

Please note: These minutes are yet to be confirmed as a true record of proceedings

SHIRE OF BUSSELTON

MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL
HELD ON 28 OCTOBER 2009

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	1
2.	OPENING PRAYER	1
3.	PUBLIC QUESTION TIME	2
4.	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
5.	APPLICATIONS FOR LEAVE OF ABSENCE	2
6.	CONFIRMATION OF MINUTES	2
7.	ANNOUNCEMENTS by the Presiding Member without discussion	2
8.	PETITIONS AND MEMORIALS	3
9.	DECLARATION OF DUE CONSIDERATION	3
10.	DECLARATIONS OF INTERESTS	3
11.	PRESENTATIONS BY PARTIES WITH AN INTEREST	3
12.	BUSINESS FROM PREVIOUS MEETING	3
13.	LIFESTYLE DEVELOPMENT REPORT	4
13.1	PROPOSED SCHEME AMENDMENT (ADOPTION FOR ADVERTISING) TO SCHEDULE 4 OF THE SCHEME TO INSERT ADDITIONAL USE RIGHT ('RESTAURANT'): LOT 143 EAGLE BAY ROAD, EAGLE BAY	4
14.	SYSTEMS AND INFORMATION REPORT	6
15.	COMMUNITY INFRASTRUCTURE REPORT	6
16.	COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT	6
16.1	SMALL LOCAL PROJECTS FUND 2009/10 - NOs 8 and 9	7
16.2	WINDERLUP VILLAS BOUNDARY WALL RE-BUILD	10
17.	CHIEF EXECUTIVE OFFICER'S REPORT	10
18.	MOTIONS of which notice has been given	10
18.1	DONATION OF FEE - ERECTION OF BANNERS - QUEEN STREET	10
18.2	RATE MODELLING	11
18.3	BUSSELTON'S 175TH ANNIVERSARY MEMORIAL	12
19.	CONFIDENTIAL REPORTS	13
20.	NOTICES OF MOTION proposed for consideration at a future Meeting	13
21.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	14
22.	NEXT MEETING	15
23.	CLOSURE	15

SHIRE OF BUSSELTON**MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 28 OCTOBER 2009 AT 5:30 PM**

The Presiding Member opened the meeting at 5.30 p.m.

1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Presiding Member: Cr Ian Stubbs Shire President

Members: Cr Ross Bromell
Cr Len Boyling
Cr Gordon Bleechmore
Cr Terry Best
Cr Anne Ryan
Cr Tom Tuffin
Cr Jackie Emery
Cr David Reid
Cr Don Hanran-Smith
Cr David Binks
Cr Grant Henley

Officers: Mr Matthew Smith A/Chief Executive Officer
Mr Nigel Bancroft Director, Lifestyle Development
Ms Cathryn Hutton Executive Manager, Systems and Information
Mr Paul Martin A/Director, Community and Organisational Development
Miss Lynley Rich Governance Manager

Apologies: Nil

Leave of Absence: Cr Rob Underdown

Media: "Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public: 15

2. OPENING PRAYER

The Opening Prayer was delivered by Pastor Alan George of the Abundant Life Centre.

Following the prayer, the Shire President advised that Pastor George had been involved in attending Council meetings to pray for more than 20 years. This dedication was acknowledged and the Pastor was also thanked for all of the wonderful work that he undertakes in the community.

3. PUBLIC QUESTION TIME

Nil.

4. SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. CONFIRMATION OF MINUTES

6.1 Minutes of an Ordinary Council Meeting held on 14 October 2009.

COUNCIL DECISION

C0910/370 Moved Councillor Hanran-Smith, seconded Councillor Ryan:

That consideration of the minutes of the Ordinary Council meeting held on 14 October, 2009 be deferred.

CARRIED 12/0

7. ANNOUNCEMENTS by the Presiding Member without discussion

7.1 All Councillors would have received a list of contact details for the Councillors, which will be updated when the new Councillors receive their mobiles. I have also requested that the contact details of appropriate staff be provided for all Councillors.

7.2 A reminder that the meeting with the Minister for Health will be held at 3pm tomorrow to enable all Councillors to be briefed on the hospital issue. This will be a closed briefing involving just the Minister and Councillors.

