

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 26 MARCH 2008

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SHIRE OF BUSSELTON**MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 26 MARCH 2008 AT 5:30 PM**

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

1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Presiding Member: Cr Wes Hartley Shire President

Members: Cr Bethwyn Hastie
Cr David Binks
Cr Ian Stubbs
Cr Ross Bromell
Cr Anne Ryan
Cr Tom Tuffin
Cr John Triplett
Cr Alan MacGregor
Cr Bev Clarke
Cr Don Hanran-Smith
Cr Rod Wheeler

Officers: Mr Andrew Macnish Chief Executive Officer
Mr Matthew Smith Director, Community and Organisational Development
Mr Nigel Bancroft Director, Lifestyle Development
Ms Cathryn Hutton Executive Manager, Systems and Information (until 7.08 p.m.)
Ms Jenny Mathies Admin. Officer - Governance

Apologies: Cr Rob Underdown

Leave of Absence: Nil

Media: "Busselton-Dunsborough Times" (2)
"Busselton-Dunsborough Mail" (1)

Public: 30

2. OPENING PRAYER

The Opening Prayer was delivered by Reverend Wayne Warfield of St Mary's Anglican Church.

3. PUBLIC QUESTION TIME

Mr Kevin Bligh attempted to ask a question using the name of a member of staff, but was informed by the Presiding Member that as the matter he had raised was a staff issue the question needed to be directed to the CEO and not refer to any staff member's name.

3.1 **Mr Kevin Bligh:**

Has disciplinary action been taken against the Planning Officer in regard to misleading Councillors at a Council Briefing.

Response - Presiding Member:

You are getting into dangerous territory.

Response - Chief Executive Officer:

As Council is aware, the CEO is responsible for all staff matters. I have not received any correspondence from this gentleman about any officer in my employ. No action is being contemplated.

3.2 **Mr Kevin Bligh:**

If no action has been taken, when will such action be taken?

Response - Presiding Member:

You need to communicate this in writing to the CEO if there is any accusation of failure by any staff member to carry out their duties. This is the responsibility of the CEO. I believe that this would then be communicated in some way or other.

3.3 **Mr Kevin Bligh:**

I believe that I did mention this in a letter to the CEO.

Response - Presiding Member:

If this is in writing, there would be a copy on file and it will be followed up.

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 Meeting of Council held on 12 March 2008.

C0803/090 Moved Councillor Ryan, seconded Councillor Bromell:

That the minutes of an Ordinary Meeting of Council held on Wednesday, 12 March 2008, be confirmed as a true and correct record.

CARRIED 11/1

Dissenting Voter:

Councillor David Binks

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

7.1 Earlier this afternoon, an enjoyable meeting was held with Dr Brendan Nelson, Leader of the Federal Opposition, Nola Marino, Member for Forrest, and a number of Councillors, CEOs and Shire Presidents from surrounding Shires. They shared with us on a number of issues regarding the future sustainability of the region generally, seachange and the capability of local government areas to provide infrastructure. Dr Nelson wished to record that he was very appreciative of the invitation from the Shire of Busselton to visit.

7.2 Shire of Busselton representatives will visit the Shire of Nannup tomorrow to have discussions about the sustainability debate in the local government sector. At the Council Meeting on 9 April 2008, I intend to raise an urgent item for Council's consideration which will form the basis of Council's response to the call for submissions on this matter, required to be provided by 15 April.

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 Wes Hartley	Nil
Councillor Bethwyn Hastie	
Councillor David Binks	
Councillor Ian Stubbs	

Declared Due Consideration	No Declaration
Councillor Ross Bromell	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor John Triplett	
Councillor Alan MacGregor	
Councillor Bev Clarke	
Councillor Don Hanran-Smith	
Councillor Rod Wheeler	

10. DECLARATIONS OF INTERESTS

10.1

DECLARATION OF INTEREST	
Name / Position	Councillor Bethwyn Hastie
Item No. / Subject	Item 15.2, Temporary Office Accommodation for the Next Two Years
Type of Interest	Interest Affecting Impartiality

10.2

DECLARATION OF INTEREST	
Name / Position	Councillor Don Hanran-Smith
Item No. / Subject	Item 15.2, Temporary Office Accommodation for the Next Two Years
Type of Interest	Interest Affecting Impartiality

11. PRESENTATIONS BY PARTIES WITH AN INTEREST

11.1

Mr Peter Harding addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 15.2, Temporary Office Accommodation for the Next Two Years. Mr Harding, representing the Busselton School of Dance, was not in agreement with the Officer Recommendation or the alternative motion proposed by Councillor MacGregor in relation to this item (as contained in the list of items for debate for this meeting). However he was supportive of the alternative motion proposed by Councillor Hastie in relation to this item.

11.2

Mr Carl Holroyd addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 15.2, Temporary Office Accommodation for the Next Two Years. Mr Holroyd, Coordinator of the Busselton Dunsborough Volunteers, was not in agreement with the Officer Recommendation or the alternative motion proposed by Councillor MacGregor in relation to this item (as contained in the list of items for debate for this meeting). However he was supportive of the alternative motion proposed by Councillor Hastie in relation to this item.

