

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 AUGUST 2009**

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**SHIRE OF BUSSELTON****MINUTES OF A MEETING OF THE BUSSELTON SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY, 26 AUGUST 2009 AT 5:30 PM**

The Presiding Member opened the meeting at 5.31 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 Bernie Masters  
Cr Rob Underdown

Officers: Mr Andrew Macnish Chief Executive Officer  
Mr Nigel Bancroft Director, Lifestyle Development  
Mr Oliver Darby Director, Community Infrastructure  
Mr Matthew Smith Director, Community and Organisational Development  
Ms Cathryn Hutton Executive Manager, Systems and Information (until 7.23 p.m.)  
Ms Jenny Mathies Admin. Officer - Governance

Apologies: Cr Bev Clarke  
Cr Jackie Emery

Leave of Absence: Cr Don Hanran-Smith  
Cr David Reid

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

Public: 23

**2. OPENING PRAYER**

The Opening Prayer was delivered by Pastor Lee Sykes of the Cornerstone Church of Christ.

**3. PUBLIC QUESTION TIME**

Nil

**4. SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

C0908/286 Moved Councillor Hastie, seconded Councillor Tuffin:

That Leave of Absence be approved for:

- (a) Councillor David Binks from Monday, 31 August to Sunday, 6 September 2009, inclusive; and
- (b) Councillor Ross Bromell from Wednesday, 2 September to Friday, 23 October 2009, inclusive.

**CARRIED 9/0**

**6. CONFIRMATION OF MINUTES**

6.1 Minutes of an Ordinary Council Meeting held on 12 August 2009.

C0908/287 Moved Councillor Hastie, seconded Councillor Masters:

That the minutes of an Ordinary Council Meeting held at 5.30 p.m. on Wednesday, 12 August 2009, be confirmed as a true and correct record.

**CARRIED 9/0**

6.2 Minutes of a Special Council Meeting held on 19 August 2009.

C0908/288 Moved Councillor Hastie, seconded Councillor Binks:

That the minutes of a Special Council Meeting held at 2.30 p.m. on Wednesday, 19 August 2009 (Adoption of 2009/10 Budget) be confirmed as a true and correct record.

**CARRIED 9/0**

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

Nil

**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	
Councillor Bethwyn Hastie	
Councillor David Binks	
Councillor Ian Stubbs	
Councillor Ross Bromell	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Bernie Masters	
Councillor Rob Underdown	

## 10. DECLARATIONS OF INTERESTS

### 10.1

DECLARATION OF INTEREST	
<b>Name / Position</b>	Councillor Rob Underdown
<b>Item No. / Subject</b>	Item 16.3, Proposed Potential Purchase of Lots 48 and 49 Causeway Road, Busselton, for Use as Shire Administration Building
<b>Type of Interest</b>	Interest Affecting Impartiality

### 10.2

DECLARATION OF INTEREST	
<b>Name / Position</b>	Councillor Rob Underdown
<b>Item No. / Subject</b>	Item 16.4, Item of Urgent Business – Port Geographe – Sand and Seagrass Bypassing Works 2009
<b>Type of Interest</b>	Financial Interest

## 11. PRESENTATIONS BY PARTIES WITH AN INTEREST

- 11.1 Mr Rick Winch addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 16.3, Proposed Potential Purchase of Lots 48 and 49 Causeway Road, Busselton, for Use as Shire Administration Building. Mr Winch, President of the Busselton RSL Sub Branch, owners of an adjoining property, advised that the RSL had no objections to the proposal, but provided details of the RSL's concerns in relation to construction of a three or more storey building on the subject property which may impact on light on the RSL's property.

- 11.2 Mr Chris Martin addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 18.1, Proposed Storage Shed/Rural Enterprise - Retrospective Approval for Change of Use - Lot 20 Quindalup South Road, Quindalup. Mr Martin, owner of a property adjoining the subject land, was not in agreement with the proposed Motion.
- 11.3 Mr Marc Halsall addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 18.1, Proposed Storage Shed/Rural Enterprise - Retrospective Approval for Change of Use - Lot 20 Quindalup South Road, Quindalup. Mr Halsall, representing the owner of the subject property, was in agreement with the proposed Motion.
- 11.4 Ms Harriet Robinson addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 15.2, Signage Policies Review. Ms Robinson, of Yahava Koffee and originator of the petition that was the catalyst for preparation of this Agenda item, did not indicate whether she was or was not in agreement with the Officer Recommendation, but spoke about the difficulties experienced by Yahava Koffee's customers in locating their premises and the need for appropriately placed and meaningful directional signage.
- 11.5 Mr Peter Maccora addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 16.4, Item of Urgent Business, Port Geographe – Sand and Seagrass Bypassing Works 2009. Mr Maccora, representing the Port Geographe Action Group, was in agreement with the Officer Recommendation.
- 11.6 Ms Judy Clarke addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 16.4, Item of Urgent Business, Port Geographe – Sand and Seagrass Bypassing Works 2009. Ms Clarke, representing the Wonnerup Residents' Association, was in agreement with the Officer Recommendation.

**12. BUSINESS FROM PREVIOUS MEETING**

Nil.

**EN BLOC COUNCIL RESOLUTION**

At this juncture Items 14.1, 14.2, 16.1 and 16.2 were considered in accordance with Clause 11.1 of the Standing Orders via an En Bloc resolution of Council.

C0908/289

Moved Councillor Hastie, seconded Councillor Binks:

That the Officer Recommendations for Items 14.1, 14.2, 16.1 and 16.2 be adopted.

**CARRIED 9/0**

14.1 FINANCIAL ACTIVITY STATEMENT - JUNE 2009

<b>SUBJECT INDEX:</b>	Financial Operations
<b>STRATEGIC INITIATIVE:</b>	5.1.3 Ensure regulatory requirements are met
<b>BUSINESS UNIT:</b>	Finance
<b>SERVICE:</b>	Financial management and control
<b>DATE OF COMPLETION:</b>	Not Applicable
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRECIS**

A local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted budget. The report is to include details of budget estimates and financial performance against those estimates to the end of the month to which the statement relates, is to disclose any material variances identified as a result of the above, and is also required to detail the net current asset position for the reporting period.

This report has been compiled to fulfil the statutory reporting requirements of the Local Government Act and associated Regulations and also to provide the Council with an overview of the Shire's financial performance for the period ending 30 June 2009.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/290          Councillor Hastie, Councillor Binks (En Bloc):

That the statutory financial reports for the period ending 30 June 2009, be received.

