

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 2 DECEMBER 2008

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SHIRE OF BUSSELTON**MINUTES OF A SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON TUESDAY,
2 DECEMBER 2008 AT 5:00 PM**

The Presiding Member opened the meeting at 5.18 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 Rob Underdown
Cr Bev Clarke
Cr Don Hanran-Smith

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
Mr Paul Martin Manager, Economic
Development
Ms Jenny Mathies Admin. Officer - Governance

Apologies: Nil

Leave of Absence: Nil

Media: "Busselton-Dunsborough Times"

Public: Approximately 60

2. PURPOSE OF THE MEETING

To consider:

- * Outcome of Civic Precinct and Ambergate Business Plans and
- * Proposed Vasse Learning and Information Centre.

3. PUBLIC QUESTION TIME**3.1 Jocelyn Elphick**

The Shire advertising regarding the latest proposal in the local paper stated that the community had eight weeks of intensive consultation. Would you please explain how this included the most recent proposal on Rotary Park which has only been in the public arena for the past two weeks?

Response - Manager, Economic Development:

The option of Rotary Park was not canvassed as part of the eight weeks consultation however it is an outcome of the eight weeks of advertising.

3.2 Vernon Bussell:

If the Shire will not be putting the latest proposal for the new Shire Administration Centre on Rotary Park out for public submissions and your reasons for this are to expedite the process and that it is similar in cost and design to the CBD proposal, will the Shire then accept that in light of the community's overwhelming rejection of the CBD proposal, the Shire will apply the outcome of the previous submission to this exercise and accept that the majority of the community objects to it?

Response - Presiding Member:

This will be resolved later during the course of debate.

3.3 Len Boyling:

With reference to page 13 of your Agenda (the second last paragraph) could the Council please confirm that the proposed rate increase of 4% is a one-off rate increase that will continue for the life of the loan to build this facility and that the further 2% is also for the life of the loan?

Response - Manager, Economic Development:

Yes, the 4% and subsequent 2% increase in rates would be there for the life of the loan.

3.4 Evelyn Brand:

In relation to Item 7.2 on this evening's Agenda, do all elected members and indeed staff members have a clear understanding of the difference between the Busselton Family History Society and the Busselton Historical Society?

Response - Presiding Member:

When we get to the item on the Agenda where Councillors are required to indicate that they have read and fully understand what is in the meeting Agenda, I would suggest that the voting pattern will indicate the answer to your question. I cannot answer on what is in the minds of other people.

3.5 Delys Forrest:

What does the Council envisage as a museum at the new library without detracting from the existing museum. What constitutes a museum in the plan?

Response - Presiding Member:

That will be subsequently identified and I will defer to Cathryn Hutton to respond.

Response, Executive Manager, Systems and Information:

As part of the consultation process that occurred with the Library Strategic Services Plan, it was indicated that there was overwhelming support in the community for a local studies/local history facility. We have as part of our recommendation a request to do further investigations into that and I believe that we are looking to form a working group. What constitutes a museum will be for the Working Party's discussion.

3.6 Claire Dean:

Are all Councillors morally happy to incur such horrific increases in rates with all the other costs that we now have to bear in the coming economic climate?

Response - Presiding Member:

The answer to your question and any moral judgement you may draw from that will be consequential to the debate and decisions made later this evening.

3.7 Rob Griffiths:

Will the Council now consider, instead of selling the Ambergate property, utilising it for our local children to buy cheaper blocks of land than what is currently on the market?

Response - Presiding Member:

The debate will answer that.

3.8 John Watt:

Is this plan being brought forward in such indecent haste without reference to either the Council or the public because amongst other things, there has been a serious question raised about the honesty of the figures?

Response - Presiding Member:

I need to caution you in terms of questioning people's honesty.

3.9 John Watt:

We all know what I am talking about.