- 11.3 Mr Michael Chartres addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 15.2, Temporary Office Accommodation for the Next Two Years. Mr Chartres, Treasurer of the Busselton Dunsborough Environment Centre, was not in agreement with the Officer Recommendation or the alternative motion proposed by Councillor MacGregor in relation to this item (as contained in the list of items for debate for this meeting). However he was supportive of the alternative motion proposed by Councillor Hastie in relation to this item.
- 11.4 Ms Peta Kierath addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 15.2, Temporary Office Accommodation for the Next Two Years. Ms Kierath, representing Advocacy South West, was not in agreement with the Officer Recommendation or the alternative motion proposed by Councillor MacGregor in relation to this item (as contained in the list of items for debate for this meeting). However she was supportive of the alternative motion proposed by Councillor Hastie in relation to this item.
- 11.5 Mr Terry Baker addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 18.2, Prosecutions. Mr Baker owns a number of properties in Busselton and was supportive of the proposed motion.
- 11.6 Mr Andrew Selby addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 18.1, Extension of Waste Collection Service - Hayes Road, Owen Road, Vasse-Yallingup Siding Road. Mr Selby, owner of an affected property, was supportive of the proposed motion.
- 11.7 Mr Jon Meyer addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 18.1, Extension of Waste Collection Service - Hayes Road, Owen Road, Vasse-Yallingup Siding Road. Mr Meyer, occupier and part-owner of an affected property, was supportive of the proposed motion.
- 6.28 p.m. At this time Councillor Binks left the meeting.
- 6.30 p.m. At this time Councillor Binks returned to the meeting.
- 11.8 Mrs Judy Clark addressed Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 15.1, Port Geographe - Future Project Resourcing Requirements. Mrs Clark, representing the Wonnerup Residents' Association, advised that the Wonnerup Residents' Association and the Port Geographe Action Group were generally in agreement with the Officer Recommendation. She thanked Councillors, the CEO and staff for their efforts in finding a way forward in relation to the issues at Port Geographe.

6.33 p.m. At this time Councillor Clarke left the meeting.

12. BUSINESS FROM PREVIOUS MEETING

Nil.

EN BLOC COUNCIL RESOLUTION

At this juncture Items 14.1, 15.1 and 16.1 were considered in accordance with Clause 11.1 of the Standing Orders via an En Bloc resolution of Council.

C0803/091 Moved Councillor Hastie, seconded Councillor Bromell:

That the Officer Recommendations for Items 14.1, 15.1 and 16.1 be adopted.

CARRIED 11/0

14.1 FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 JANUARY 2008

FILE NO: FIN7

PRÉCIS

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the sources and application of funds, as set out in the annual budget. The report is to include details of budget estimates, actual expenditures and revenues, and is to disclose any material variances.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 January 2008.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0803/092 Councillor Hastie, Councillor Bromell (En Bloc):

That the statutory financial reports for the period ending 31 January 2008 be received.

**CARRIED 11/0
EN BLOC**

15.1 PORT GEOGRAPHE - FUTURE PROJECT RESOURCING REQUIREMENTS

FILE NO: 8067SUB

Mrs Judy Clark addressed Council earlier in the Meeting as a Party with an Interest in this matter. She was generally in agreement with the Officer Recommendation and thanked Councillors, the CEO and staff for their efforts in finding a way forward in relation to the issues at Port Geographe.

PRÉCIS

This report updates and builds upon the relevant recent Council resolutions (see below) and in doing so, recommends Council ensures a dedicated resource is committed to the Port Geographe (PG) project and that it be funded from appropriate and defensible sources. The PG project complexities are compounding and it is opportune given Council's corporate planning and budget development process is just commencing, that it consider dedicated resource investment in the project, (which is detailed and recommended in this report).

COUNCIL DECISION / OFFICER RECOMMENDATION

C0803/093 Councillor Hastie, Councillor Bromell (En Bloc):

1. That Council -
 - (a) include a specific mention of Port Geographe in its Strategic Plan;
 - (b) include in its annual corporate plans, the required (measurable and achievable) targets for the project each year (which would then form the basis of KPI's or contractor engagement in employment contracts);
 - (c) budgets an amount in its 2008/9 budget for \$400,000 and that advertising for two dedicated resources/positions occurs as soon as practicable and that if one or both of the positions can be filled prior to 1 July, that this occur and is funded from COA 172320;
 - (d) budgets to quarantine the Port Geographe engineering supervision fees to offset the project resourcing (part 3 above), and budgets the balance of funding required to come from the PG Development Reserve; and
2. That the PG developer be requested to fully fund the full cost of one PG Project FTE (or equivalent contractor expense).

