

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

SHIRE OF BUSSELTON

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 12 NOVEMBER 2008

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	1
2.	PURPOSE OF THE MEETING	1
3.	PUBLIC QUESTION TIME	2
4.	DECLARATION OF DUE CONSIDERATION	2
5.	DECLARATIONS OF INTERESTS	2
6.	PRESENTATIONS BY PARTIES WITH AN INTEREST	3
7.	BUSINESS OF THE MEETING	4
7.1	FUNDING OF BUSSELTON JETTY REBUILD AND ONGOING SUSTAINABILITY	4
7.2	SELECTION CRITERIA AND WORKSCOPE FOR TENDER RFT TEN 05/08 - BUSSELTON JETTY REFURBISHMENT	11
7.3	PROPOSED INTERIM LISTING OF BUSSELTON JETTY ON STATE REGISTER OF HERITAGE PLACES	20
8.	CLOSURE	22

SHIRE OF BUSSELTON**MINUTES OF A SPECIAL MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBERS,
ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON WEDNESDAY,
12 NOVEMBER 2008 AT 7:00 PM**

The Presiding Member opened the meeting at 7.05 p.m.

1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Presiding Member:	Cr Wes Hartley	Shire President
Members:	Cr Bethwyn Hastie Cr Ian Stubbs Cr Ross Bromell Cr Anne Ryan Cr Tom Tuffin Cr Bev Clarke Cr Don Hanran-Smith	
Officers:	Mr Andrew Macnish Mr Oliver Darby Mr Matthew Smith Mr Paul Martin Ms Jenny Mathies	Chief Executive Officer Director, Community Infrastructure Director, Community and Organisational Development Manager, Economic Development Admin. Officer - Governance
Consultant:	Mr Steve Disley	
Apologies:	Nil	
Leave of Absence:	Cr David Binks Cr Rob Underdown	
Media:	"Busselton-Dunsborough Times" "Busselton-Dunsborough Mail"	
Public:	15	

2. PURPOSE OF THE MEETING

To consider the Letter of Offer from the State Government regarding the Busselton Jetty Refurbishment and associated tender, scope of works and heritage matters.

3. PUBLIC QUESTION TIME

3.1 Vern Bussell:

Does the Shire acknowledge that there are many especially at the grass roots level, myself included, who have played a part in achieving this wonderful outcome through public meetings, petitions, letters to the paper, etc., who have not been acknowledged in this report being presented this evening?

Response - Presiding Member:

There are some that have not been acknowledged, but not by intention or slight.

4. 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 Ian Stubbs	
Councillor Ross Bromell	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Bev Clarke	
Councillor Don Hanran-Smith	

5. DECLARATIONS OF INTERESTS

5.1

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.1, Funding of Busselton Jetty Rebuild and Ongoing Sustainability
Type of Interest	Interest Affecting Impartiality

5.2

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.2, Selection Criteria And Worksopce for Tender RFT TEN 05/08 - Busselton Jetty Refurbishment
Type of Interest	Interest Affecting Impartiality

5.3

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.3, Proposed Interim Listing of Busselton Jetty on State Register of Heritage Places
Type of Interest	Interest Affecting Impartiality

6. PRESENTATIONS BY PARTIES WITH AN INTEREST

6.1 Mr Darryl Green addressed the Council in accordance with Section 9 of the Standing Orders as a party with an interest in Item 7.1, Funding of Busselton Jetty Rebuild and Ongoing Sustainability. Mr Green, Executive Officer of the Busselton Jetty Environment and Conservation Association Inc. (BJECA) spoke in support of Officer Recommendation 1(d).

7.15 p.m. At this juncture the Presiding Member invoked Clause 15.8 of the Standing Orders, thereby suspending the operation of Clause 15.6 (Members to Address the Presiding Member) and Clause 15.7 (Speaking Twice / Right of Reply).

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

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

MOTION (PROCEDURAL)

Moved Councillor Hartley, seconded Councillor Hastie:

That the meeting be adjourned for the period of time that it takes to allow the Minute Taker to compile a list of matters raised up to this juncture by Councillors as possible amendments, additions and deletions to the Officer Recommendations in relation to Items 7.1, 7.2 and 7.3.

CARRIED 8/0

8.00 p.m. The meeting adjourned at this time.

