



COUNCIL MEETING 28 OCTOBER 2009

En Bloc Council Resolution

RECOMMENDATION

That the Officer Recommendations for **Items 13.3, 13.4, 13.5, 14.2 and 16.1** be adopted.

Items to be dealt with by separate resolution, without debate

Item No. and Title	Page No.	Reason for Separate Resolution
Item 15.1 - Tender Selection Criteria - Ten 09/09 Supply, Delivery and Construction of New Production Bore for Sir Stewart Bovell Park		Absolute Majority Decision Required Recommendation 2
Item 14.1 - List of Payments - August 2009		Cr Bernie Masters will declare a financial interest in this item
Item 16.3 - Small Local Projects Fund 2009/10 - Nos 6-7		Cr Bernie Masters will declare an impartiality interest in this item

Items Identified for Debate (Pulled Items)

Item No and Title	Pulled By	Page No	Reason	Alternative Motion
<p>13.1 Draft Scheme Amendment No 138: Proposed Rezoning of Lot 6 Chambers Road, Carbunup from Agriculture to Bushland Protection</p>	<p>Officers</p>	<p>5</p>	<p>The proposed conservation covenant areas shown on the draft DGP contain degraded land and land identified for rehabilitation works. Referencing the DGP with the requirement for the preparation and implementation of a revegetation plan for these areas will ensure that the rehabilitation of these areas is undertaken. (Changes to the original Officer Recommendation are underlined in the Alternative Recommendation).</p>	<ol style="list-style-type: none"> 1. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i>, adopt draft Amendment No. 138 to the Shire of Busselton District Town Planning Scheme No. 20 for final approval for the purposes of rezoning Lot 6 Chambers Road, Carbunup River from 'Agriculture' to 'Bushland Protection'. 2. That the Council adopt for final approval the draft Development Guide Plan for Lot 6 Chambers Road, Carbunup River (dated 4 September 2008), pursuant to clause 25 of the Scheme, <u>subject to the addition of the following condition:</u> <u>For proposed Lots 1 and 2, a condition of subdivision will require the preparation and implementation of a revegetation plan for degraded land and land identified for rehabilitation within the areas to be the subject of a conservation covenant. The revegetation plan is to be prepared and implemented to the satisfaction of the Shire of Busselton and Department of Environment and Conservation, prior to clearance of subdivision."</u> 3. That the Council endorse the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 138 and the draft Development Guide Plan. 4. That the Council refer Amendment No. 138 to the Shire of Busselton District Town Planning Scheme No. 20, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning. 5. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the <i>Town Planning Regulations 1967</i>, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.