CARRIED 11/0
EN BLOC

16.1 COMPLIANCE AUDIT RETURN 2007**FILE NO:** COM1**PRÉCIS**

The Shire of Busselton's Compliance Audit Return for 2007 has been completed. The return is a statutory obligation and covers a significant range of requirements under the Local Government Act. The completed Compliance Audit Return is attached to this report for the consideration of the Council.

The scope of this year's audit was increased by the Department of Local Government and Regional Development and it now includes 70 more questions, bringing the total to 346. There are some matters to which the Shire has not been able to demonstrate absolute compliance, and these are discussed in further detail in this report. However, the report also identifies how these issues can be dealt with to ensure future compliance with the requirements.

The return is recommended for adoption, after which it will be forwarded to the Department of Local Government and Regional Development.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0803/094 Councillor Hastie, Councillor Bromell (En Bloc):

1. That Council notes the matters of non-compliance identified in the Compliance Audit Return and furthermore endorses the proposed improvement actions to be taken to ensure future compliance and improved performance;
2. That Council adopts the Compliance Audit Return 2007; and
3. That Council authorises the President and Chief Executive Officer to sign the joint certificate as required by Audit Regulation 15.

CARRIED 11/0
EN BLOC

ITEMS CONSIDERED BY SEPARATE RESOLUTION

At this juncture, in accordance with Clause 11.2 of the Standing Orders, those items requiring an Absolute Majority or in which Councillors had declared Financial, Proximity or Impartiality Interests, but that had not otherwise been identified for debate, were considered.

13.1 TENDER SELECTION CRITERIA - TEN 03/08 SHIRE OF BUSSELTON LOCAL SETTLEMENT PLANNING STRATEGY

FILE NO: TEN03/08

PRÉCIS

The Shire of Busselton is to seek suitably qualified and experienced consultants to prepare the Local Settlement Planning Strategy (LSPS) as part of the Shire of Busselton Town Planning Scheme Review.

This report seeks approval from Council for the adoption of the selection criteria in order to call for Tenders for the LSPS pursuant to the Local Government Regulations.

COUNCIL DECISION / OFFICER RECOMMENDATION

C0803/095 Moved Councillor Hanran-Smith, seconded Councillor MacGregor:

1. That Council adopt the selection criteria and approve the calling of tenders for Tender TEN 03/08 – Local Settlement Planning Strategy.

SELECTION CRITERIA

The Principal has adopted a qualitative criteria combined with a best value for money approach to this Tender. In determining the most advantageous Response, the Evaluation Panel will score each Response against the qualitative and pricing consideration criteria as detailed below. Each criterion is weighted to indicate the relative degree of importance that the Principal places on the technical aspects of the services being purchased. The evaluation panel will make a series of value judgements based on: the qualitative ranking of each Respondent; and the pricing submitted by each Respondent.

Once the Responses have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking and risk of each Response, in order to determine the Response which is most advantageous to the Principal.

Price is therefore one factor considered, and the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranking the highest on the qualitative criteria.

COMPLIANCE CRITERIA

These criteria will not be point scored. Each Tender will be assessed on a Yes/No basis as to whether the criterion is satisfactorily met. An assessment of "No" against any criterion may eliminate the Tender from consideration.

Description of Compliance Criteria		
(a)	Compliance with the Specification contained in the Request.	Yes/No
(b)	Compliance with the Conditions of Tendering in the Request.	Yes/No
(c)	Compliance with the Request for Tender Closing Date.	Yes/No
(d)	Compliance with and completion of the Price Schedule.	Yes/No

QUALITATIVE CRITERIA

In determining the most advantageous Tender, the Principal will score each Tenderer against the qualitative criteria. It is essential that Tenderers address each qualitative criterion. The Tenders will be used to select the chosen Tenderer, and failure to provide the specified information may result in elimination from the Tender evaluation process. The qualitative criteria for this Request are as follows:

Description of Qualitative Criteria	Weighting
<p>A) Relevant Experience</p> <p>Describe your experience in completing similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it "Relevant Experience":</p> <p>(a) Provide details of similar work;</p> <p>(b) Provide the scope of the Tenderer's involvement including details of outcomes;</p> <p>(c) Provide details of issues that arose during the project and how these were managed by the Respondent;</p> <p>(d) Demonstrate sound judgement and discretion; and</p> <p>(e) Demonstrate competency and proven track record of achieving outcomes.</p>	25%

<p>B) Key Personnel skills and experience</p> <p>Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <p>(a) Their role in the performance of the Contract;</p> <p>(b) Current curriculum vitae;</p> <p>(c) Membership to any professional or business association;</p> <p>(d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and</p> <p>(e) Any additional information.</p> <p>Supply details in an attachment and label it "Key Personnel"</p>	25%
<p>C) Demonstrated Understanding</p> <p>Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas to cover include:</p> <p>(a) A project schedule/timeline</p> <p>(b) The public consultation process for the delivery of the strategy; and</p> <p>(c) A demonstrated understanding of the scope of work.</p> <p>(d) An outline of your proposed methodology.</p> <p>Supply details in an attachment labelled "Demonstrated Understanding".</p>	20%

PRICE CONSIDERATIONS

Criteria	Weighting
Tendered price	30%

Tender prices will be assessed using the average based scoring method contained in the WA Local Government Purchasing and Tender Guide.