Response - Presiding Member:

There is no indecent haste. The decision will be made by the Council. The responsibility for the entire project will be the responsibility of both staff members and additional people outside the staff who are responsible for the implementation.

3.10 David Reid (a candidate in the forthcoming extra-ordinary Council election):

What exposure, if any, has this Shire to the international financial crisis and is anticipated over the next 12 months.

Response - Presiding Member:

Several questions have been raised by Councillors, resulting in reports being prepared which show the Shire's excellent financial position in relation to other local authorities including our neighbouring Shires and local authorities further afield. Additionally, in October this year the Shire of Busselton's Finance Section received the highest accolade from the Minister for Local Government, John Castrilli MLA in the Financial Management Awards of Excellence., The Shire of Busselton was awarded the highest award of Certificate of Excellence in the Rural Government Category. In presenting this award, the Minister said that "the world economic crisis gives these awards extra significance" and went on to say that the award winners would serve as role models for local government authorities across Western Australia.

3.11 Vernon Bussell:

Can our Shire leaders and Shire Solicitor, in view of the almost certain presence of toxic substances and heavy metals on Rotary Park, make an assurance to the community and others that there is no legal or other serious impact of a public building on a former refuse site?

Response - Chief Executive Officer:

I have requested a copy of the list of contaminated sites that the Shire was required to compile when the new legislation came in and the Rotary Park site is not on that list. There have been reports of people saying that there was a rubbish tip on this site and on that site and on some other site and a staff member has said that they recall it being near the butter factory. In any building preparation there would have to be assessment of the soil following on from the geotechnical assessment that has already been carried out. If evidence of a tip was found there would be a necessity and obligation to rehabilitate the site. It is very disappointing that our forefathers would consider dumping such toxicity near the river where people fished and swam. However if that is the case and the site does have to be remediated as a result, that would be a very good outcome. Of course if the investigation of the proposed site does not reveal anything there, there would still be a need to try to find this supposed tip site.

3.12 Rob Griffiths:

Mention was made earlier that building could proceed while the rezoning took place. If this is correct, does this apply to industry and private businesses also?

Response - Presiding Member:

No.

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 David Binks	
Councillor Ian Stubbs	
Councillor Ross Bromell	
Councillor Anne Ryan	
Councillor Tom Tuffin	
Councillor Rob Underdown	
Councillor Bev Clarke	
Councillor Don Hanran-Smith	

5. DECLARATIONS OF INTERESTS

No declarations of interest were made at this juncture. However prior to commencement of debate in relation to Item 7.2, Proposed Vasse Learning and Information Centre, Councillor Stubbs advised that he wished to declare a Financial Interest and Councillor Ryan advised that she wished to declare an Interest Affecting Impartiality in relation to this matter. These declarations are recorded in the Item in the Minutes during which they were made.

6. PRESENTATIONS BY PARTIES WITH AN INTEREST

Nil.

7. BUSINESS OF THE MEETING**7.1 OUTCOMES OF CIVIC PRECINCT AND AMBERGATE BUSINESS PLANS****FILE NO:** DEV4**PRÉCIS**

For approximately five years, the Shire has been in the process of determining its long term location for the Shire Operations Facility. The most recent step in this process has been the advertising of the Civic Precinct Business Plan for an eight week period.

The Civic Precinct Business Plan proposed the co-location of a new Shire Administration facility with a new Library in the Busselton CBD on the existing Library site. The funding model included a significant return from the sale of shire owned land.

This item reports the outcomes of the consultation process including the feedback received following the advertising of the business plan dealing with the disposal of Shire land in Chapman Hill Road and Queen Elizabeth Avenue in Ambergate (referred to from this point as Ambergate Business Plan). This item also makes recommendations on how the Shire can address its long term staff accommodation needs in a financially responsible manner.