MOTION (PROCEDURAL)

Moved Councillor Hartley, seconded Councillor Hanran-Smith;

That the meeting reconvene at this time (8.35 p.m.).

CARRIED 8/0

8.35 p.m. At this time the meeting reconvened with all in attendance prior to the adjournment.

8.39 p.m. At this juncture the Presiding Member advised that the operation of Clause 15.8 of the Standing Orders would cease.

7. BUSINESS OF THE MEETING

7.1 FUNDING OF BUSSELTON JETTY REBUILD AND ONGOING SUSTAINABILITY

FILE NO: DEV3

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.1, Funding of Busselton Jetty Rebuild and Ongoing Sustainability
Type of Interest	Interest Affecting Impartiality
Declaration	"Busselton Jetty Environment and Conservation Association Inc. (BJECA) advertises with the "Busselton-Dunsborough Mail" newspaper however they are a not for profit organisation and I will err on the side of caution. 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."

Mr Darryl Green had addressed Council earlier in the Meeting as a Party with an Interest in this matter. Mr Green spoke in support of Officer Recommendation 1(d).

This report is provided to the Council accompanied by a declaration in accordance with Section 5.70(2) of the Local Government Act 1995, that one of the Officers providing input into the report (Paul Martin) owns a residential property in the CBD. This property is his place of residence.

PRÉCIS

This report finalises the funding strategy for the rebuild of the Busselton Jetty following the offer from the new State Government of \$24 million towards the project. This offer obviously also impacts upon the contributions being made by BJECA and the Shire towards the rebuild which are addressed in this item.

The report represents a milestone in the history of this project and should provide the Council with the confidence to call tenders for the complete rebuild of the Jetty.

The Council will need to consider how it wishes to progress with foreshore development in light of the offer from the State Government and the implications for on ongoing maintenance of the Jetty. Officers are recommending the Shire partner with the State to undertake further planning and community consultation and share the costs of this equally with State Government.

OFFICER RECOMMENDATION

1. That in respect to the Jetty Rebuild:
 - a. the Council extend thanks to the Member for Vasse for securing an offer of \$24 million towards the Jetty Rebuild;
 - b. the Minister for Regional Development be advised the Shire thankfully accepts the offer from the State Government as at 27th October 2008;
 - c. the Shire thank Hon Adele Farina MLC for her efforts towards this project over the past three years and extends this to the other State Government representatives who have assisted her;
 - d. the CEO be authorised to execute the funding agreement with the SWDC (Agenda Attachment H);
 - e. BJECA be asked to review their contribution and advise in writing the highest level of contribution possible to provide to the Shire whilst keeping in reserve funds for a new train and to cover projects losses during the construction period. The Council would be expecting a contribution of at least \$1 million in cash plus the already-identified in kind material towards the rebuild be included as part of the Commercial Agreement.

2. That in relation to foreshore development:
 - a. the Council confirms it is committed to some foreshore development occurring which:
 - i. covers the costs of establishing and servicing 4 new ground leases in the foreshore precinct
 - ii. provides a major upgrade to the foreshore amenity
 - iii. creates vibrancy and links the foreshore to the CBD; and
 - iv. is in keeping with broad community and stakeholder expectations
 - b. the Council requests the CEO undertake consultation with the State Government, key stakeholders and the community to develop model for development on the foreshore within the identified precinct which achieves the following outlined above.
 - c. the Council requests the CEO to provide an update on this process in February 2009.
 - d. the Shire offer \$50,000 from the Strategic Projects Reserve be matched by the State towards this process; and

- e. the CEO advise stakeholders involved in the project to date that Churchill Park and Kookaburra Caravan Park are no longer aspects of the project at this time.

DIVIDING OF MOTION

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

COUNCIL DECISION

C0811/328 Moved Councillor Hanran-Smith, seconded Councillor Clarke:

That in respect to the Jetty Rebuild:

- a. the Council extend thanks to the Member for Vasse for securing an offer of \$24 million towards the Jetty Rebuild;
- b. the Minister for Regional Development be advised the Shire thankfully accepts the offer from the State Government dated 27 October 2008;
- c. the Shire thank Hon Adele Farina MLC for her efforts towards this project over the past three years and extends this to the other State Government representatives who have assisted her;
- d. the CEO be authorised to execute the funding agreement with the SWDC (Agenda Attachment H);
- e. BJECA be asked to review their contribution and advise in writing the highest level of contribution possible to provide to the Shire whilst keeping in reserve funds for a new train and to cover projects losses during the construction period. The Council would be expecting a contribution of at least \$1 million in cash plus the already-identified in kind material towards the rebuild be included as part of the Commercial Agreement.