7.3 I am seeking a volunteer to replace me at the Cuppa with a Councillor session to be held on Tuesday with Cr Bromell. (Cr Henley agreed to do so).

7.4 Yesterday I signed the agreements between the Council and BJECA. This has been a long process over some 22 years and I am pleased to say that it is something that I undertook in my first day of office.

7.5 I invite all Councillors to come along on Monday at 3.30pm to a Councillors' only get together at which there will not be any staff or public. This will be for Councillors to form some direction and you will have received a list of issues for discussion just circulated. I have also asked the Acting CEO to provide a list of issues that he would like discussed and to receive some direction on. I invite all Councillors to also raise any other issues they may have.

This is not a formal Council meeting. When it is complete I will ask the Acting CEO and Governance Manager to compile a Council agenda with draft resolutions for a Special Council meeting. This will enable some very important decisions to be made quickly. The matters I wish to raise generally relate to governance and finance issues and there does not need to be any community consultation at this stage.

8. PETITIONS AND MEMORIALS

Nil.

9. DECLARATION OF DUE CONSIDERATION

The Presiding Member requested Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

Declared Due Consideration	No Declaration
Councillor Ian Stubbs	
Councillor Ross Bromell	
Councillor Len Boyling	
Councillor Gordon Bleechmore	
Councillor Terry Best	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Jackie Emery	
Councillor David Reid	
Councillor Don Hanran-Smith	
Councillor Don Grant Henley	
Councillor David Binks	

10. DECLARATIONS OF INTERESTS

10.1

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 16.1, Small Local Projects Fund 2009-10 (specifically proposal 9).
Type of Interest	Financial Interest

11. PRESENTATIONS BY PARTIES WITH AN INTEREST

- 11.1 Mr Vern Bussell addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 18.3, Busselton's 175th Anniversary Memorial. Mr Bussell, representing the Bussell family, was in agreement with the proposed notice of motion.

12. BUSINESS FROM PREVIOUS MEETING

Nil.

13. LIFESTYLE DEVELOPMENT REPORT**13.1 PROPOSED SCHEME AMENDMENT (ADOPTION FOR ADVERTISING) TO SCHEDULE 4 OF THE SCHEME TO INSERT ADDITIONAL USE RIGHT ('RESTAURANT'): LOT 143 EAGLE BAY ROAD, EAGLE BAY**

SUBJECT INDEX:	Town Planning Schemes and Amendments:
APPLICATION NUMBER:	853/6/6/21pt150
STRATEGIC INITIATIVE:	2.4 Review Town Planning to reflect emerging diversity whilst retaining identity and character.
BUSINESS UNIT:	Strategic Planning and Sustainability
SERVICE:	Strategic Land Use Planning
DATE OF COMPLETION:	30 November 2009
VOTING REQUIREMENT:	Simple
PROPOSAL:	Proposed Scheme Amendment (adoption for advertising) to Schedule 4 of the Scheme to insert Additional Use right ('Restaurant') provision for Lot 143 Eagle Bay Road, Eagle Bay
LOT SIZE:	230ha
ZONE:	Rural
POLICIES:	<i>1. Local Rural Planning Strategy 2006</i> <i>2. WAPC SPP 6.1 - Leeuwin-Naturaliste Ridge Statement of Planning Policy</i>
ATTACHMENT(S):	A. Location Plan B. Extract from Zoning Map

PRÉCIS

This report is asking the Council to initiate an amendment to the Shire of Busselton District Town Planning Scheme No. 20 ("the Scheme") to insert an 'Additional Use' right provision for Lot 143, Eagle bay Road, Eagle Bay ('the Site')

Pursuant to the Scheme, a 'restaurant' use is normally prohibited within the Agriculture zone within which the site is located.

In this instance, the proposed restaurant use would form part of and be physically integrated into a building containing a number of other land uses previously approved for the site. It is therefore recommended that the draft Scheme amendment be initiated to allow public consultation to be undertaken.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0910/371 Moved Councillor Binks, seconded Councillor Hanran-Smith:

1. That the Council, in pursuance of Part V of the *Planning and Development Act 2005* ("Act"), adopt draft Amendment No. 150 (Amendment") to *Shire of Busselton District Town Planning Scheme No. 20* ("Scheme") for community consultation, which proposes to amend Schedule 4 of the Scheme to insert an 'Additional Use' (No. 70 – 'Restaurant') provision for Lot 143, Eagle Bay Road, Eagle Bay.
2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.