**CARRIED 9/0**  
**EN BLOC**

14.2 PAYMENT LISTING - JUNE 2009

<b>SUBJECT INDEX:</b>	Financial Operations
<b>STRATEGIC INITIATIVE:</b>	5.1.3 Ensure regulatory requirements are met
<b>BUSINESS UNIT:</b>	Finance
<b>SERVICE:</b>	Financial management and control
<b>DATE OF COMPLETION:</b>	Not Applicable
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRÉCIS**

This report provides details of payments made from the Shires bank accounts for the month of June 2009, for noting by the Council and recording in the Council Minutes.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/291 Councillor Hastie, Councillor Binks (En Bloc):

That voucher numbers M093115 – M093616, EF003945 – EF004423, DD001160 and T006502 – T006520, together totalling \$8,416,367.48 be noted.

**CARRIED 9/0**  
**EN BLOC**

16.1 COMMUNITY SPORT & RECREATION FACILITIES FUND - SMALL GRANT ROUND APPLICATIONS

<b>SUBJECT INDEX:</b>	Leisure Services
<b>STRATEGIC INITIATIVE:</b>	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities
<b>BUSINESS UNIT:</b>	Community Development
<b>SERVICE:</b>	Leisure Services and Community Development
<b>DATE OF COMPLETION:</b>	30 November 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRÉCIS**

Each year Local Government Authorities are required to rate and prioritise the Community Sport & Recreation Facilities Fund (CSRFF) submissions received in respect to their municipality.

In June 2009 several changes were made to the CSRFF program including the introduction of the Small Grant Round, which has a different timeline to Standard Grants Round. Small Grant Applications must be submitted to Department of Sport & Recreation (DSR) from the local government by the 31<sup>st</sup> of August 2009. The purpose of this report is to outline the submissions received by the Council in this current funding round, and to rank them prior to forwarding to DSR for evaluation and assessment.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/292 Councillor Hastie, Councillor Binks (En Bloc):

1. That the Council supports in principle the construction of Sports Lighting at Sir Stewart Bovell Oval #2 as proposed by the Shire of Busselton in their CSRFF application, rating it as 'A' and number one priority of the two applications received for consideration.
2. That the Council supports in principle the refurbishment of the Geographe Leisure Centre Change rooms in their CSRFF application, rating it as 'A' and number two priority of the two applications received for consideration.

**CARRIED 9/0**  
**EN BLOC**

16.2 BUSSELTON BOWLING CLUB LEASE APPLICATION

<b>SUBJECT INDEX:</b>	Agreements / Contracts
<b>STRATEGIC INITIATIVE:</b>	1.2.1 Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities.
<b>BUSINESS UNIT:</b>	Community Development
<b>SERVICE:</b>	Property Management
<b>DATE OF COMPLETION:</b>	30 November 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority

**PRÉCIS**

The Shire of Busselton leases a portion of Lot 410 Kent Street, Busselton, to the Busselton Bowling Club (BBC).

The current lease for a term of 20 years expires on 21 August 2009 and this report presents the case for the Council to grant a new lease to the BBC for a similar term.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/293 Councillor Hastie, Councillor Binks (En Bloc):

That subject to permission of the Minister for Lands, the CEO be authorised to enter into a lease with the Busselton Bowling Club (Inc) over the portion of Lot 410 Kent Street, Busselton, as identified on the attached plan (Agenda Attachment A) on the following terms;

- (a) the lease shall be consistent with the Shire's standard community and sporting group lease agreement;
- (b) the term of the lease to be 10 years, commencing on the day following the expiry of the previous lease with a further 10 year option;
- (c) the annual rent to be \$150.00 plus GST; and
- (d) all costs for the preparation of the lease to be met by the Lessee.

**CARRIED 9/0**  
**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.

**15.1 SEALING OF BRASH ROAD, YALLINGUP - PETITION RESPONSE**

<b>SUBJECT INDEX:</b>	Land Use and Planning Control.
<b>STRATEGIC INITIATIVE:</b>	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
<b>BUSINESS UNIT:</b>	Infrastructure Development.
<b>SERVICE:</b>	Infrastructure Development.
<b>DATE OF COMPLETION:</b>	30 October 2009.
<b>VOTING REQUIREMENT:</b>	Absolute Majority for Office Recs. 1 and 2. Simple Majority for Officer Rec. 3.

**PRÉCIS**

The purpose of this report is to inform the Council of the outcome of the investigation done by CI staff regarding the petition to seal a portion of Brash Road Yallingup presented to the Ordinary meeting of the Council on the 10 June 2009.

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

C0908/294          Moved Councillor Hastie, seconded Councillor Masters:

1. That the Council endorse the following remedial road upgrade works on Brash Road, utilizing the existing road upgrade contributions of \$4,266.00:-
  - (a) Installation of advance warning "T" junction sign (W2-3B).
  - (b) Installation of advance warning signage indicating steep descent (W5-39B).
  - (c) Installation of "T" junction chevron sign (D4-2-1).
  - (d) Install a series of guide posts along both sides of Brash Road, within 60-70m of the intersection to assist delineating the travelled path (particularly around the culvert headwalls at the T junction).
  - (e) Widen gravel formation to 6 metres after removing the tree at the pinch point, to ensure the section of road conforms to the Shire of Busselton Technical Specifications.

2. That the Council endorse the following maintenance works utilizing the road maintenance funds:-
  - (a) Clean out of all stormwater culvert pipes in Brash Road.
  - (b) Re-grade/enlarge open drains on Brash Road which lead to stormwater culverts.
  - (c) Having both table drains within 60-70m of the intersection installed deeper and better alignment (to minimise scour damage).
  - (d) Remove tree at the 5.1 metre pinch point.
3. That the Council endorse the planning consent as listed as a condition for the proposed development:-

*"10. Brash Road to be constructed, sealed and drained, at full cost of the applicant, to the Shire of Busselton specifications from Abbey Farm Road to 20 metres past the entrance to the development, as required as a direct consequence of the development. Provision of the sealed and drained crossover to the specifications and satisfaction of the Shire of Busselton. Plans to be submitted for approval prior to the issue of a building licence and the works completed prior to the issue of a Permit to Use."*

**CARRIED 9/0**  
**BY ABSOLUTE MAJORITY**

6.23 p.m. At this time the Director, Community Infrastructure left the meeting.

6.25 p.m. At this time Councillors Stubbs and Hastie left the meeting.

6.26 p.m. At this time the Director, Community Infrastructure returned to the meeting.

6.27 pm. At this time Councillors Stubbs and Hastie returned to the meeting.

**13. LIFESTYLE DEVELOPMENT REPORT**

Nil.

**14. SYSTEMS AND INFORMATION REPORT****14.1 FINANCIAL ACTIVITY STATEMENT - JUNE 2009**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/290](#), page 5).

**14.2 PAYMENT LISTING - JUNE 2009**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/291](#), page 6).

**15. COMMUNITY INFRASTRUCTURE REPORT****15.1 SEALING OF BRASH ROAD, YALLINGUP - PETITION RESPONSE**

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 the Council ([C0908/294](#), pages 9 and 10).