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<p>13.2 Busselton Jetty Heritage Interpretation and Design Plan - Selection and Commissioning Process for Interpretive Artworks</p>	<p>Officers</p>	<p>10</p>	<p>The Alternative Recommendation recognises that there will be a new group of Councillors following the election on Saturday and delays the identification of a Councillor to be on the Selection Panel. Original Officer Recommendation 3 has therefore been removed. Also, original Officer Recommendation 5 that related to not applying the Regional Price Preference policy has been removed, recognising that whilst this policy will have limited application to a tender that is not going to be assessed against price criteria, there would be no real impact with leaving the policy to apply in the unlikely circumstance two otherwise identical tenders needed to be separated.</p>	<p>1. That the Council endorse the Busselton Jetty Heritage Interpretation and Design Plan as the guiding document for progression of commissioning of the interpretive artworks and future interpretation, subject to confirmation of the satisfaction of Development Condition 9 by the Heritage Council of WA;</p> <p>2. That the Council authorise the CEO to form a Selection Panel for EOI TEN 10/09 comprising:</p> <p style="padding-left: 20px;">Heritage Council of Western Australia Busselton Historical Society Artsource Busselton Shire Council (Councillor) - to be appointed by the Council at its Special Meeting on 26 October 2009 Shire of Busselton (Project Manager) Busselton Jetty Environmental and Conservation Association Inc Palassis Architects</p> <p>3. That the Council adopt a two stage tender process and approve the calling of Expressions of Interest for EOI TEN 10/09 - Supply and Delivery of Heritage Interpretive Artworks for the Busselton Jetty, with the following selection criteria adopted for the EOI phase:</p> <table border="1" data-bbox="1368 890 2040 1374"> <thead> <tr> <th colspan="2" data-bbox="1368 890 1832 932">Description of Compliance Criteria</th> <th data-bbox="1832 890 2040 932"></th> </tr> </thead> <tbody> <tr> <td data-bbox="1368 932 1451 1034">(a)</td> <td data-bbox="1451 932 1832 1034">Compliance with the Specification contained in this Expression of Interest.</td> <td data-bbox="1832 932 2040 1034">Yes / No</td> </tr> <tr> <td data-bbox="1368 1034 1451 1129">(b)</td> <td data-bbox="1451 1034 1832 1129">Compliance with the Conditions of Responding contained in this Expression of Interest.</td> <td data-bbox="1832 1034 2040 1129">Yes / No</td> </tr> <tr> <td data-bbox="1368 1129 1451 1198">(c)</td> <td data-bbox="1451 1129 1832 1198">Compliance with the Expression of Interest Closing Date and Time.</td> <td data-bbox="1832 1129 2040 1198">Yes / No</td> </tr> <tr> <th colspan="2" data-bbox="1368 1198 1832 1240">Description of Qualitative Criteria</th> <th data-bbox="1832 1198 2040 1240">Weighting</th> </tr> <tr> <td data-bbox="1368 1240 1451 1287">(a)</td> <td data-bbox="1451 1240 1832 1287">Personnel and Qualifications</td> <td data-bbox="1832 1240 2040 1287">30%</td> </tr> <tr> <td data-bbox="1368 1287 1451 1335">(b)</td> <td data-bbox="1451 1287 1832 1335">Relevant Experience</td> <td data-bbox="1832 1287 2040 1335">40%</td> </tr> <tr> <td data-bbox="1368 1335 1451 1374">(c)</td> <td data-bbox="1451 1335 1832 1374">Methodology</td> <td data-bbox="1832 1335 2040 1374">30%</td> </tr> </tbody> </table>	Description of Compliance Criteria			(a)	Compliance with the Specification contained in this Expression of Interest.	Yes / No	(b)	Compliance with the Conditions of Responding contained in this Expression of Interest.	Yes / No	(c)	Compliance with the Expression of Interest Closing Date and Time.	Yes / No	Description of Qualitative Criteria		Weighting	(a)	Personnel and Qualifications	30%	(b)	Relevant Experience	40%	(c)	Methodology	30%
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				<p>4. That the CEO provides the Council with a report that recommends the preferred tenderer, based on recommendations of the Selection Panel, by February 2010 in order to consider award of the tender.</p> <p style="text-align: center;"><u>ABSOLUTE MAJORITY REQUIRED</u></p> <p>5. That the Council delegate authority to the CEO to assess EOI submissions, establish a short-list of pre qualified tenderers on the basis of recommendations of the Selection Panel, as defined in Recommendation 1, and invite tenders for Tender EOI TEN 10/09, with the following selection criteria adopted for the Tender phase:</p> <table border="1" data-bbox="1391 563 1995 1046"> <thead> <tr> <th colspan="2" data-bbox="1391 563 1848 608">Description of Compliance Criteria</th> <th data-bbox="1848 563 1995 608"></th> </tr> </thead> <tbody> <tr> <td data-bbox="1391 608 1451 678">(a)</td> <td data-bbox="1451 608 1848 678">Compliance with the Specification contained in this Tender.</td> <td data-bbox="1848 608 1995 678">Yes / No</td> </tr> <tr> <td data-bbox="1391 678 1451 775">(b)</td> <td data-bbox="1451 678 1848 775">Compliance with the Conditions of Responding contained in this Tender.</td> <td data-bbox="1848 678 1995 775">Yes / No</td> </tr> <tr> <td data-bbox="1391 775 1451 845">(c)</td> <td data-bbox="1451 775 1848 845">Compliance with the Tender Closing Date and Time.</td> <td data-bbox="1848 775 1995 845">Yes / No</td> </tr> <tr> <th colspan="2" data-bbox="1391 845 1848 890">Description of Qualitative Criteria</th> <th data-bbox="1848 845 1995 890">Weighting</th> </tr> <tr> <td data-bbox="1391 890 1451 960">(a)</td> <td data-bbox="1451 890 1848 960">Description of Works (concept designs)</td> <td data-bbox="1848 890 1995 960">40%</td> </tr> <tr> <td data-bbox="1391 960 1451 1003">(b)</td> <td data-bbox="1451 960 1848 1003">Methodology</td> <td data-bbox="1848 960 1995 1003">30%</td> </tr> <tr> <td data-bbox="1391 1003 1451 1046">(c)</td> <td data-bbox="1451 1003 1848 1046">Timeframe for delivery</td> <td data-bbox="1848 1003 1995 1046">30%</td> </tr> </tbody> </table>	Description of Compliance Criteria			(a)	Compliance with the Specification contained in this Tender.	Yes / No	(b)	Compliance with the Conditions of Responding contained in this Tender.	Yes / No	(c)	Compliance with the Tender Closing Date and Time.	Yes / No	Description of Qualitative Criteria		Weighting	(a)	Description of Works (concept designs)	40%	(b)	Methodology	30%	(c)	Timeframe for delivery	30%
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<p>13.6 Local Planning Policy Review - Proposed Restructuring of the Local Planning Policy Framework</p>	<p>Cr Anne Ryan</p>	<p>46</p>	<p>Policies are the Council's policies and to have them decided prior to the election of 7 new members (a majority) seems hasty. Planning is a major part of a Councillor's role and to be briefed on the policies, and indeed why changes are being requested, would seem simply a matter of courtesy.</p>	<p>Cr Bev Clarke will declare a financial interest in this matter.</p> <p>That this item be deferred pending a briefing session of all new councillors by the Director of Planning (or his delegate) prior to the matter being adopted by the Council of the day for advertising purposes.</p>