CARRIED 12/0

14. SYSTEMS AND INFORMATION REPORT

Nil.

15. COMMUNITY INFRASTRUCTURE REPORT

Nil.

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT

Item 16.2 was brought forward to this juncture as it required an Absolute Majority decision of the Council, but had not otherwise been identified for debate.

16.2 WINDERLUP VILLAS BOUNDARY WALL RE-BUILD

SUBJECT INDEX:	Winderlup Villas
STRATEGIC INITIATIVE:	Community and Social Wellbeing Built and Physical (Infrastructure) Wellbeing
BUSINESS UNIT:	Community And Organisational Development
SERVICE:	Property Services
DATE OF COMPLETION:	November 2009
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENT(S):	Aerial map

PRÉCIS

This report is a request for the Council to approve the release of funds from the community housing programme Restricted Asset Account (RAA) for payment of an unforeseen expenditure. The expenditure was not evident at the time of developing the budget for the current 2009/2010 financial year.

The expenditure is required to re-build and repair a section of damaged brick boundary wall at the Winderlup Villa Complex, on the corner of Marine Terrace and West Street in Busselton (see Attachment).

COUNCIL DECISION / OFFICER RECOMMENDATION**ABSOLUTE MAJORITY REQUIRED**

C0910/372

Moved Councillor Bromell, seconded Councillor Ryan:

That Council approve the release of funds up to a maximum of \$55,000 for the purpose of rebuilding the boundary wall at Winderlup Villa Complex, by undertaking a transfer from available funds restricted by the Shire (and held as part of its Restricted Asset Monies) for purposes specifically associated with the maintenance of the Community Housing properties.

CARRIED 12/0
By Absolute Majority

16.1 SMALL LOCAL PROJECTS FUND 2009/10 - NOs 8 and 9

SUBJECT INDEX:	Sponsorship and Grant Applications
STRATEGIC INITIATIVE:	1.1.1 Encourage and Support Cultural Activities and Events
BUSINESS UNIT:	Finance
SERVICE:	Financial Management and Control
DATE OF COMPLETION:	Subject to receipt of all necessary information, funds will be provided as soon as practicable following this Council Meeting
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Sponsorship request letter from Cody Murdoch U3A Information and Explanation Busselton Dunsborough U3A newsletter

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 16.1, Small Local Projects Fund 2009-10 (specifically proposal 9).
Type of Interest	Financial Interest
Declaration	I am employed at the Busselton-Dunsborough Mail and have done two advertisements of which I would have received a commission.
Notation	The Presiding Member declared that the two proposals identified would be dealt with separately as Cr Ryan's interest only related to No 9 - U3A.
5.56pm - At this time Cr Ryan left the meeting	

PRÉCIS

The following allocations of funds for expenditure from the Small Local Projects Budget allocation have been proposed. Funds are available and expenditure is permissible under the Local Government Act 1995.

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
8.	Cr Stubbs	\$500	Southern Rip / TAFE	"Stacks 'n' Stunts" event (to plan and run a Skate/BMX/Scooter festival as a leadership exercise) * See attachment
9.	Cr Stubbs	\$250	Busselton Dunsborough U3A	Start up assistance * See attachments

OFFICER RECOMMENDATION

That the following amounts be allocated from the Council's Small Local Projects Budget Allocation:

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
8.	Cr Stubbs	\$500	Southern Rip / TAFE	"Stacks 'n' Stunts" event (to plan and run a Skate/BMX/Scooter festival as a leadership exercise)
9.	Cr Stubbs	\$250	Busselton Dunsborough U3A	Start up assistance

COUNCIL DECISION 1

C0910/373 Moved Councillor Henley, seconded Councillor Tuffin:

That the following amount be allocated from the Council's Small Local Projects Budget Allocation:

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
9.	Cr Stubbs	\$250	Busselton Dunsborough U3A	Start up assistance

CARRIED 11/0

5.57pm At this time Councillor Ryan returned to the meeting.