MOTION / OFFICER RECOMMENDATION

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

1. That the Council note the feedback received on the Civic Precinct Business Plan and thankfully acknowledges those who made a submission and resolve to not proceed with the Business Plan as advertised.
2. That the Council seek to create a Community Hub on the land comprising the existing Shire Administration and Lot 42 Causeway Road with the intent of accommodating the following:
 - (a) A Shire Operations facility and Council Chamber (including facilities for Civic Receptions) to cater for the organisation for the coming 20-30 years to a four star Green Star rating.
 - (b) Use of the existing Shire Administration Centre for public purposes either as a Community Resource Centre or accommodating Government Agencies.
 - (c) The needs of Rotary Club of Geographe including high amenity Public Open Space.

3. That the CEO call tenders to engage an Architect to finalise the Design Brief, Develop a Design of Shire Operations and Council Chamber on Lot 42 Causeway Road, Busselton, to a stage that a Development Application can be submitted and finalise detailed costings of the project. The selection criteria for this tender be as follows:

A. COMPLIANCE CRITERIA

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

B. QUALITATIVE CRITERIA

Description of Qualitative Criteria	Weighting %
<p>A) Relevant Experience</p> <p>(a) Provide details of similar work;</p> <p>(b) Provide scope of the Respondent's involvement including details of outcomes;</p> <p>(c) Provide details of issues that arose during the project and how these were managed;</p> <p>(d) Demonstrate competency and proven track record of achieving outcomes;</p> <p>(e) Demonstrate sound judgement and discretion.</p>	30%

Description of Qualitative Criteria	Weighting %
<p>B) Key Personnel skills and experience</p> <p>(a) Their role in the performance of the Contract;</p> <p>(b) Curriculum vitae;</p> <p>(c) Membership to any professional or business association;</p> <p>(d) Qualifications, with particular emphasis on experience of personnel in projects of similar requirements;</p> <p>(e) Any additional information.</p>	25%
<p>C) Respondent's Resources</p> <p>Respondents should demonstrate their ability and sustain the necessary ;</p> <p>(a) Plant, equipment and materials;</p> <p>(b) Any contingency measures or back up of resources including personnel (where applicable).</p>	20%
<p>D) Understanding of Brief</p> <p>Respondents should outline their:</p> <p>(a) Understanding of the brief; and</p> <p>(b) Methodology proposed to be used.</p>	25%

ABSOLUTE MAJORITY DECISION REQUIRED

4. That the CEO be delegated authority to award the abovementioned tender pursuant to the criteria, subject to the budgeted sum in COA 4094 not being exceeded.
5. That the CEO bring a report back to the Council in relation to land tenure and town planning scheme issues associated with this proposal.
6. That formal negotiations commence with prospective future occupiers of the Shire's current administration site and with Rotary and Lotteries West regarding this proposal and the outcomes of those negotiations be reported to the Council.

ABSOLUTE MAJORITY DECISION REQUIRED

7. That following the completion of the statutory advertising period under Section 3.59 of the Local Government Act the Council approves progression of the disposal of Lots 58 and 59 Chapman Hill Road and Lot 60 Queen Elizabeth Avenue, Ambergate, to occur by private treaty with any and all offers being presented to the Council prior to their acceptance.
8. That the proceeds from the disposal of the land contained within the Ambergate Business Plan be directed towards the development and construction of a new Shire Operations facility.

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 motion as moved and deal with each of the parts separately.

PART 1 OF MOTION

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the Council note the feedback received on the Civic Precinct Business Plan and thankfully acknowledges those who made a submission and resolve to not proceed with the Business Plan as advertised.

FORESHADOWED MOTION

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

1. That the CEO appoint an accredited Environmental Auditor as designated in the Contaminated Sites Act 2003 to conduct an Environmental Audit of Rotary Park.
2. That the CEO be instructed to take no further action in relation to the Rotary Park site until the Audit has been conducted and this Audit has been considered by the Council.

FORESHADOWED MOTION

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

That the Council note the feedback received on the Civic Precinct Business Plan and thankfully acknowledges those who made a submission.