**15.2 SIGNAGE POLICIES REVIEW**

<b>SUBJECT INDEX:</b>	Signs.
<b>STRATEGIC INITIATIVE:</b>	2.1.2 Ensure community assets are effectively managed and maintained through improvement of asset base.
<b>BUSINESS UNIT:</b>	Infrastructure Development.
<b>SERVICE:</b>	Permits and applications.
<b>DATE OF COMPLETION:</b>	30 June 2011.
<b>VOTING REQUIREMENT:</b>	Simple majority for Officer Recs. 1, 2, 3, 4, and 6. Absolute majority for Officer Recs. 5 and 7.

*Ms Harriet Robinson had addressed the Council earlier as a Party with an Interest in this matter (refer to Item 11.4 of these Minutes).*

**PRÉCIS**

This report discusses all Council Policies relating to signage and provides recommendations for improvement.

**OFFICER RECOMMENDATION**

1. That Council Policy 008/5 "Recreational hire sites / Activities on crown reserve" be reviewed so that any reference to directional signage is removed.

2. That Council Policy 021/4 "Signs – Political advertising" be revoked, in favour of the Signs Local Law.
3. That a Council Policy entitled "Signage on Shire managed land" be drafted with the objectives of:
  - a) replacing Council Policies 064, 064/1 and 146/4;
  - b) providing a framework for management of the Shire's sign asset as an asset class in its own right;
  - c) ensuring compliance of traffic signage with the Shire's delegated authority from the Commissioner of Main Roads;
  - d) providing a safer road environment;
  - e) providing a convenient and informative travelling and tourism experience through directional signage while avoiding sign proliferation;
  - f) minimizing public risk through providing signs that, where appropriate, inform and warn the public of hazards, and then, as far as practicable, ensuring that those signs remain functional;
  - g) where appropriate, informing the public of regulatory controls that may apply to a reserve or location;
  - h) providing a means for bona fide community groups to promote their organisations;
  - i) providing informative signage about Shire managed reserves;
  - j) providing an approach for the effective and efficient control of unauthorised signs placed on Shire managed land; and
  - k) identifying approaches for dealing with signage theft and vandalism;

and, that a draft document be prepared and referred to the Council for endorsement to advertise, and then following a period allowing for public submissions, referred back to the Council for consideration.

4. That a technical specification for "tourism directional signage" be drafted; and for the document to be reviewed with the Council Policy draft document referred to in item 3.

5. That \$40,000 is budgeted in the draft 2010/11 budget for the implementation of a sign asset register and for the development of an integrated sign asset management information system that includes the handling of directional sign applications and licence renewals. That the ongoing development and maintenance of the system be part funded from annual licensing fees for tourism directional signage.
6. That:
  - a) the subject of the provision of advertising on Shire managed land and facilities be researched involving consultation with the business community, the public and the advertising industry;
  - b) the revenue opportunity from advertising be explored; and
  - c) a draft document be prepared and referred to the Council for endorsement to advertise, and then following a period allowing for public submissions, referred back to the Council for consideration.
7. That \$5,000 is budgeted in the draft 2010/11 budget for a consultant to assist with the preparation of the report referred to in item 6.

Note: Councillor Masters had provided an Alternative Motion for the Council's consideration, recommending adoption of the Officer Recommendation subject to rewording of Clause 6 b).

### **COUNCIL DECISION**

C0908/295          Moved Councillor Masters, seconded Councillor Ryan:

1. That Council Policy 008/5 "Recreational hire sites / Activities on crown reserve" be reviewed so that any reference to directional signage is removed.
2. That Council Policy 021/4 "Signs – Political advertising" be revoked, in favour of the Signs Local Law.
3. That a Council Policy entitled "Signage on Shire managed land" be drafted with the objectives of:
  - a) replacing Council Policies 064, 064/1 and 146/4;
  - b) providing a framework for management of the Shire's sign asset as an asset class in its own right;
  - c) ensuring compliance of traffic signage with the Shire's delegated authority from the Commissioner of Main Roads;

- d) providing a safer road environment;
- e) providing a convenient and informative travelling and tourism experience through directional signage while avoiding sign proliferation;
- f) minimizing public risk through providing signs that, where appropriate, inform and warn the public of hazards, and then, as far as practicable, ensuring that those signs remain functional;
- g) where appropriate, informing the public of regulatory controls that may apply to a reserve or location;
- h) providing a means for bona fide community groups to promote their organisations;
- i) providing informative signage about Shire managed reserves;
- j) providing an approach for the effective and efficient control of unauthorised signs placed on Shire managed land; and
- k) identifying approaches for dealing with signage theft and vandalism;

and, that a draft document be prepared and referred to the Council for endorsement to advertise, and then following a period allowing for public submissions, referred back to the Council for consideration.

- 4. That a technical specification for "tourism directional signage" be drafted; and for the document to be reviewed with the Council Policy draft document referred to in item 3.
- 5. That \$40,000 is budgeted in the draft 2010/11 budget for the implementation of a sign asset register and for the development of an integrated sign asset management information system that includes the handling of directional sign applications and licence renewals. That the ongoing development and maintenance of the system be part funded from annual licensing fees for tourism directional signage.
- 6. That:
  - a) the subject of the provision of advertising on Shire managed land and facilities be researched involving consultation with the business community, the public and the advertising industry;
  - b) the revenue opportunity from advertising to be explored with a goal of such revenue achieving cost neutrality; and

- c) a draft document be prepared and referred to the Council for endorsement to advertise, and then following a period allowing for public submissions, referred back to the Council for consideration.
7. That \$5,000 is budgeted in the draft 2010/11 budget for a consultant to assist with the preparation of the report referred to in item 6.

**CARRIED 8/1**  
**BY ABSOLUTE MAJORITY**

Dissenting Voter:  
Councillor Ross Bromell

Note: The Council amended Clause 6 b) of the Officer Recommendation as it considers that local government exists primarily to provide public services to the residents and businesses within its municipal area. Unless justified, it should not generally seek to achieve a profit through the provision of services, hence the signage policy review should have cost or income neutrality as one of its goals, i.e. the Shire's Signage Policy should seek to set income levels such that they closely balance the likely expenditures required by the Shire to provide this service.

**16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT****16.1 COMMUNITY SPORT & RECREATION FACILITIES FUND - SMALL GRANT ROUND APPLICATIONS**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/292](#), page 7).

**16.2 BUSSELTON BOWLING CLUB LEASE APPLICATION**

This matter was considered earlier in the meeting, as part of the En Bloc resolution of the Council ([C0908/293](#), page 8).