COUNCIL DECISION 2

C0910/374 Moved Councillor Henley, seconded Councillor Tuffin:

That the following amount be allocated from the Council's Small Local Projects Budget Allocation:

No	Councillor Making Request	Amount	Recipient	Purpose for which funds will be used
8.	Cr Stubbs	\$500	Southern Rip / TAFE	"Stacks 'n' Stunts" event (to plan and run a Skate/BMX/Scooter festival as a leadership exercise)

CARRIED 12/0

Note: Officers had provided additional officer recommendations to enable the four new Councillors to access funds from the small local projects fund for 2009-10.

COUNCIL DECISION 3 / ADDITIONAL OFFICER RECOMMENDATION

C0910/375 Moved Councillor Hanran-Smith, seconded Councillor Binks:

That Councillors Henley, Boyling, Bleechmore and Best be provided with a \$1700 allocation for recommendation for disbursement from the Small Local Projects Fund for the 2009/10 financial year, based on the portion of the financial year for which they will be a Councillor.

CARRIED 12/0

COUNCIL DECISION 4 / ADDITIONAL OFFICER RECOMMENDATION
ABSOLUTE MAJORITY REQUIRED

C0910/376 Moved Councillor Binks, seconded Councillor Bromell:

That the 2009/10 budget for the Small Local Projects fund be increased by transferring \$2650 from the Unclassified Donations account.

CARRIED 12/0
By Absolute Majority

16.2 WINDERLUP VILLAS BOUNDARY WALL RE-BUILD

This item was considered earlier in the meeting as a matter requiring a decision by absolute majority ([C0910/372, Page 6](#)).

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

18. MOTIONS of which notice has been given

18.1 DONATION OF FEE - ERECTION OF BANNERS - QUEEN STREET

NoM NO: 09/10: 19

Councillor Don Hanran-Smith had given notice of his intention to move the following motion.

NOTICE OF MOTION

That the Shire donates all fees, normally raised to erect 32 banners for Queen Street, to the Geographe Bay Yacht Club Inc

MOTION

Moved Councillor Hanran-Smith, seconded Councillor Best:

That the Shire donates all fees, normally raised to erect 32 banners for Queen Street, to the Geographe Bay Yacht Club Inc from the Unclassified Donations account.

FORESHADOWED MOTION

Councillor Binks foreshadowed his intention to move that the donation to Geographe Bay Yacht Club be to a maximum of \$1300.

COUNCIL DECISION

C0910/377 Moved Councillor Hanran-Smith, seconded Councillor Best:

That the Shire donates all fees, normally raised to erect 32 banners for Queen Street, to the Geographe Bay Yacht Club Inc from the Unclassified Donations account.

CARRIED 8/4
Dissenting Voters
Cr David Reid
Cr Len Boyling
Cr Tom Tuffin
Cr Grant Henley

18.2 RATE MODELLING

NoM NO: 09/10: 20

Councillor David Reid had given notice of his intention to move the following motion.

NOTICE OF MOTION

1. In light of this year's widely varying rate increases, the CEO investigate alternative rating models that more accurately reflect the percentage rate increases set by the Council each year.
2. That the models be presented to the Council at the first Council meeting in February 2010.

COUNCIL DECISION

C0910/378 Moved Councillor Reid, seconded Councillor Binks:

1. In light of this year's widely varying rate increases, the CEO investigate alternative rating models that more accurately reflect the percentage rate increases set by the Council each year.
2. That the models be presented to the Council at the first Council meeting in April 2010.

CARRIED 11/1
Dissenting Voter
Cr Ross Bromell

18.3 BUSSELTON'S 175TH ANNIVERSARY MEMORIAL

NoM NO: 09/10: 21

Mr Vern Bussell had previously addressed the Council in relation to this matter. Item 11.1 refers. Mr Bussell was in agreement with the proposed motion.

Councillor David Reid had given notice of his intention to move the following motion at the 28 October 2009 meeting of Council.