CARRIED 8/0

MOTION

Moved Councillor Stubbs, seconded Councillor Ryan:

That in relation to foreshore development:

- (a) the Council agrees in principle to some foreshore development occurring which:

- (i) covers the cost or part of the cost of establishing and servicing four new ground leases in the foreshore precinct.
 - (ii) provides a major upgrade to the foreshore amenity; and
 - (iii) is in keeping with broad community and stakeholder expectations.
- b. the CEO undertake open consultation with the State Government, key stakeholders and the community to develop a model for development on the foreshore within the identified precinct which aims to achieve the objectives outlined above.
- c. the CEO to provide an update on this process in February 2009.
- d. the CEO advise stakeholders involved in the project to date that Churchill Park and Kookaburra Caravan Park are no longer aspects of the project.

AMENDMENT MOVED

AMENDMENT

Moved Councillor Ryan, seconded Councillor Tuffin:

That para. (c) of the Motion be amended by addition, at the end, of the words "or as and when any major information comes to light".

CARRIED 7/1

Dissenting Voter:
Councillor Wes Hartley

AMENDMENT

Moved Councillor Hastie, seconded Councillor Hanran-Smith:

That a new sub-para. (a)(iii) be included as follows:

"(iii) creates vibrancy and links the foreshore to the CBD"

and existing sub-para (a)(iii) be renumbered to (a)(iv).

CARRIED 5/3

Dissenting Voters:
Councillor Ian Stubbs
Councillor Tom Tuffin
Councillor Anne Ryan

COUNCIL DECISION

C0811/329 Moved Councillor Stubbs, seconded Councillor Ryan:

- (a) the Council agrees in principle to some foreshore development occurring which:
 - (i) covers the cost or part of the cost of establishing and servicing four new ground leases in the foreshore precinct.
 - (ii) provides a major upgrade to the foreshore amenity;
 - (iii) creates vibrancy and links the foreshore to the CBD; and
 - (iv) is in keeping with broad community and stakeholder expectations.
- b. the CEO undertake open consultation with the State Government, key stakeholders and the community to develop a model for development on the foreshore within the identified precinct which aims to achieve the objectives outlined above.
- c. the CEO to provide an update on this process in February 2009 or as and when any major information comes to light.
- d. the CEO advise stakeholders involved in the project to date that Churchill Park and Kookaburra Caravan Park are no longer aspects of the project.

CARRIED 8/0

MOTION**ABSOLUTE MAJORITY DECISION REQUIRED**

Moved Councillor Hastie, seconded Councillor Clarke:

That the Shire allocate \$50,000 from the Strategic Projects Reserve and request that the State match this dollar for dollar and the contribution be facilitated by the South West Development Commission.

FORESHADOWED MOTION

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

“That the Shire allocate \$50,000 from the Strategic Projects reserve towards the process referred to above (C0811/329 refers).”

MOTION PUT**ABSOLUTE MAJORITY DECISION REQUIRED**

Moved Councillor Hastie, seconded Councillor Clarke:

That the Shire allocate \$50,000 from the Strategic Projects Reserve and request that the State match this dollar for dollar and the contribution be facilitated by the South West Development Commission.

LOST 6/2

AN ABSOLUTE MAJORITY WAS NOT ACHIEVED

Dissenting Voters:

Councillor Ian Stubbs

Councillor Anne Ryan

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

COUNCIL DECISION**ABSOLUTE MAJORITY DECISION REQUIRED**

C0811/330 Moved Councillor Stubbs, seconded Councillor Ryan:

That the Shire allocate \$50,000 from the Strategic Projects reserve towards the process referred to above (C0811/329 refers).