ABSOLUTE MAJORITY REQUIRED

- That Council delegate authority to the CEO to award the tender for TEN 03/08 – Local Settlement Planning Strategy, subject to the tender contract not exceeding \$150,000.

**CARRIED 10/1
BY ABSOLUTE MAJORITY**

Dissenting Voter:
Councillor Ian Stubbs

14.2 SHIRE OF BUSSELTON - PROVISION OF AUDIT SERVICES: 2007/08 - 2009/10

FILE NO: QUO19/07 / FIN6

PRÉCIS

Pursuant to Section 7.2 of the Local Government Act, the accounts and annual financial report of a local government are required to be audited on an annual basis, by an auditor appointed by the local government.

The Shire's current Audit Contract expired upon finalisation of the independent audit report in relation to the Shire's 2006/07 Annual Financial Report, and as such, quotations have since been invited in respect of the provision of audit services for the Shire for the following three year period.

As detailed in Section 7.3 of the Local Government Act, on the recommendation of the Audit Committee, a local government is to appoint an auditor (absolute majority required). This matter was considered by the Audit Committee at its meeting of 25 February 2008, at which time the Officer Recommendation (as detailed in this report) was supported.

This report summarises the quotations received and makes a recommendation to Council as to the preferred auditor to be appointed for the following triennium.

COUNCIL DECISION / AUDIT COMMITTEE RECOMMENDATION / OFFICER RECOMMENDATION

ABSOLUTE MAJORITY REQUIRED

C0803/096 Moved Councillor Bromell, seconded Councillor Ryan:

That Mr Tim Partridge of AMD Chartered Accountants be appointed as the Shire's Auditor for the audit triennium ending 30 June 2010, subject to fees for the contract period are to be no more than that quoted in the Quotation dated 31 January 2008.

CARRIED 11/0
BY ABSOLUTE MAJORITY

Note: Councillor Clarke was not present in the Chamber for voting on Items 14.1, 15.1, 16.1, 13.1 or 14.2.

13. LIFESTYLE DEVELOPMENT REPORT**13.1 TENDER SELECTION CRITERIA - TEN 03/08 SHIRE OF BUSSELTON LOCAL SETTLEMENT PLANNING STRATEGY**

This Item was considered earlier in the Meeting as part of the Items Requiring Separate Resolutions Without Debate, due to the requirement for an Absolute Majority Decision of Council ([C0803/095](#), pages 9 to 11 inclusive).

14. SYSTEMS AND INFORMATION REPORT**14.1 FINANCIAL ACTIVITY STATEMENTS - PERIOD ENDING 31 JANUARY 2008**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of Council ([C0803/092](#), page 6).

14.2 SHIRE OF BUSSELTON - PROVISION OF AUDIT SERVICES: 2007/08 - 2009/10

This Item was considered earlier in the Meeting as part of the Items Requiring Separate Resolutions Without Debate, due to the requirement for an Absolute Majority Decision of Council ([C0803/096](#), page 12).

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 PORT GEOGRAPHE - FUTURE PROJECT RESOURCING REQUIREMENTS**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of Council ([C0803/093](#), page 7).

15.2 TEMPORARY OFFICE ACCOMMODATION FOR THE NEXT TWO YEARS

FILE NO: 9583

DECLARATION OF INTEREST	
Name / Position	Councillor Bethwyn Hastie
Item No. / Subject	Item 15.2, Temporary Office Accommodation for the Next Two Years
Type of Interest	Interest Affecting Impartiality
Declaration	<p>"I have an association with the Busselton-Dunsborough Environment Centre. I am a member of FAWNA Inc., and the Busselton-Dunsborough Environment Centre, I chair the Geographe Community Landcare Nursery and helped to set up the Volunteer Centre, all of which have offices in the Centre.</p> <p>As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly."</p>

DECLARATION OF INTEREST	
Name / Position	Councillor Don Hanran-Smith
Item No. / Subject	Item 15.2, Temporary Office Accommodation for the Next Two Years
Type of Interest	Interest Affecting Impartiality
Declaration	<p>"I have an association with the Busselton School of Dance in that I have a granddaughter who is a pupil of the school.</p> <p>As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly."</p>

Mr Peter Harding, Mr Carl Holroyd, Mr Michael Chartres and Ms Peta Kierath had addressed Council earlier in the Meeting as Parties with Interests in this matter. They were not in agreement with the Officer Recommendation, but were generally supportive of an alternative motion proposed to be moved by Councillor Bethwyn Hastie.

6.36 p.m. At this time Councillor Clarke returned to the meeting.

PRÉCIS

The forecast staff increases over the next four years clearly indicate that the current administration office will not accommodate the increased numbers.