**16.3 PROPOSED POTENTIAL PURCHASE OF LOTS 48 AND 49 CAUSEWAY ROAD, BUSSELTON, FOR USE AS SHIRE ADMINISTRATION BUILDING**

<b>SUBJECT INDEX:</b>	Shire Administration Facility
<b>STRATEGIC INITIATIVE:</b>	2.1.5 Develop and implement appropriate and practical workplace accommodation strategies to meet the immediate and medium term requirements of the Shire.
<b>BUSINESS UNIT:</b>	Economic Development
<b>SERVICE:</b>	Major Community Projects
<b>DATE OF COMPLETION:</b>	31 March 2010
<b>VOTING REQUIREMENT:</b>	Simple Majority

*Refer to the note under Item 19.1 of these Minutes. This item replaces the report that was intended for confidential distribution. It has been determined that the matter is not confidential and has therefore been relisted as Item 16.3 for consideration of the Council.*

*Mr Rick Winch had addressed the Council earlier as a Party with an Interest in this matter (refer to Item 11.1 of these Minutes).*

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Rob Underdown
<b>Item No. / Subject</b>	Item 16.3, Proposed Potential Purchase of Lots 48 and 49 Causeway Road, Busselton, for Use as Shire Administration Building.
<b>Type of Interest</b>	Interest Affecting Impartiality
<b>Declaration</b>	With regard to the above item, I disclose that I have an association with the RSL. As a consequence there may be 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.

**PRÉCIS**

Pursuant to the Council resolution C0906/214, this item presents the Council with the internal preliminary investigation which has been undertaken into the merit of purchasing Lots 48 and 49 Causeway Road to accommodate a building to meet the Shire's future administration requirements.

The investigation outlines three possible ways in which these lots could be used being:

1. construction of a separate building on the lots to accommodate staff
2. closure of the northern section of Southern Drive and construction of a building integrating into the existing building
3. construction of a large building on the site not reliant upon the continued use of the existing building.

Based upon this preliminary investigation Officers see merit in the Shire acquiring these lots and are recommending further investigation be undertaken. It is proposed this investigation form part of the preparation of a Business Plan in accordance with the Local Government Act 1995 to allow for community submissions to be received if the Council wishes to proceed.

**OFFICER RECOMMENDATION**

That the CEO prepare a Business Plan in accordance with Section 3.59 of the Local Government Act for the acquisition of Lots 48 and 49 Causeway Road, Busselton, for consideration by the Council prior to advertising.

Note: Councillor Hartley had provided an Alternative Motion for the Council's consideration recommending adoption of the Officer Recommendation and inclusion of a new Clause 2.

**MOTION**

Moved Councillor Hartley, seconded Councillor Binks:

1. That the CEO prepare a Business Plan in accordance with Section 3.59 of the Local Government Act for the acquisition of Lots 48 and 49 Causeway Road, Busselton, for consideration by the Council prior to advertising.
2. That in the preparation of a Business Plan for consideration of the acquisition of Lots 48 and 49 Causeway Road by the Shire of Busselton, the Council further authorise the Shire's officers to engage in immediate negotiations with the Returned Servicemen's League (RSL) as to whether there may exist mutually beneficial possibilities in the joint development of a future facility for the use of both the Shire of Busselton and the RSL, utilising Lots 48 and 49, in addition to the land presently owned by the RSL, namely Lot No 69 Causeway Road, Busselton.

**AMENDMENT MOVED**

**AMENDMENT**

Moved Councillor Stubbs, seconded Councillor Ryan:

That this item be deferred and that it be referred to a workshop of Councillors and then resubmitted to the Council for determination.

**AMENDMENT LOST 4/5****Dissenting Voters:**

Councillor Wes Hartley  
Councillor Bernie Masters  
Councillor David Binks  
Councillor Bethwyn Hastie  
Councillor Ross Bromell

**MOTION (PROCEDURAL)**

Moved Councillor Binks, seconded Councillor Masters:

That Clause 15.8 of the Standing Orders be invoked to allow further discussion on Agenda Item 16.3, Proposed Potential Purchase of Lots 48 and 49 Causeway Road, Busselton, for Use as Shire Administration Building.

**MOTION LOST 3/6****Dissenting Voters:**

Councillor Wes Hartley  
Councillor Ian Stubbs  
Councillor Ross Bromell  
Councillor Anne Ryan  
Councillor Tom Tuffin  
Councillor Rob Underdown

**AMENDMENT**

Moved Councillor Masters, seconded Councillor Tuffin:

That the Motion be amended by inclusion of an additional Clause 3 as follows:

3. That, in preparing the business plan, a green star certified architect be contracted to a maximum cost of \$30,000, that the proposed use of a town planning consultant (if required) be deferred until after the Council's consideration of the business plan and that all other actions be undertaken, wherever practicable, by staff.

**AMENDMENT LOST 3/6****Dissenting Voters:**

Councillor Ross Bromell  
Councillor Anne Ryan  
Councillor Ian Stubbs  
Councillor Bethwyn Hastie  
Councillor Wes Hartley  
Councillor Rob Underdown

**COUNCIL DECISION**

C0908/296            Moved Councillor Hartley, seconded Councillor Binks:

1. That the CEO prepare a Business Plan in accordance in Section 3.59 of the Local Government Act for the acquisition of Lots 48 and 49 Causeway Road, Busselton, for consideration by the Council prior to advertising.
2. That in the preparation of a Business Plan for consideration of the acquisition of Lots 48 and 49 Causeway Road by the Shire of Busselton, the Council further authorise the Shire's officers to engage in immediate negotiations with the Returned Servicemen's League (RSL) as to whether there may exist mutually beneficial possibilities in the joint development of a future facility for the use of both the Shire of Busselton and the RSL, utilising Lots 48 and 49, in addition to the land presently owned by the RSL, namely Lot No 69 Causeway Road, Busselton.

**CARRIED 6/3**

Dissenting Voters:

Councillor Ian Stubbs

Councillor Anne Ryan

Councillor Tom Tuffin

Note:            The Council amended the Officer Recommendation by inclusion of additional Clause 2 for the following reasons:

The Shire of Busselton previously had the opportunity to purchase the then Churches of Christ facility for use by the Shire of Busselton, located on the corner of Causeway and Rosemary Drive. The Council of the day resolved not to purchase the said property, which was subsequently purchased by the RSL and developed into their present Busselton headquarters.

In a new environment where the Council is considering a feasibility for the possible acquisition of Lots 48 and 49 Causeway Road for possible construction of Shire facilities, it is important that active conversations now be undertaken with the Shire's most immediate neighbour to Lots 48 and 49 Causeway Road, with a view to ascertaining whether there would be mutual benefit of scale and operation in shared facilities into the future, as was the case in the 1980s when the then State Government entered into negotiations with the RSL for the construction of the then new District Court Buildings on St George's Terrace, Irwin Street and Hay Street in Perth, which also involved the construction of the present Legacy (RSL) House.