CARRIED 8/0

BY ABSOLUTE MAJORITY

COUNCIL DECISION

C0811/331 Moved Councillor Hanran-Smith, seconded Councillor Bromell:

That the CEO correspond with the State Treasurer and the Minister for Regional Development, requesting advice as to when, prior to 1 July 2009, the remainder of the Liberal Party election commitment of 26 August 2008, regarding the Busselton Jetty restoration will be confirmed by the State Government. The commitments referred to are as follows:

"The Liberal Party's alternative proposal would include:

- * *Commit to a process to identify suitable parcels of land in the local area that would be available for sale and development following a proper consultation process to generate the funds required to cover the State's contribution;*

- * *Ensure that the Busselton foreshore was subject to a major upgrade and modernisation;*
- * *Provide four additional leasehold footprints in the foreshore precinct that would, under the control of the Shire of Busselton, be available for lease by the Shire to provide an ongoing cash flow to support the maintenance of the Jetty."*

CARRIED 5/3

Dissenting Voters:

Councillor Ian Stubbs

Councillor Tom Tuffin

Councillor Anne Ryan

Note: During debate on this matter, Councillor Ryan made a comment to the effect that she hoped that Councillor Clarke would be as concerned about figures when the Civic Precinct is being considered. Councillor Clarke requested, in accordance with the provisions of Clause 20.4 of the Standing Orders, that Councillor Ryan withdraw her comment. Councillor Ryan refused. The Presiding Member requested Councillor Ryan to withdraw her comment. Councillor Ryan again refused. The Presiding Member again requested Councillor Ryan to withdraw her comment. Councillor Ryan again refused. The Presiding Member advised that this would be recorded in the Minutes.

COUNCIL DECISION

C0811/332 Moved Councillor Bromell, seconded Councillor Hanran-Smith:

That within two weeks, Councillors are to be provided with a report from AMD Chartered Accountants modelling the maintenance fund shortfall over the next 50 years based on the Maintenance Fund income remaining limited to income from Jetty Operations and the three existing ground leases (Equinox, Goose, Nautical Lady).

CARRIED 5/3

Dissenting Voters:

Councillor Ian Stubbs

Councillor Tom Tuffin

Councillor Anne Ryan

7.2 SELECTION CRITERIA AND WORKSCOPE FOR TENDER RFT TEN 05/08 - BUSSELTON JETTY REFURBISHMENT

FILE NO: TEN05/08

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.2, Selection Criteria And Workscope for Tender RFT TEN 05/08 - Busselton Jetty Refurbishment
Type of Interest	Interest Affecting Impartiality
Declaration	"Busselton Jetty Environment and Conservation Association Inc. (BJECA) advertises with the "Busselton-Dunsborough Mail" newspaper however they are a not for profit organisation and I will err on the side of caution. 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."

PRÉCIS

The Council is requested to consider the financial implications and endorse the proposed scope of work and selection criteria for proceeding to phase two, the calling of tenders for "RFT TEN 05/08 Busselton Jetty Refurbishment" from four short-listed Tenderers.

Urgent consideration of these matters is sought to support the objective of awarding a contract for the major refurbishment in December 2008/January 2009 with the works to commence in January 2009. This would capitalise on the best seasonal construction window.

The report does not deal with the details of external funding of the Jetty works, which is the topic of a separate report to the Council, as part of this Agenda.

OFFICER RECOMMENDATION

1. That the Council adopt the following selection criteria and approve the calling of the second phase (the pricing) of tenders for RFT TEN 05/08 - Busselton Jetty Refurbishment.

COMPLIANCE CRITERIA

Description of Compliance Criteria	
(a) Compliance with the Specification contained in the Request.	Yes/No

Description of Compliance Criteria	
(b) Compliance with the Conditions of Tendering contained in the Request.	Yes/No
(c) Compliance with and completion of the Schedule of Prices.	Yes/No

QUALITATIVE CRITERIA

Description of Qualitative Criteria	Weighting
(a) Management Capability	20%
(b) Technical Capability	30%
(c) Methodology (includes without limitation the construction program, work methods, provisions and controls for public access etc)	50%

PRICE CONSIDERATIONS

The non-weighted cost method is proposed. Tender award will be based on value judgements considering:

- (a) the qualitative ranking of each Tenderer; and
 - (b) the pricing submitted by each Tenderer.
2. That "Policy 049/1 – Regional Price Preference" shall not apply to the tender "RFT TEN 05/08 - Busselton Jetty Refurbishment".
 3. That the Contract Work Scope for the Busselton Jetty Refurbishment Work shall be based on Option D previously referred in the Council's Resolution C0711/289 Part 3 of its 28 November 2007 meeting subject to the following amendments and clarifications to the scope of work:
 - (a) Demolition of the existing section 2 "skeleton jetty" shall be included;
 - (b) One additional fishing platform shall be provided adjacent to new section 2, located approximately 500 metres from the Interpretive Centre