The Shire is currently investigating a new headquarters in the CBD; however the outcome of this is unknown at this juncture and will not meet immediate (one to four years) requirements.

Shire staff have investigated types and availability of transportable office accommodation and recommend that a transportable office be purchased in the current budget so that it will be available in the new financial year (1 July) to accommodate staff increases.

This report seeks Council approval to spend unbudgeted funds in the current financial year to secure a transportable office. It also explores securing Shire office space in the old library building abutting Mitchell Park.

OFFICER RECOMMENDATION 1

ABSOLUTE MAJORITY REQUIRED

1. That Council approve the unbudgeted expenditure of \$165,000 for the early acquisition of a 9 x 14.6m transportable office to accommodate staff increases beyond 30 June 2008.
2. That Council consider utilising the top floor of the Old Library Building adjoining Mitchell Park as interim office accommodation for Shire staff.
3. That Council budget for \$80,000 in the 2008/02009 financial year for structural assessments, BCA assessments and any necessary capital works required to bring the Old Library Building up to the required standard for office accommodation.

COUNCIL DECISION 1/OFFICER RECOMMENDATION 2

C0803/097 Moved Councillor Clarke, seconded Councillor Bromell:

That as an adjunct to the provision of suitable temporary office accommodation, Council endorse the expenditure of up to \$20,000 from unspent consultancy funds from COA 7430, Infrastructure Planning Schedule 12 Consultancies - General, to employ a suitable consultant to plan staff movements into the temporary office accommodation over the next four years.

CARRIED 10/2

Dissenting Voters:

Councillor Ian Stubbs
Councillor David Binks

MOTION**ABSOLUTE MAJORITY REQUIRED**

Moved Councillor Hastie, seconded Councillor Triplett:

1. That Council approve the unbudgeted expenditure of \$165,000 for the early acquisition of a 9 x 14.6m transportable office to accommodate staff increases beyond 30 June 2008.
2. That Council defer for a period of three months until 25 June, 2008, the decision to consider utilising the top floor of the Old Library Building adjoining Mitchell Park as interim office accommodation for Shire Staff. That the Council ask the Shire staff to work through the issues with the Busselton School of Dance potential relocation and the tenants potentially affected downstairs by any Capital works, reach resolution and prepare a full report.
3. That the full report come back to Council on 25 June detailing the resolutions agreed to by the Shire Staff and the affected parties for consideration by Council.
4. That Council in the interim, budget for \$80,000 in the 2008/2009 financial year for the structural assessments, BCA assessments and any necessary capital works required to bring the Old Library Building up to the required standard for office accommodation. If on 25 June 2008, Council resolve not to proceed with the Office Accommodation proposal, the \$80,000 budget allocation will lapse.

AMENDMENT PROPOSED**PROPOSED AMENDMENT**

Moved Councillor Tuffin, seconded Councillor Ryan:

That part 4 of the motion be replaced by:

That the CEO immediately take appropriate action to commence a process to ensure that the Old Library Building is brought to a standard to comply with the relevant section/s of the Building Code of Australia with respect to all aspects of fire safety and escape in the case of a fire.

AMENDMENT NOT ACCEPTED

Note: The Presiding Member ruled, in accordance with the provisions of Clause 18.6 of the Standing Orders, that the proposed amendment negated the original motion and was not relevant to the intention of the motion.

FORESHADOWED MOTION

Councillor Tom Tuffin foreshadowed his intention to move the following motion:

That the CEO immediately take appropriate action to commence a process to ensure that the Old Library Building is brought to a standard to comply with the relevant section/s of the Building Code of Australia with respect to all aspects of fire safety and escape in the case of a fire.

PROPOSED AMENDMENT

Moved Councillor Wheeler:

1. That Council cost the work involved to bring the building to a state of compliance, arrange temporary accommodation when necessary to allow the building work to be carried out and permit the current occupants to continue their occupancy under existing arrangements at minimal rental.
2. That Clause 4 of the Motion be amended by deletion of the word "office" in the fourth line.

**AMENDMENT LAPSED
FOR WANT OF A SECONDER**

PROPOSED AMENDMENT

Moved Councillor Stubbs, seconded Councillor Binks:

That the Motion be amended by:

- (a) deletion of Clauses 2 and 3.
- (b) amendment of Clause 4 by deletion of all words after the words "required standard".

AMENDMENT NOT ACCEPTED

Note: The Presiding Member ruled, in accordance with the provisions of Clause 18.6 of the Standing Orders, that the proposed amendment negated the original motion and was not relevant to the intention of the motion.

FORESHADOWED MOTION

Councillor Ian Stubbs foreshadowed his intention to move the following motion.

1. That Council approve the unbudgeted expenditure of \$165,000 for the early acquisition of a 9 x 14.6m transportable office to accommodate staff increases beyond 30 June 2008.
2. That Council in the interim, budget for \$80,000 in the 2008/2009 financial year for the structural assessments, BCA assessments and any necessary capital works required to bring the Old Library Building up to the required standard.