Additionally, in terms of scale and future development potential, the Shire of Busselton would, in possible conjunction with the RSL, have access to a three street frontage, namely Southern Drive, Causeway Road and Rosemary Drive, in addition to the present Shire facility that has the Vasse River as its natural boundary

7.23 p.m. At this time the Executive Manager, Systems and Information left the meeting and did not return.

7.24 p.m. At this juncture, the Presiding Member announced that in accordance with the provisions of Clause 4.2(b) of the Standing Orders, it was his intention to allow the introduction of an Item of Urgent Business, Item 16.4, Port Geographe – Sand and Seagrass Bypassing Works 2009, for consideration at this meeting. The matter is considered to be urgent as it will enable action to be taken in a timely manner under the Port Geographe Development Deed should Tallwood Nominees Pty Ltd not meet its obligations under that Deed.

16.4 ITEM OF URGENT BUSINESS - PORT GEOGRAPHE – SAND AND SEAGRASS BYPASSING WORKS 2009

<b>SUBJECT INDEX:</b>	Port Geographe / Development Deed
<b>STRATEGIC INITIATIVE:</b>	5.1.3 Ensure regulatory requirements are met
<b>BUSINESS UNIT:</b>	Legal and Compliance
<b>SERVICE:</b>	Legal Services
<b>DATE OF COMPLETION:</b>	31 December 2009
<b>VOTING REQUIREMENT:</b>	Officer Rec. 1 – Simple Majority Officer Recs. 2 and 3 – Absolute Majority

*Mr Peter Maccora and Ms Judy Clarke had addressed the Council earlier as Parties with an Interest in this matter (refer to Items 11.5 and 11.6 of these Minutes).*

<b>DECLARATION OF INTEREST</b>	
<b>Name / Position</b>	Councillor Rob Underdown
<b>Item No. / Subject</b>	Item 16.4, Item of Urgent Business – Port Geographe – Sand and Seagrass Bypassing Works 2009
<b>Type of Interest</b>	Financial Interest
<b>Declaration</b>	I am currently employed by the contractor who is currently contracted by the developer to complete the sand and seagrass bypass works.
<b>Councillor Underdown left the meeting at 7.25 p.m.</b>	

7.25 p.m. At this time Councillor Binks left the meeting.

7.26 p.m. At this time the Chief Executive Officer left the meeting.

**MOTION (PROCEDURAL)**

Moved Councillor Masters, seconded Councillor Bromell:

That the meeting be closed to members of the public to allow consideration of confidential information pursuant to s.5.23(2)(d) of the Local Government Act 1995, being legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

7.27 p.m. At this time Councillors Binks returned to the meeting.

### **ADJOURNMENT OF DEBATE**

At this juncture the Presiding Member determined that debate in relation to Item 16.4, Item of Urgent Business – Port Geographe – Sand and Seagrass Bypassing Works 2009, would adjourn to the end of this meeting.

Note: The Procedural Motion to close the meeting to the public was not put at this time, due to the adjournment of debate.

7.28 p.m. At this time Councillor Underdown returned to the meeting.

7.30 p.m. At this time the Chief Executive Officer returned to the meeting.

## **17. CHIEF EXECUTIVE OFFICER'S REPORT**

### **17.1 PROPOSED LOCAL GOVERNMENT REFORM REPORT TO MINISTER FOR LOCAL GOVERNMENT**

<b>SUBJECT INDEX:</b>	Localities, Boundaries, Wards and Representation
<b>STRATEGIC INITIATIVE:</b>	5.1.2 Build organisational capacity through continuous service review and improvement
<b>BUSINESS UNIT:</b>	Chief Executive Office
<b>SERVICE:</b>	Council Support
<b>DATE OF COMPLETION:</b>	31 August 2009
<b>VOTING REQUIREMENT:</b>	Simple Majority

### **PRÉCIS**

This report presents a draft submission to the Minister for Local Government in response to his structural reform initiatives for the consideration of the Council. The report has been drafted in response to directions and input from the Local Government Reform Team appointed by the Council, consisting of the Shire President, the Chief Executive Officer and Councillors Stubbs, Binks, Clarke and Tuffin.

The report identifies the Council's position that amalgamation is not necessary for this local government and identifies other initiatives for increasing its capacity to be a sustainable organisation. The key component of the reform team's recommendation is the formation of a voluntary regional organisation of Councils (vROC) with the Shire of Augusta-Margaret River, known as the CAPEROC.

**OFFICER RECOMMENDATION**

That the report "Reform Submission to the Minister for Local Government" be endorsed for forwarding to the Minister as the Council's formal position, subject to the following inclusions:

- a) A statement in the Council's position regarding elected members, after the statement that it is considered that the fees, allowances and expenses for elected members, as limited by the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* need to be reviewed to ensure the desired outcome of equitable governance and community representation is able to be achieved that:

"Any consideration of increasing remuneration should be undertaken in conjunction with the introduction of mandatory training and standards attainment for elected members."

- b) A concluding statement in the Council's position that:

"An outcome of the reform process for all Western Australian Local Governments that is considered of vital importance is direction regarding the matter of asset infrastructure gap. It is recommended to the Minister that standards relating to addressing the difference between written down value and replacement value of all infrastructure assets under the care, control and maintenance of a local government are embedded in regulations."

Note: Councillor Stubbs had provided an Alternative Motion for the Council's consideration, recommending adoption of the Officer Recommendation but with the deletion of all the words after the words "the Council's formal position" in the second line.

**MOTION**

Moved Councillor Stubbs, seconded Councillor Tuffin:

That the report "Reform Submission to the Minister for Local Government" be endorsed for forwarding to the Minister as the Council's formal position.

**LOST 4/5**

Dissenting Voters:

Councillor David Binks  
Councillor Bethwyn Hastie  
Councillor Wes Hartley  
Councillor Rob Underdown  
Councillor Ross Bromell

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/297          Moved Councillor Binks, seconded Councillor Hartley:

That the report "Reform Submission to the Minister for Local Government" be endorsed for forwarding to the Minister as the Council's formal position, subject to the following inclusions:

- a) A statement in the Council's position regarding elected members, after the statement that it is considered that the fees, allowances and expenses for elected members, as limited by the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* need to be reviewed to ensure the desired outcome of equitable governance and community representation is able to be achieved that:

"Any consideration of increasing remuneration should be undertaken in conjunction with the introduction of mandatory training and standards attainment for elected members."

- b) A concluding statement in the Council's position that:

"An outcome of the reform process for all Western Australian Local Governments that is considered of vital importance is direction regarding the matter of asset infrastructure gap. It is recommended to the Minister that standards relating to addressing the difference between written down value and replacement value of all infrastructure assets under the care, control and maintenance of a local government are embedded in regulations."