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14.3 Busselton Golf Club (Inc) - Request for Rates Exemption / Concession	Cr Bernie Masters	74	If Item 18.3 Policy on the Principles by which Shire Fees and Charges are Calculated is approved at the October 14 council meeting, then one of the issues to be addressed in the consequent CEO's report will include advice on the merits or otherwise of council adopting a policy of subsidising the fees and charges paid by not-for-profit groups such as the Busselton Gold Club. To provide a subsidy to the Golf Club on an <i>ad hoc</i> basis without a formal council-supported policy in place to provide guidance and direction is not ideal. It would also invite other not-for-profit groups to request reduced fees or charges (including rates), with any benefit provided to the Golf Club used as a precedent in support of their requests.	<p>Cr Ian Stubbs will declare a financial interest in this matter if there is a motion before the Council that is not a motion for deferral.</p> <p>That this item be deferred until the report from the CEO arising from Item 18.3 Policy on the Principles by which Shire Fees and Charges are Calculated (should item 18.3 be approved) is presented at a future council meeting.</p>

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16.2 Shire Property Local Law	Cr Bernie Masters	93	Schedule 2 of the proposed new local law covers the various circumstances under which members of the public will be committing an offense and hence may be subjected to prosecution or an infringement notice. Some of these actions are, in most circumstances, unlikely to warrant punitive action by shire staff, e.g., tying one's dog up to a tree or post on shire land without permission, so a set of guidelines should be prepared which provide clear guidance to staff on how, when and under what circumstances this Local Law should to be applied.	That the officer recommendation be adopted with a new Part 4 requiring that, prior to the commencement of the Shire of Busselton Local Government Property Local Law 2009, a new policy be prepared and presented to the council which provides guidelines as to the manner of enforcement of the Local Law.

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16.4 Busselton Jetty - Reserve Management Order; State Licence Agreement; BJECA Management Agreement	Officers	Addendum 1	This item has been identified for debate as it was distributed separately to the agenda and was not available prior to the first briefing session. The first opportunity to discuss it will be at the briefing session on the day of the meeting and therefore the opportunity to discuss / debate the matter at the meeting is also considered necessary.	