7.08 pm. At this time the Executive Manager, Systems and Information left the meeting and did not return.

COUNCIL DECISION 2

C0803/098 Moved Councillor Hastie, seconded Councillor Triplett:

ABSOLUTE MAJORITY REQUIRED

1. That Council approve the unbudgeted expenditure of \$165,000 for the early acquisition of a 9 x 14.6m transportable office to accommodate staff increases beyond 30 June 2008.
2. That Council defer for a period of three months until 25 June, 2008, the decision to consider utilising the top floor of the Old Library Building adjoining Mitchell Park as interim office accommodation for Shire Staff. That the Council ask the Shire staff to work through the issues with the Busselton School of Dance potential relocation and the tenants potentially affected downstairs by any Capital works, reach resolution and prepare a full report.
3. That the full report come back to Council on 25 June detailing the resolutions agreed to by the Shire Staff and the affected parties for consideration by Council.
4. That Council in the interim, budget for \$80,000 in the 2008/2009 financial year for the structural assessments, BCA assessments and any necessary capital works required to bring the Old Library Building up to the required standard for office accommodation. If on 25 June 2008, Council resolve not to proceed with the Office Accommodation proposal, the \$80,000 budget allocation will lapse.

CARRIED 6/6

ON THE CASTING VOTE OF THE PRESIDING MEMBER

Dissenting Voters:

Councillor Alan MacGregor
Councillor Ian Stubbs
Councillor David Binks
Councillor Tom Tuffin
Councillor Anne Ryan
Councillor Rod Wheeler

Note 1: The vote on this matter was declared carried on the casting vote of the Presiding Member at the meeting. However, part 1 of the motion, requiring an amendment to the current budget, needs an absolute majority decision to be enacted. Therefore, the proposed expenditure of \$165,000 for the requisition of a transportable office will be referred to Council as business arising from a previous meeting on 9 April, 2008.

Note 2: As the motion was carried, the motions foreshadowed during debate by Councillor Tuffin and Councillor Stubbs were not able to be moved.

Note 3: In accordance with Local Government Administration Regulation 11(da), reasons are required to be recorded for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

Councillor Bethwyn Hastie:

- * The Busselton School of Dance was not contacted previous to this agenda item coming onto the Council agenda.
- * The tenants on the floor below were also not contacted regarding any potential capital works.
- * The three months will give the Shire staff, the Busselton School of Dance and the tenants potentially affected downstairs by any Capital works an opportunity to work through the issues and reach resolution.
- * The Busselton School of Dance own the actual dance floor in the building. They also provide a significant community and educational service to the Busselton Community.
- * This alternative motion also addresses one of the guiding principles of the Shire of Busselton's Strategic Plan, *Community Matters - We communicate and engage with our communities and appreciate their importance.*

Councillor John Triplett:

As per the reasons given with Councillor Hastie's Alternative Motion.

Councillor Bev Clarke:

As per the reasons given with Councillor Hastie's Alternative Motion, that I feel is a better option.

Councillor Wes Hartley:

Councillor Hastie's Notice of Motion granted the necessary timeframe for present users to be able to negotiate alternative proposals.

Councillor Don Hanran-Smith:

Cr Hastie's Alternative Motion was one which was of more value to the community.

Councillor Ross Bromell:

To allow for a three month period of investigation/consultation with the Busselton School of Dance to assess better relocation issues for the school and the suitability of the School's tenancy for officer accommodation.

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**16.1 COMPLIANCE AUDIT RETURN 2007**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of Council ([C0803/094](#), page 8).

17. CHIEF EXECUTIVE OFFICER'S REPORT

Nil

18. MOTIONS of which notice has been given**18.1 EXTENSION OF WASTE COLLECTION SERVICE - HAYES ROAD, OWEN ROAD, VASSE-YALLINGUP SIDING ROAD**

NoM NO: 07/08: 28
FILE NO: HLT30

Mr Andrew Selby and Mr Jon Meyer addressed Council earlier in the Meeting as Parties with Interests in this matter. They were both supportive of the proposed motion.

Councillor Anne Ryan had previously given notice of her intention to move the following motion at this meeting of Council

MOTION

Moved Councillor Ryan, seconded Councillor Tuffin:

That Council endorse as soon as possible the continuation eastwards of the rubbish collection to the end of Hayes Road and thereafter east along the Vasse Yallingup Siding Road (terminating at the corner with Quindalup Siding Road) for inclusion on the prescribed area register of roads for rubbish collection.

The following residents included in the rubbish collection:

- * 49 Hayes Road;
- * 64 Hayes Road;
- * 65 Hayes Road;
- * 109 Hayes Road;
- * 112 Hayes Road;
- * 114 Hayes Road;
- * 113 Hayes Road;
- * 132 Hayes Road;
- * 134 Hayes Road;
- * 152 Hayes Road;
- * 154 Hayes Road;
- * 194 Hayes Road;

- * Vasse Yallingup Siding Road (east from junction with Hayes Road);
- * 39 Owen Road (off Vasse Yallingup Siding Road);
- * 1066 Vasse Yallingup Siding Road;
- * 1190 Vasse Yallingup Siding Road;
- * 1191 Vasse Yallingup Siding Road;
- * 1196 Vasse Yallingup Siding Road.

