, the zoning applicable to the Abbey South Structure Plan area does not provide a head of power required to prepare a structure plan.

The proposed Amendment No. 55 would address this by replacing the 'Rural' and 'Conservation' zones over Lots 4, 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway, Abbey with the 'Urban Development' zone.

However, in order to progress the amendment and structure plan concurrently, the City of Busselton must first seek written consent from the Western Australian Planning Commission (WAPC) to prepare a structure plan.

Following the receipt of written consent from the WAPC, it is envisaged that the Abbey South Structure Plan will be adopted for advertising under an existing delegation.

At this stage the City cannot require modifications. Rather, the City will seek agreement with the applicant to modify the Abbey South Structure Plan prior to advertising in accordance with the officer recommendation.

It is noted that the City may still recommend modifications to the Structure Plan at the final adoption stage in order to address any outstanding matters.

OFFICER COMMENT

As above.

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.

<p>Item No. 14.1</p>	<p>BUSSELTON WAR MEMORIAL</p>	<p>Pulled by Officers</p> <p>Declaration of Interest – Cr Grant Henley</p>	<p>Page 429</p>
<p><u>AMENDED RECOMMENDATION</u></p> <p>That the Council requests the CEO to:</p> <ol style="list-style-type: none"> 1. undertake community engagement regarding the development of a new War Memorial Cenotaph at Rotary Park, on the basis of the attached concept designs (Attachments A, B, C and D); and Endorse the concept designs for the potential relocation of the War Memorial to Rotary Park as per Attachment A, for the purposes of further community engagement; and 2. On completion of the community engagement, request the CEO present a report to the Council detailing the outcomes of the community engagement, for a final determination on the relocation how to proceed. 			
<p><u>REASONS FOR AMENDMENT</u></p> <p>Amendments are proposed to clarify the scope of the proposed development and consultation, being the construction of a new War Memorial Cenotaph (and surrounds). The Memorial Wall at Victoria Square is proposed to remain in situ at this stage.</p> <p>Officers have also amended the recommendation in response to concerns from some Councillors around the word ‘endorse’, with the intent being for community consultation to be undertaken on the basis of the concept designs (attached to the report), and for a further report to then be presented to the Council, for final determination on how to proceed. The amended recommendation seeks to reflect this.</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</i> 1996, if the amended recommendation is adopted by Council, the above Reasons will be recorded in the Minutes.</p>			

Item No. 15.2	MERG OUTCOMES	Pulled by Officers Absolute Majority Required	Page 441
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AMENDED RECOMMENDATION

That Council:

1. Endorses the following single year funding allocations towards the following economic focussed events, to be funded from the 2022/23 Events Budget:

Event Name	Amount
Busselton Ukulele Strummaganza	\$0
WA Gravity Enduro	\$4,000
42 nd Nacra National Championships	\$2,500
Geographe Bay Race Week	\$10,000
GBYC – Australia Day Regatta	\$0
Grapes of Mirth	\$7,500
Yallingup Shred Fest	\$7,000
Nautical Drive Festival	\$1,250
King of Concrete	\$8,000
TOTALS	\$40,250

2. Endorses the following single year funding allocations towards the following community events, to be funded from the 2022/23 Events Budget:

Event Name	Amount
Christmas in Mitchell Park	\$3,500
TOTALS	\$3,500

3. Endorses the following multi year funding allocations towards the following events, to be funded from the 2022/23 – 2024/25 Events Budgets:

Event Name	Amount
MR Readers & Writers – Busselton Special Edition	2022/23 \$10,000
	2023/24 \$12,500
	2024/25 \$15,000
SW Craft Beer Festival	2022/23 \$10,000
	2023/24 \$10,000
	2024/25 \$10,000
TOTALS	2022/23 \$20,000
	2023/24 \$22,500
	2024/25 \$25,000

4. Endorses the following multi year funding allocations towards the following economic development initiatives, to be funded from the 2023/24-2027/28 Marketing Budgets:

Economic Development Initiative	Amount
WAAPA Performance Activation Program	2023/24 \$40,000
	2024/25 \$40,000
	2025/26 \$40,000
	2026/27 \$40,000

TOTALS	2023/24 \$40,000 2024/25 \$40,000 2025/26 \$40,000 2026/27 \$40,000
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- 5. Endorses the allocation of up to \$5k towards the Fremantle Dockers Football Club Community Camp, to be funded from the 2022/2023 Marketing Budget;**
- 6. Endorses the adoption of the **amended** Business Development, Events and Marketing Program (previously Marketing and Events Reference Group) Terms of Reference; and**
- ~~6.~~ 7. Endorses the City of Busselton Events Strategy as a guide for future planning.**

REASONS FOR AMENDMENT

Officers are recommending the late funding request from Fremantle Dockers Football Club, to promote the AFL Regional Community Camp.

Minor amendments have been made to the proposed Terms of Reference to correct grammatical errors and provide clarity around Membership and funding objectives.

OFFICER COMMENT

Fremantle Dockers Football Club Community Camp

The City received a late proposal from the Fremantle Dockers Football Club, to support their AFL Regional Community Camp to be held in the City of Busselton from 1 – 3 December 2022.

The Fremantle Dockers will be undertaking a series of appearances, workshops, skills clinics and open training session over the 3 days.

These are the activities taking place:

Thursday 1 December

- School appearances
- Coach education session, Dunsborough
- Sportsman night, hosted by Dunsborough Football Club

Friday 2 December

- School appearances
- Open training session, Bovell Oval

Saturday 3 December

- Volunteer appreciation breakfast, Undalup Room

This represents an exciting opportunity for our community to meet, engage and learn from Fremantle Dockers players including local talent Jye Amiss.

Through the promotion of external media (Channels 7, 9 & 10) we anticipate plenty of exposure and interest in this upcoming camp.

Due to the impact of COVID-19, the financial contribution provided by the AFL towards activities like the Community Camp has been heavily reduced, however the club values the impact and opportunity to engage with communities at a grass root level and are therefore seeking support to be able to proceed.

The Fremantle Dockers have requested funding support of up to \$5k from the City to assist with the safe operations of running the open training session for the public, including toilets, water facilities, security and traffic management.

Officer recommendation is to endorse the allocation of up to \$5k towards the Fremantle Dockers Football Club Community Camp, to be funded from the 2022/2023 Marketing Budget.

BDEMP (MERG) Terms of Reference (Attachment A)

Minor changes have been made to the proposed Terms of Reference to correct grammatical errors and provide additional clarity around some of the points.

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	<p data-bbox="288 349 871 376">NOTICE OF MOTION – DUAL NAMING SIGNAGE</p> <p data-bbox="288 405 544 432"><u>RECOMMENDATION</u></p> <p data-bbox="288 454 1474 591">That the Council requests the CEO to present a report within 4 months from today on the feasibility, cost and consultation required to implement, where practicable, dual naming signage to areas within the City of Busselton that recognises the Aboriginal names for locations and places within our municipality.</p>
18.2	<p data-bbox="288 667 1465 730">NOTICE OF MOTION – CEREMONIAL HOME PORTING AND FREEDOM OF ENTRY TO AUSTRALIAN DEFENCE VESSEL (ADV) CAPE NATURALISTE</p> <p data-bbox="288 759 544 786"><u>RECOMMENDATION</u></p> <p data-bbox="288 808 1474 904">That Council requests the Chief Executive Officer offer 'Ceremonial Home Porting and Freedom of Entry' to Australian Defence Vessel (ADV) Cape Naturaliste, subject to authorisation by the Royal Australian Navy.</p>