- (c) A provisional allowance of \$250,000 shall be included for a disabled ramp access to the existing fishing platform, pending further review and design development of that option;
- (d) The existing gazebo structure shall not be relocated onto the new jetty structure. Instead it shall be completely removed;
- (e) Two swimming platforms shall be provided at section 5, midway along the jetty
- (f) Balustrade (handrail) shall be provided to both edges of sections 2, 3, 5, 7 and 10 that are new works, leaving only sections 4 and 6 with one-sided balustrade;
- (g) The refurbished jetty shall incorporate a significant number of new rain shelters, bench seats and fish cleaning stations;
- (h) Lighting shall be upgraded by replacement with new lighting along the full length of the jetty;
- (i) Service relocations along the jetty shall incorporate upgraded power supply cable and optic fibre communications cable to the Underwater Observatory (UWO); and
- (j) A provisional sum of \$250,000 shall be included in the contract to provide for implementation of heritage timber decking.

4. That concept designs and costings for:

- (a) the proposed section 2 (existing) fishing platform disabled access ramp and platform extension; and
- (b) an additional section 7 low level diving platform with or without disabled access

shall be further developed by the project manager and the designers in consultation with BJECA and the Community Audit Group established under the Shire of Busselton's "Access and Inclusion Plan (30 June 2006)" and returned for consideration by BJAC and the Council.

ABSOLUTE MAJORITY DECISION REQUIRED

5. That the Council delegates authority to the CEO to negotiate to his satisfaction and accept variations to:
- (a) RFT TEN 04/08, the pile supply contract with the Ridolfo Group of Companies, to supply additional timber piles; and

- (b) RFQ 01/07, the jetty refurbishment structural design contract with BG&E Structural Engineers, to undertake additional structural design work and cost estimates;

as required and appropriate to the endorsed scope of refurbishment work including proposals for additional low level platforms and disabled access ramps.

ABSOLUTE MAJORITY DECISION REQUIRED

6. That the Council delegates authority to the CEO to award the contract for the Council endorsed scope of work for the Busselton Jetty Refurbishment Contract RFT TEN 05/08.
7. That an appropriately experienced heritage consultant be engaged within a nominal cost allowance of \$50,000 at the earliest opportunity to undertake a heritage interpretation plan and make recommendations to the Council in regard to issues including (without limitation):
 - (a) The ideal location and extent of proposed heritage decking;
 - (b) The final structure, design form and number of rain shelters;
 - (c) The retention or otherwise of memorial plaques currently affixed to jetty section 3;
 - (d) The relocation, retention or otherwise of existing memorial seating and any other similar facilities;
 - (e) Opportunities to develop new and improved interpretive features along the length of the jetty; and
 - (f) Opportunities for supplementary heritage funding to support such initiatives.
8. That the Council endorses the identification and inclusion of the amount of \$260,000 in the whole of project cost as a provision for Art Work in accordance with the Percent for Art Policy.

DIVIDING OF MOTION

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

COUNCIL DECISION

C0811/333 Moved Councillor Hanran-Smith, seconded Councillor Bromell:

That the Council adopt the following selection criteria and approve the calling of the second phase (the pricing) of tenders for RFT TEN 05/08 - Busselton Jetty Refurbishment.

COMPLIANCE CRITERIA

Description of Compliance Criteria	
(a) Compliance with the Specification contained in the Request.	Yes/No
(b) Compliance with the Conditions of Tendering contained in the Request.	Yes/No
(c) Compliance with and completion of the Schedule of Prices.	Yes/No

QUALITATIVE CRITERIA

Description of Qualitative Criteria	Weighting
(a) Management Capability	20%
(b) Technical Capability	30%
(c) Methodology (includes without limitation the construction program, work methods, provisions and controls for public access etc)	50%

PRICE CONSIDERATIONS

The non-weighted cost method is proposed. Tender award will be based on value judgements considering:

- (a) the qualitative ranking of each Tenderer; and
- (b) the pricing submitted by each Tenderer.

CARRIED 8/0

COUNCIL DECISION

C0811/334 Moved Councillor Hastie, seconded Councillor Ryan:

That "Policy 049/1 – Regional Price Preference" shall not apply to the tender "RFT TEN 05/08 - Busselton Jetty Refurbishment".