**CARRIED 5/4**

Dissenting Voters:

Councillor Ian Stubbs

Councillor Tom Tuffin

Councillor Bernie Masters

Councillor Anne Ryan

7.50 p.m. At this juncture the Presiding Member sought the Council's acceptance of Item 17.2, 2008/2009 Review Period Outcome and Proposed Organisation KPIs for 2009/10, for acceptance for consideration as an Item of Urgent Business at this evening's meeting. Staff have recommended that the matter be accepted as an Item of Urgent Business for the following reasons:

1. Councillors have participated in the process to date and have met with and seen the Consultant's report and the officer comments are minor in nature.
2. It is not reasonable to assess the organisation and its employees against targets that have not been agreed. Delaying the finalisation of this process will cause delays to the performance reviews and target setting for all employees in the organisation (which have been scheduled to start in the first week of September) and therefore the period for which a subject employee can be held accountable to those targets, (the previous performance review year having already concluded on 30 June ).

**MOTION (PROCEDURAL)**

Moved Councillor Binks, seconded Councillor Masters:

That in accordance with the provisions of Clause 4.2(d) of the Standing Orders, Item 17.2, 2008/2009 Review Period Outcome and Proposed Organisation KPIs for 2009/10, be accepted for consideration by the Council as an Item of Urgent Business at this meeting.

**CARRIED 7/2**

Dissenting Voters:

Councillor Ian Stubbs  
Councillor Anne Ryan

8.00 p.m. At this time Councillor Ryan left the meeting.

**17.2 ITEM OF URGENT BUSINESS - 2008/2009 REVIEW PERIOD OUTCOME AND PROPOSED ORGANISATION KPIs FOR 2009/2010**

<b>SUBJECT INDEX:</b>	Organisational Development
<b>STRATEGIC INITIATIVE:</b>	5.2.1 Ensure ongoing development of internal capability.
<b>BUSINESS UNIT:</b>	Organisational & People Development
<b>SERVICE:</b>	Organisational Development
<b>DATE OF COMPLETION:</b>	20 August 2009
<b>VOTING REQUIREMENT:</b>	Simple majority

**PRÉCIS**

This report recommends the Council finalise the formal annual performance review process for the CEO for the previous year and also that it endorses the organisational key performance indicators (KPIs) for 2009/2010.

**COUNCIL DECISION / OFFICER RECOMMENDATION**

C0908/298 Moved Councillor Binks, seconded Councillor Masters:

That the Council:

1. acknowledges the CEO has satisfactorily attained the targets previously agreed for the Key Performance Indicators for the 2008/2009 review period.
2. agrees the Organisational KPIs and their targets for the 2009/2010 review period to be those as originally proposed and amended and now appended in Attachment 3 to this report.

**CARRIED 8/0**

Note: Councillor Ryan was not in the Chamber for the vote in relation to Item 17.2, Item of Urgent Business - 2008/2009 Review Period Outcome and Proposed Organisation KPIs for 2009/10.

8.03 p.m. At this time Councillor Ryan returned to the meeting.

**18. MOTIONS** of which notice has been given

**18.1 PROPOSED STORAGE SHED/RURAL ENTERPRISE - RETROSPECTIVE APPROVAL FOR CHANGE OF USE - LOT 20 QUINDALUP SOUTH ROAD, QUINDALUP**

NoM NO: 09/10: 02

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

**MOTION**

Moved Councillor Stubbs, seconded Councillor Ryan:

That the reconsideration of the development application titled "Proposed Storage Shed/Rural Enterprise – Retrospective Approval for Change of Use – Lot 20, Quindalup South Road, Quindalup" be submitted to the Council for determination.

**LOST 2/7**

**Dissenting Voters:**

Councillor Bernie Masters  
Councillor David Binks  
Councillor Tom Tuffin  
Councillor Bethwyn Hastie  
Councillor Rob Underdown  
Councillor Wes Hartley  
Councillor Ross Bromell

18.2 POSSIBLE CHANGE OF NAME - HARMANS ROAD SOUTH

NoM NO: 09/10: 3

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

**MOTION**

That the CEO reports to the Council prior to 23 September 2009, as to the status of an application for a possible change of name of Harmans Road South, Metricup to Tom Cullity Drive.

The report to include:

- (a) Copies of any correspondence with regard to this issue including the letters of support from local landowners;
- (b) The progress by the Shire of Augusta Margaret River on the issue;
- (c) Any information from the Geographical Names Committee;
- (d) What steps need to be initiated if such a change was to be initiated;
- (e) Costs to each Shire; and
- (f) Any other relevant information necessary for Council to progress such an initiative.

Note: Councillor Ryan advised that she wished to move the motion as written, with deletion of the words in the first line "prior to 23 September 2009" and replacement with the words "on or before 11 November 2009".

**MOTION**

Moved Councillor Ryan, seconded Councillor Tuffin:

That the CEO reports to the Council on or before 11 November 2009, as to the status of an application for a possible change of name of Harmans Road South, Metricup to Tom Cullity Drive.

The report to include:

- (a) Copies of any correspondence with regard to this issue including the letters of support from local landowners;
- (b) The progress by the Shire of Augusta Margaret River on the issue;
- (c) Any information from the Geographical Names Committee;

- (d) What steps need to be initiated if such a change was to be initiated;
- (e) Costs to each Shire; and
- (f) Any other relevant information necessary for Council to progress such an initiative.

**AMENDMENT MOVED**

**AMENDMENT**

Moved Councillor Masters, seconded Councillor Ryan:

That the Motion be amended by inclusion of a new clause (g) as follows:

- (g) Advice on the history of the name "Harmans Road South".

**AMENDMENT CARRIED 9/0**

**COUNCIL DECISION**

C0908/299            Moved Councillor Ryan, seconded Councillor Tuffin:

That the CEO reports to the Council on or before 11 November 2009, as to the status of an application for a possible change of name of Harmans Road South, Metricup to Tom Cullity Drive.

The report to include:

- (a) Copies of any correspondence with regard to this issue including the letters of support from local landowners;
- (b) The progress by the Shire of Augusta Margaret River on the issue;
- (c) Any information from the Geographical Names Committee;
- (d) What steps need to be initiated if such a change was to be initiated;
- (e) Costs to each Shire;
- (f) Any other relevant information necessary for Council to progress such an initiative; and
- (g) Advice on the history of the name "Harmans Road South".