AMENDMENT MOVED

AMENDMENT

Moved Councillor Ryan, seconded Councillor Hanran-Smith:

That the Motion be amended by -

- (a) deletion of the words "endorse as soon as possible the continuation eastwards of the rubbish collection";
- (b) deletion of the words "for inclusion on the prescribed area register of roads for rubbish collection"; and
- (c) inclusion of the words "apply existing Policy 211/2 with regards to investigating rubbish collection services for properties" after "That Council".

AMENDMENT CARRIED 12/0

(MOTION AS AMENDED)

That Council apply existing policy 211/2 with regards to investigating rubbish collection services for properties to the end of Hayes Road and thereafter east along the Vasse Yallingup Siding Road (terminating at the corner with Quindalup Siding Road).

The following residents included in the rubbish collection:

- * 49 Hayes Road;
- * 64 Hayes Road;
- * 65 Hayes Road;
- * 109 Hayes Road;
- * 112 Hayes Road;
- * 114 Hayes Road;
- * 113 Hayes Road;
- * 132 Hayes Road;
- * 134 Hayes Road;
- * 152 Hayes Road;
- * 154 Hayes Road;
- * 194 Hayes Road;
- * Vasse Yallingup Siding Road (east from junction with Hayes Road);
- * 39 Owen Road (off Vasse Yallingup Siding Road);

- * 1066 Vasse Yallingup Siding Road;
- * 1190 Vasse Yallingup Siding Road;
- * 1191 Vasse Yallingup Siding Road;
- * 1196 Vasse Yallingup Siding Road.

FORESHADOWED MOTION

During debate on this item, Councillor Clarke foreshadowed her intention to move the following motion:

That all those properties that are zoned Rural Residential be included and all those that are zoned Agricultural not be included.

AMENDMENT

Moved Councillor Ryan, seconded Councillor Hanran-Smith:

That the motion be amended by -

- (a) insertion of the words "the following" after the words "collection services for" in paragraph 1.
- (b) removal from paragraph 1 of all the words after "properties".
- (c) deletion of the words "The following residents included in the rubbish collection".
- (d) inclusion of the words "as well as any other properties on Hayes Road and thereafter east along the Vasse Yallingup Siding Road (terminating at the corner with Quindalup Siding Road)" at the end of the list of properties.

AMENDMENT CARRIED 12/0

COUNCIL DECISION

C0803/099 Moved Councillor Ryan, seconded Councillor Tuffin:

That Council apply existing Policy 211/2 with regards to investigating rubbish collection services for the following properties:

- * 49 Hayes Road;
- * 64 Hayes Road;
- * 65 Hayes Road;
- * 109 Hayes Road;
- * 112 Hayes Road;
- * 114 Hayes Road;
- * 113 Hayes Road;
- * 132 Hayes Road;
- * 134 Hayes Road;
- * 152 Hayes Road;

- * 154 Hayes Road;
- * 194 Hayes Road;
- * Vasse Yallingup Siding Road (east from junction with Hayes Road);
- * 39 Owen Road (off Vasse Yallingup Siding Road);
- * 1066 Vasse Yallingup Siding Road;
- * 1190 Vasse Yallingup Siding Road;
- * 1191 Vasse Yallingup Siding Road;
- * 1196 Vasse Yallingup Siding Road;

as well as any other properties on Hayes Road and thereafter east along the Vasse Yallingup Siding Road (terminating at the corner with Quindalup Siding Road).

CARRIED 10/2

Dissenting Voters:

Councillor Bev Clarke
Councillor Bethwyn Hastie

Note: As the motion was carried, the motion previously foreshadowed by Councillor Clarke was not able to be moved.

18.2 PROSECUTIONS

NoM NO: 07/08: 29
FILE NO: LEG1

Mr Terry Baker addressed Council earlier in the Meeting as a Party with Interest in this matter. He was supportive of the proposed motion.

Councillor Ian Stubbs had previously given notice of his intention to move the following motion at this meeting of Council:

PROPOSED MOTION

That Council adopt, as policy, the following:

That when the Shire prosecutes any individual or group and that individual or group wishes to negotiate a settlement without ongoing Court and other associated legal processes, the CEO shall submit a confidential report to the Council, along with a recommendation, to enable the Council to determine whether the settlement should take place and to determine the appropriate terms of the settlement.

OFFICER RECOMMENDATION

That a proposed policy outlining circumstances that may be considered appropriate for negotiated outcomes in relation to prosecutions be developed as part of the policy development function in conjunction with interested Councillors to be presented to Council for consideration, along with any changes or limitations that this may require to the existing delegation.

Note: Councillor Stubbs indicated an intention to move the proposed motion with a small inclusion of the words ", when of the opinion a settlement may be appropriate," after the words "the CEO".