CARRIED 8/0

COUNCIL DECISION

C0811/335 Moved Councillor Hanran-Smith, seconded Councillor Bromell:

That the Contract Work Scope for the Busselton Jetty Refurbishment Work shall be based on Option D previously referred in the Council's Resolution C0711/289 Part 3 of its 28 November 2007 meeting subject to the following amendments and clarifications to the scope of work:

- (a) Demolition of the existing section 2 "skeleton jetty" shall be included, except for any part deemed to be retained for heritage interpretation;
- (b) One additional fishing platform shall be provided adjacent to new section 2, located approximately 500 metres from the Interpretive Centre
- (c) A provisional allowance of \$250,000 shall be included for a disabled ramp access to the existing fishing platform, pending further review and design development of that option;
- (d) The existing gazebo structure shall not be relocated onto the new jetty structure. Instead it shall be completely removed;
- (e) Two swimming platforms shall be provided at section 5, midway along the jetty
- (f) Balustrade (handrail) shall be provided to both edges of sections 2, 3, 5, 7 and 10 that are new works, leaving only sections 4 and 6 with one-sided balustrade;
- (g) The refurbished jetty shall incorporate a significant number of new rain shelters, bench seats and fish cleaning stations;
- (h) Lighting shall be upgraded by replacement with new lighting along the full length of the jetty; and
- (i) Service relocations along the jetty shall incorporate upgraded power supply cable and optic fibre communications cable to the Underwater Observatory (UWO).

CARRIED 8/0

MOTION

Moved Councillor Stubbs, seconded Councillor Hartley:

A provisional sum of \$250,000 shall be included in the contract to provide for implementation of heritage timber decking.

FORESHADOWED MOTION

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

“A provisional sum of \$800,000 shall be included in the contract to provide for implementation of heritage interpretation.”

COUNCIL DECISION

C0811/336 Moved Councillor Stubbs, seconded Councillor Hartley:

A provisional sum of \$250,000 shall be included in the contract to provide for implementation of heritage timber decking.

CARRIED 5/3

Dissenting Voters:

Councillor Ross Bromell
Councillor Don Hanran-Smith
Councillor Bethwyn Hastie

Note: As the Motion was carried, Councillor Bromell was unable to move the Motion that he had previously foreshadowed.

COUNCIL DECISION

C0811/337 Moved Councillor Hastie, seconded Councillor Clarke:

That concept designs and costings for:

- (a) the proposed section 2 (existing) fishing platform disabled access ramp and platform extension; and
- (b) an additional section 7 low level diving platform with or without disabled access

shall be further developed by the project manager and the designers in consultation with BJECA and the Community Audit Group established under the Shire of Busselton’s “Access and Inclusion Plan (30 June 2006)” and returned for consideration by BJAC and the Council.

CARRIED 8/0

COUNCIL DECISION**ABSOLUTE MAJORITY DECISION REQUIRED**

C0811/338 Moved Councillor Hanran-Smith, seconded Councillor Clarke:

That the Council delegates authority to the CEO to negotiate to his satisfaction and accept variations to:

- (a) RFT TEN 04/08, the pile supply contract with the Ridolfo Group of Companies, to supply additional timber piles; and
- (b) RFQ 01/07, the jetty refurbishment structural design contract with BG&E Structural Engineers, to undertake additional structural design work and cost estimates;

as required and appropriate to the endorsed scope of refurbishment work including proposals for additional low level platforms and disabled access ramps.

**CARRIED 8/0
BY ABSOLUTE MAJORITY**

MOTION**ABSOLUTE MAJORITY DECISION REQUIRED**

Moved Councillor Bromell, seconded Councillor Tuffin:

That the Council delegates authority to the CEO to award the contract for the Council endorsed scope of work for the Busselton Jetty Refurbishment Contract RFT TEN 05/08.

**LOST 6/2
AN ABSOLUTE MAJORITY WAS NOT ACHIEVED
Dissenting Voters
Councillor Ian Stubbs
Councillor Anne Ryan**

COUNCIL DECISION

C0811/339 Moved Councillor Bromell, seconded Councillor Clarke:

That an appropriately experienced heritage consultant be engaged within a nominal cost allowance of \$50,000 at the earliest opportunity to undertake a heritage interpretation plan and make recommendations to the Council in regard to issues including (without limitation):

- (a) The ideal location and extent of proposed heritage decking;
- (b) The final structure, design form and number of rain shelters;

- c) The retention or otherwise of memorial plaques currently affixed to jetty section 3;
- d) The relocation, retention or otherwise of existing memorial seating and any other similar facilities;
- e) Opportunities to develop new and improved interpretive features along the length of the jetty; and
- f) Opportunities for supplementary heritage funding to support such initiatives.