**CARRIED 9/0**

18.3 PRE-ELECTION WORKSHOP FOR 2009 LOCAL GOVERNMENT ELECTION CANDIDATES

NoM NO: 09/10: 4

Councillor David Binks had previously given notice of his intention to move the following motion at this Council Meeting:

**MOTION**

That the Council requires the CEO to:

1. Arrange a workshop for confirmed candidates for the upcoming 2009 Local Government Elections to be held within two weeks of the closing date of nominations specifically for the purposes of providing detailed information to candidates regarding the statutory requirements of the Local Government (Rules of Conduct) Regulations 2007,
2. Include in the workshop detailed information regarding the requirements of the Shire of Busselton Standing Orders and any other information deemed necessary by the CEO in order to provide candidates with as much understanding as possible of their statutory requirements with respect to the Local Government (Rules of Conduct) Regulations 2007 and Shire of Busselton Standing Orders;
3. Facilitate the workshop using Shire staff on Shire premises;
4. Advertise the workshop in the Council for the Community pages each week from the opening date for nominations until the date of the workshop;
5. Arrange for a written invitation to the workshop to be extended to all candidates immediately following the closing date of nominations;
6. Allocate any external expenses associated with the workshop up to the value of \$3000 to the Council Strategic Fund; and
7. Review the effectiveness of the workshop after the conclusion of the 2009 elections, and determine to hold a similar workshop in the same manner prior to future Local Government Elections.

Note: Councillor Binks advised that he wished to move the motion as written, with deletion of the amount "\$3000" in the Clause 6 and replacement with the amount "\$500".

**MOTION**

Moved Councillor Binks, seconded Councillor Hastie:

That the Council requires the CEO to:

1. Arrange a workshop for confirmed candidates for the upcoming 2009 Local Government Elections to be held within two weeks of the closing date of nominations specifically for the purposes of providing detailed information to candidates regarding the statutory requirements of the Local Government (Rules of Conduct) Regulations 2007,
2. Include in the workshop detailed information regarding the requirements of the Shire of Busselton Standing Orders and any other information deemed necessary by the CEO in order to provide candidates with as much understanding as possible of their statutory requirements with respect to the Local Government (Rules of Conduct) Regulations 2007 and Shire of Busselton Standing Orders;
3. Facilitate the workshop using Shire staff on Shire premises;
4. Advertise the workshop in the Council for the Community pages each week from the opening date for nominations until the date of the workshop;
5. Arrange for a written invitation to the workshop to be extended to all candidates immediately following the closing date of nominations;
6. Allocate any external expenses associated with the workshop up to the value of \$500 to the Council Strategic Fund; and
7. Review the effectiveness of the workshop after the conclusion of the 2009 elections, and determine to hold a similar workshop in the same manner prior to future Local Government Elections

**AMENDMENT MOVED**

**AMENDMENT**

Moved Councillor Masters, seconded Councillor Tuffin:

That the Motion be amended by inclusion after the word "That" in the first line, of the words "subject to confirmation from at least three candidates at the forthcoming Council election of their attendance,"

**AMENDMENT CARRIED 8/1**

Dissenting Voter:  
Councillor Anne Ryan

**COUNCIL DECISION**

C0908/300            Moved Councillor Binks, seconded Councillor Hastie:

That subject to confirmation from at least three candidates at the forthcoming Council election of their attendance, the Council requires the CEO to:

1. Arrange a workshop for confirmed candidates for the upcoming 2009 Local Government Elections to be held within two weeks of the closing date of nominations specifically for the purposes of providing detailed information to candidates regarding the statutory requirements of the Local Government (Rules of Conduct) Regulations 2007,
2. Include in the workshop detailed information regarding the requirements of the Shire of Busselton Standing Orders and any other information deemed necessary by the CEO in order to provide candidates with as much understanding as possible of their statutory requirements with respect to the Local Government (Rules of Conduct) Regulations 2007 and Shire of Busselton Standing Orders;
3. Facilitate the workshop using Shire staff on Shire premises;
4. Advertise the workshop in the Council for the Community pages each week from the opening date for nominations until the date of the workshop;
5. Arrange for a written invitation to the workshop to be extended to all candidates immediately following the closing date of nominations;
6. Allocate any external expenses associated with the workshop up to the value of \$500 to the Council Strategic Fund; and
7. Review the effectiveness of the workshop after the conclusion of the 2009 elections, and determine to hold a similar workshop in the same manner prior to future Local Government Elections

**CARRIED 8/1**

Dissenting Voter:  
Councillor Anne Ryan

8.30 p.m. The Presiding Member announced that debate in relation to Item 16.4, Item of Urgent Business – Port Geographe – Sand and Seagrass Bypassing Works 2009, adjourned earlier in the meeting would resume at this juncture.

16.4 ITEM OF URGENT BUSINESS - PORT GEOGRAPHE – SAND AND SEAGRASS BYPASSING WORKS 2009

Councillor Underdown had declared a Financial Interest in this matter earlier in the meeting.

**Councillor Underdown left the meeting at 8.31 p.m.  
and did not vote on this item.**

**MOTION (PROCEDURAL)**

Moved Councillor Masters, seconded Councillor Bromell:

That the meeting be closed to members of the public to allow consideration of confidential information pursuant to s.5.23(2)(d) of the Local Government Act 1995, being legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**CARRIED 8/0**

8.32 p.m. At this time the meeting was closed to the public.

8.38 p.m. At this time the Chief Executive Officer left the meeting.

8.40 p.m. At this time the Chief Executive Officer returned to the meeting.

**PRÉCIS**

Each year the developer of the Port Geographe development – Tallwood Nominees Pty Ltd (“the Developer”) is legally obliged to carry out sand and seagrass bypassing works so as to meet its obligations under the Port Geographe Development Deed (“the Development Deed”) and the conditions set by the Minister for the Environment in respect of the development (“the Environmental Conditions”). The Council of the Shire of Busselton has previously resolved that a completion date of 15 October should be targeted each year in relation to those works.

Some questions have arisen about the likelihood of the works being carried out this year in the timeframe resolved by the Council. The purpose of this report is to formally inform the Council of this and seek resolutions from the Council in accordance with the Development Deed such that the Shire can be in a position to itself carry out the works using its powers under the Development Deed should the Developer not meet its legal obligations in this regard.

**OFFICER RECOMMENDATION**

1. That the Council note, based on the information provided in this report, that the accumulation of seagrass wrack in the vicinity of the foreshore reserve at the western groyne at Port Geographe is not at an acceptable level having regard to the level of seagrass which naturally accumulates from time to time in Geographe Bay outside of the Port Geographe project area. **Simple Majority Required**
2. That the Council delegate authority to the CEO to issue a notice to the Developer of Port Geographe, Tallwood Nominees Pty Ltd, requiring it to take all action necessary to ensure that the seagrass wrack accumulated in the vicinity of the foreshore reserve at Port Geographe is removed in accordance with its obligations under Clause 6.6(a)(i) of the Development Deed. **Absolute Majority Required**
3. That authority be delegated to the CEO to take any action that he determines necessary to take, including but not limited to the issuing of notices, with respect to the carrying out of sand and seagrass bypassing works in the 2009/2010 financial year under the Development Deed including, but not limited to, the exercise of any powers available to the Shire under Clauses 6.5, 6.6, 14.1 and 14.2 of that Deed. **Absolute Majority Required**

**DIVISION OF MOTION**

At this juncture the Presiding Member advised that in accordance with the provisions of Clause 18.15 of the Standing Orders, it was his intention to divide the Officer Recommendation and deal with each of the parts separately.