MOTION

Moved Councillor Stubbs, seconded Councillor Ryan:

That Council adopt, as policy, the following:

That when the Shire prosecutes any individual or group and that individual or group wishes to negotiate a settlement without ongoing Court and other associated legal processes, the CEO, when of the opinion a settlement may be appropriate, shall submit a confidential report to the Council, along with a recommendation, to enable the Council to determine whether the settlement should take place and to determine the appropriate terms of the settlement.

FORESHADOWED MOTION

During debate on this item, Councillor Bromell foreshadowed his intention to move the Officer Recommendation, with a minor amendment.

MOTION PUT

Moved Councillor Stubbs, seconded Councillor Ryan:

That Council adopt, as policy, the following:

That when the Shire prosecutes any individual or group and that individual or group wishes to negotiate a settlement without ongoing Court and other associated legal processes the CEO, when of the opinion a settlement may be appropriate, shall submit a confidential report to the Council, along with a recommendation, to enable the Council to determine whether the settlement should take place and to determine the appropriate terms of the settlement.

LOST 5/7**Dissenting Voters:**

Councillor Ross Bromell

Councillor John Triplett

Councillor David Binks

Councillor Bethwyn Hastie

Councillor Bev Clarke

Councillor Don Hanran-Smith

Councillor Wes Hartley

Note: As the Motion was lost, Councillor Bromell was able to move the Motion he had previously foreshadowed.

COUNCIL DECISION

C0803/100 Moved Councillor Bromell, seconded Councillor Hanran-Smith:

1. That a policy outlining circumstances that may be considered appropriate for negotiated outcomes in relation to prosecutions be developed as part of the policy development function in conjunction with interested Councillors to be presented to Council for consideration, along with any changes or limitations that this may require to the existing delegation.
2. That the proposed policy be brought to Council within three months for consideration.

CARRIED 12/0

19. CONFIDENTIAL REPORTS**19.1 PROPOSED OFFER OF EMPLOYMENT FOR DIRECTOR, COMMUNITY INFRASTRUCTURE****FILE NO:** STF1

A report, confidential under s.5.23 (a) of the Local Government Act (being a matter affecting an employee or employees) was circulated to Councillors, the Chief Executive Officer, Directors and the Executive Manager, Systems and Information only.

Note: This matter was considered at a Special Meeting of Council, held at 4.00 p.m. on Wednesday, 19 December 2008 (Council Resolution C0803/088 refers) and was therefore not considered at this meeting.

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

Nil.

21. QUESTIONS FROM MEMBERS WITHOUT NOTICE**21.1 Councillor Alan MacGregor:**

Recently some UWA architecture students were walking around town to find locations for a cultural centre. Were they given a brief for this?

Response - Presiding Member:

They were given a brief for placing of a cultural centre.

Councillor Alan MacGregor:

Were they given information on what might be going where?

Response - Presiding Member:

They were given two projects - one specific for the Dunsborough Townscape Advisory Committee that was sponsored by the Dunsborough Yallingup Chamber of Commerce for overall design parameters for the Dunsborough seascape. The second one was for parameters for placing a possible cultural centre. I believe they were looking at two sites - one of which was by the seashore.

Councillor Alan MacGregor:

It does concern me that they are given information where they might be in areas that other things are happening in and they might not be aware and they might waste their time.

Response - Director, Lifestyle Development:

They had a brief which identified six potential sites. They did not have a brief to look at other sites. They were all considered, to some extent, to be feasible sites. They may have been given indications from community members about other sites that they considered feasible.

21.2 Councillor Bev Clarke:

Have you as Shire President delegated authority to any Councillors to speak to the media?

Response - Presiding Member:

If you mean have I done this in contravention of the Local Government Act, then the answer is no, I have not.

21.3 Councillor Anne Ryan:

Last week you stated that you had received a letter from Rob Papalia embracing the Civic Precinct project. Would you please have a copy of the plans displayed in the newspaper sent to me and other Councillors and also a copy of the letter from Mr Papalia that you referred to?

Response - Presiding Member:

He provided me with the courtesy of indicating support of the volunteer fire authority pre-dialogue. In terms of the plans, there are no specific plans. There are draft outlines which were published in today's newspaper and which, I understand, are already out of date.

Councillor Anne Ryan:

The word that you used last week was "embracing". Do you disagree?

Response - Presiding Member:

No I don't. In terms of the Civic Precinct project and in consultation with the volunteer fire authority, it has embraced volunteer fire services within the Civic Precinct and this will be hopefully part of the run-up to having a building for the fire authority constructed prior to its 100th anniversary in 2011.

22. NEXT MEETING

Wednesday, 9 April 2008, commencing at 5.30 p.m.

23. CLOSURE

The meeting closed at 8.13 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 29 WERE CONFIRMED AS A TRUE
AND CORRECT RECORD ON _____

DATE: _____

PRESIDING MEMBER: _____