CARRIED 8/0

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

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

MOTION

Moved Councillor Bromell, seconded Councillor Hanran-Smith:

That the Council endorses the identification and inclusion of the amount of \$260,000 in the whole of project cost as a provision for Art Work in accordance with the Percent for Art Policy.

LOST 4/4

ON THE CASTING VOTE OF THE PRESIDING MEMBER

Dissenting Voters:

Councillor Ian Stubbs
Councillor Tom Tuffin
Councillor Anne Ryan
Councillor Wes Hartley

COUNCIL DECISION

C0811/340 Moved Councillor Stubbs, seconded Councillor Bromell:

That the Project Manager report to Council as early as possible on the cost and associated issues involved to repair and or reconstruct the two swimming jetties at the Busselton Beachfront in association with the Busselton Jetty refurbishment project.

CARRIED 8/0

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

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

7.3 PROPOSED INTERIM LISTING OF BUSSELTON JETTY ON STATE REGISTER OF HERITAGE PLACES

FILE NO: 12244

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.3, Proposed Interim Listing of Busselton Jetty on State Register of Heritage Places
Type of Interest	Interest Affecting Impartiality
Declaration	"Busselton Jetty Environment and Conservation Association Inc. (BJECA) advertises with the "Busselton-Dunsborough Mail" newspaper however they are a not for profit organisation and I will err on the side of caution. 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."

PRECIS

This report seeks a Council position on the proposed interim listing of the Busselton Jetty on the State Heritage Register.

OFFICER RECOMMENDATION

That the Council support the interim listing of the Busselton Jetty on the State Heritage Register, subject to:

- (a) Heritage Council approval of the structural concept and general materials schedule as proposed in the existing plans for the Jetty refurbishment; and
- (b) amendment of the 'Description of Place Included in this Entry' in 'Documentation of Places for Entry in the Register of Heritage Places' to include only the actual jetty structure and land on which it is located, acknowledging that the listing of the curtilage area can be considered once plans for the foreshore development are further developed.

MOTION

Moved Councillor Bromell, seconded Councillor Tuffin:

That the Council support the interim listing of the Busselton Jetty on the State Heritage Register, subject to:

- (a) Heritage Council approval of the structural concept and general materials schedule as proposed in the existing plans for the Jetty refurbishment and subject to the costs of heritage interpretation works not exceeding \$800,000; and
- (b) amendment of the 'Description of Place Included in this Entry' in 'Documentation of Places for Entry in the Register of Heritage Places' to include only the actual jetty structure and land on which it is located, acknowledging that the listing of the curtilage area can be considered once plans for the foreshore development are further developed.

AMENDMENT MOVED**AMENDMENT**

Moved Councillor Tuffin, seconded Councillor Stubbs:

That Clause (a) of the motion be amended by deletion of the figure "800,000" in the last line and inclusion in lieu of the figure "250,000".

AMENDMENT CARRIED 5/3**Dissenting Voters:**

Councillor Ross Bromell

Councillor Bev Clarke

Councillor Don Hanran-Smith

COUNCIL DECISION

C0811/341 Moved Councillor Bromell, seconded Councillor Tuffin:

That the Council support the interim listing of the Busselton Jetty on the State Heritage Register, subject to:

- (a) Heritage Council approval of the structural concept and general materials schedule as proposed in the existing plans for the Jetty refurbishment and subject to the costs of heritage interpretation works not exceeding \$250,000; and
- (b) amendment of the 'Description of Place Included in this Entry' in 'Documentation of Places for Entry in the Register of Heritage Places' to include only the actual jetty structure and land on which it is located, acknowledging that the listing of the curtilage area can be considered once plans for the foreshore development are further developed.

CARRIED 7/1**Dissenting Voter:**

Councillor Ian Stubbs

8. CLOSURE

The meeting closed at 10.22 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 22 WERE CONFIRMED AS A TRUE
AND CORRECT RECORD ON _____

DATE: _____

PRESIDING MEMBER: _____