**COUNCIL DECISION 1 / OFFICER RECOMMENDATION 1****SIMPLE MAJORITY DECISION REQUIRED**

C0908/301            Moved Councillor Masters, seconded Councillor Tuffin:

That the Council note, based on the information provided in this report, that the accumulation of seagrass wrack in the vicinity of the foreshore reserve at the western groyne at Port Geographe is not at an acceptable level having regard to the level of seagrass which naturally accumulates from time to time in Geographe Bay outside of the Port Geographe project area.

**CARRIED 8/0**

**COUNCIL DECISION 2 / OFFICER RECOMMENDATION 2****ABSOLUTE MAJORITY DECISION REQUIRED**

C0908/302 Moved Councillor Ryan, seconded Councillor Binks:

That the Council delegate authority to the CEO to issue a notice to the Developer of Port Geographe, Tallwood Nominees Pty Ltd, requiring it to take all action necessary to ensure that the seagrass wrack accumulated in the vicinity of the foreshore reserve at Port Geographe is removed in accordance with its obligations under Clause 6.6(a)(i) of the Development Deed.

**CARRIED 8/0  
BY ABSOLUTE MAJORITY**

**MOTION / OFFICER RECOMMENDATION 3****ABSOLUTE MAJORITY DECISION REQUIRED**

C0908/303 Moved Councillor Masters, seconded Councillor Binks:

That authority be delegated to the CEO to take any action that he determines necessary to take, including, but not limited to, the issuing of notices, with respect to the carrying out of sand and seagrass bypassing works in the 2009/2010 financial year under the Development Deed including, but not limited to, the exercise of any powers available to the Shire under Clauses 6.5, 6.6, 14.1 and 14.2 of that Deed.

**AMENDMENT MOVED**

**AMENDMENT****SIMPLE MAJORITY DECISION REQUIRED**

Moved Councillor Masters, seconded Councillor Binks:

That the Motion be amended by inclusion at the end, following the word "Deed", of the words ", conditional upon all Councillors being advised in writing as soon as practicable of any exercise of the CEO's powers".

**AMENDMENT CARRIED 6/2**

Dissenting Voters:  
Councillor Ian Stubbs  
Councillor Anne Ryan

**FORESHADOWED MOTION**

During debate on this matter, Councillor Masters foreshadowed his intention to move the following motion:

“That Clause 3 be deferred if it does not receive an Absolute Majority, for consideration at the next Council Meeting.”

**FORESHADOWED MOTION**

During debate on this matter, Councillor Ryan foreshadowed her intention to move the following motion:

“That Clause 3 not be deferred if it does not receive an Absolute Majority, but that it comes back to the Council as soon as possible if it is necessary for the CEO to exercise his delegated power.”

**COUNCIL DECISION 3**

C0908/304            Moved Councillor Masters, seconded Councillor Binks:

That authority be delegated to the CEO to take any action that he determines necessary to take, including, but not limited to, the issuing of notices, with respect to the carrying out of sand and seagrass bypassing works in the 2009/2010 financial year under the Development Deed including, but not limited to, the exercise of any powers available to the Shire under Clauses 6.5, 6.6, 14.1 and 14.2 of that Deed, conditional upon all Councillors being advised in writing as soon as practicable of any exercise of the CEO's powers.

**CARRIED 7/1  
BY ABSOLUTE MAJORITY**

Dissenting Voter:  
Councillor Anne Ryan

Note:            As the Motion was carried, Councillors Masters and Ryan were unable to move the motions they had previously foreshadowed.

**MOTION (PROCEDURAL)**

Moved Councillor Masters, seconded Councillor Ryan:

That the meeting be reopened to members of the public.

**CARRIED 8/0**

9.05 p.m. At this time Councillor Underdown returned to the meeting.

9.05 pm At this time the meeting was reopened to the public and the Presiding Member announced the Council's decisions from that part of the meeting that was closed to members of the public:

"In relation to Item 16.4, Item of Urgent Business – Port Geographe – Sand and Seagrass Bypassing Works 2009, the Council has resolved as follows:

1. That the Council note, based on the information provided in this report, that the accumulation of seagrass wrack in the vicinity of the foreshore reserve at the western groyne at Port Geographe is not at an acceptable level having regard to the level of seagrass which naturally accumulates from time to time in Geographe Bay outside of the Port Geographe project area (Carried 8/0).
2. That the Council delegate authority to the CEO to issue a notice to the Developer of Port Geographe, Tallwood Nominees Pty Ltd, requiring it to take all action necessary to ensure that the seagrass wrack accumulated in the vicinity of the foreshore reserve at Port Geographe is removed in accordance with its obligations under Clause 6.6(a)(i) of the Development Deed (Carried 8/0, By Absolute Majority).
3. That authority be delegated to the CEO to take any action that he determines necessary to take, including, but not limited to, the issuing of notices, with respect to the carrying out of sand and seagrass bypassing works in the 2009/2010 financial year under the Development Deed including, but not limited to, the exercise of any powers available to the Shire under Clauses 6.5, 6.6, 14.1 and 14.2 of that Deed, conditional upon all Councillors being advised in writing as soon as practicable of any exercise of the CEO's powers (Carried 7/1, By Absolute Majority)."

**19. CONFIDENTIAL REPORTS****19.1 POTENTIAL PURCHASE OF LAND**

The Agenda for the meeting of 26 August 2009, identified that a Confidential Item regarding the potential purchase of land would be distributed under separate cover. It was subsequently determined that the matter is not confidential and the report should be available as part of the public documents for the meeting. The matter was therefore relisted as Item 16.3 for this meeting and was dealt with earlier ([C0908/296](#), pages 16 to 19 inclusive).

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

20.1 Councillor Binks advised that he has submitted a Notice of Motion entitled "School Participation at Community Access Sessions" for consideration by the Council at its Meeting on 9 September 2009.

20.2 Councillor Underdown advised that he has submitted three Notices of Motion for consideration by the Council at its Meeting on 9 September 2009 and these are as detailed in the Agenda for that Meeting, which has already been published.

**21. QUESTIONS FROM MEMBERS WITHOUT NOTICE****21.1 Councillor David Binks:**

I would like to know when the Dunsborough 2007 Top Tourist Town signs will be erected.

***Response – Director, Community Infrastructure:***

The signs will be erected soon. Shire officers have again called for quotations to allow people an opportunity to quote.

**22. NEXT MEETING**

Wednesday, 9 September 2009, commencing at 5.30 p.m.

**23. CLOSURE**

The meeting closed at 9.09 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 37 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON \_\_\_\_\_

DATE: \_\_\_\_\_

PRESIDING MEMBER: \_\_\_\_\_