MOTION

Moved Councillor Reid, seconded Councillor Tuffin:

1. That the Council, the Community and the Shire of Busselton mark the 175th anniversary of the beginning of settlement in Busselton by the Bussell family with a memorial to John Garrett Bussell, recognised Bussell family leader who commenced settlement in Busselton on 14 April 1834.
2.
 - a. That the memorial take the form of a statue, bust or other appropriate options.
 - b. The CEO obtain costs in respect to the above and report to Council on or before the December Council meeting.
3. That the community, the Family History Group, tourist industry, Bussell family, BaDRA and the foreshore committee be invited to forward suggestions on the possible options such a memorial may take and also the location of the same.

Note: The Presiding Member advised that the motion would be divided into three separate motions and each would be voted on separately.

COUNCIL DECISION 1

C0910/379 Moved Councillor Reid, seconded Councillor Tuffin:

That the Council, the Community and the Shire of Busselton mark the 175th anniversary of the beginning of settlement in Busselton by the Bussell family with a memorial to John Garrett Bussell, recognised Bussell family leader who commenced settlement in Busselton on 14 April 1834.

CARRIED 11/1
Dissenting Voter
Cr Ross Bromell

COUNCIL DECISION 2

C0910/380 Moved Councillor Reid, seconded Councillor Tuffin:

- a. That the memorial take the form of a statue, bust or other appropriate options.
- b. The CEO obtain costs in respect to the above and report to Council on or before the December Council meeting.

CARRIED 8/4

Dissenting Voters

Cr Ross Bromell
Cr Don Hanran-Smith
Cr David Binks
Cr Grant Henley

COUNCIL DECISION 3

C0910/381 Moved Councillor Reid, seconded Councillor Tuffin:

That the community, the Family History Group, tourist industry, Bussell family, BaDRA and the foreshore committee be invited to forward suggestions on the possible options such a memorial may take and also the location of the same.

CARRIED 9/3

Dissenting Voters

Cr Ross Bromell
Cr Don Hanran-Smith
Cr David Binks

19. CONFIDENTIAL REPORTS

Nil.

20. NOTICES OF MOTION proposed for consideration at a future Meeting

Nil.

21. QUESTIONS FROM MEMBERS WITHOUT NOTICE

- 21.1 Cr Grant Henley asked whether the agenda for the meeting of 11 November could include a minute's silence for Remembrance Day.

The Presiding Member advised that the agenda had been produced but that a minute's silence would be observed at an appropriate time at the meeting.

- 21.2 Cr David Binks asked if he could receive an update of the progress regarding students attending agenda briefing sessions and community access sessions. Have the invitations been put into place?

The Acting CEO advised that he was not sure of the exact status but believed the invitations had been extended.

- 21.3 Cr David Reid advised that he would like to know if Oliver Darby would extend appreciation to the gardening staff for the colourful new roundabouts.

The Presiding Member advised that the appreciation will be passed on.

- 21.4 Cr Jackie Emery asked if she could be advised about the proper process for questions that had been taken on notice.

The Acting CEO advised that the responses get provided to be read out at the next meeting. A response is also provided to the person who asked the question. The intention is that this would be done prior to the next meeting.

- 21.5 Cr Tom Tuffin asked if the Presiding Member agreed that the debate was of a very high standard at this evening's Council meeting.

The Presiding Member advised that he was extremely impressed with the conduct of the meeting and extended congratulations to all.

- 21.6 Cr Gordon Bleechmore asked if he could receive an update on the mosquito control program. Is the Shire up to date with this program as there appears to be large numbers of mosquitoes?

The Director, Lifestyle Development advised that the Shire is up to date with its fogging program. There is also a larviciding program that requires Federal Environmental approval. The approval allows the Shire to undertake four larvicide applications before December. These are being timed to ensure the applications can occur when there is real need.

The current impression of large numbers of mosquitoes is also being contributed to by the large numbers of midges. This has been significant and there is not a program for the control of midges in place. Research with other Councils that undertake midge control programs has indicated that the effectiveness of such programs does not justify the costs associated. This is a significant cost benefit decision that appears difficult to justify.

22. NEXT MEETING

Wednesday, 11 November 2009, commencing at 5.30pm.

23. CLOSURE

The meeting closed at 7.10pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 15 WERE CONFIRMED AS A TRUE

AND CORRECT RECORD ON _____

DATE: _____

PRESIDING MEMBER: _____