COUNCIL DECISION 1

C0812/354 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the Council note the feedback received on the Civic Precinct Business Plan and thankfully acknowledges those who made a submission and resolve to not proceed with the Business Plan as advertised.

CARRIED 8/2

Dissenting Voters:

Councillor Ian Stubbs

Councillor Anne Ryan

Note: As the motion was carried, Councillor Ryan was unable to move the motion she had previously foreshadowed as its intent was directly opposed to the decision already made. On the basis that it related to other business, Councillor Tuffin's foreshadowed motion remained as such.

PART 2 OF MOTION

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the Council seek to create a Community Hub on the land comprising the existing Shire Administration and Lot 42 Causeway Road with the intent of accommodating the following:

- (a) A Shire Operations facility and Council Chamber (including facilities for Civic Receptions) to cater for the organisation for the coming 20-30 years to a four star Green Star rating.
- (b) Use of the existing Shire Administration Centre for public purposes either as a Community Resource Centre or accommodating Government Agencies.
- (c) The needs of Rotary Club of Busselton-Geographe Bay including high amenity Public Open Space.

AMENDMENT MOVED

6.40 p.m. At this time the Director, Community and Organisational Development left the meeting.

6.43 p.m. At this time the Director, Community and Organisational Development returned to the meeting.

AMENDMENT

Moved Councillor Underdown, seconded Councillor Hanran-Smith:

That sub-para. (a) of the motion be amended by deletion of the figures "20 - 30" and inclusion of the figures "40 - 50" and deletion of the word "four" and inclusion of the word "five".

AMENDMENT CARRIED 9/1

Dissenting Voter:
Councillor Ian Stubbs

FORESHADOWED MOTION

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

That this item be deferred until

- (a) the Council has explored in detail all options for providing additional staff accommodation; and
- (b) all issues and questions in relation to the Rotary Park proposal are resolved.

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

RECORD OF WORDS SPOKEN

In speaking against the motion, Councillor Anne Ryan's speech pertained mainly to the matters in part 7 of the motion as moved, aspects of which are confidential.

The Presiding Member requested that, in accordance with the provisions of Clause 20.3 of the Standing Orders, his following statement be recorded in the Minutes of this Meeting:

"I have given an indication to all Councillors at the earlier briefing session in relation to this meeting that unless the Council resolves differently, the confidential matter the subject of Clause 7 of the Officer Recommendation in relation to item 7.1 on this agenda will remain that way. If the Council resolves differently in debate on Officer Recommendation 7 that is okay but as the Presiding Member, I need to indicate formally that some matters pertaining to the Chapman Hill Road matter are of a confidential nature.

Councillor Ryan, I am warning you that you are perilously close to having contravened the Local Government Act in referring in your speech to the confidential matters I have alluded to."

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

RECORD OF WORDS SPOKEN

Councillor Ryan requested that, in accordance with the provisions of Clause 20.3 of the Standing Orders, her following statement to the Presiding Member be recorded in the Minutes of this Meeting:

"I believe you seem to side with some Councillors and not others."

COUNCIL DECISION 2

C0812/355 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the Council seek to create a Community Hub on the land comprising the existing Shire Administration and Lot 42 Causeway Road with the intent of accommodating the following:

- (a) A Shire Operations facility and Council Chamber (including facilities for Civic Receptions) to cater for the organisation for the coming 40 - 50 years to a five star Green Star rating.
- (b) Use of the existing Shire Administration Centre for public purposes either as a Community Resource Centre or accommodating Government Agencies.
- (c) The needs of Rotary Club of Busselton-Geographe Bay including high amenity Public Open Space.

CARRIED 7/3

Dissenting Voters:

Councillor Tom Tuffin
Councillor Ian Stubbs
Councillor Anne Ryan

Note: The Council amended the Officer Recommendation as it believes the community looks to the Shire to take leadership in the development of the Shire and protection of its assets. To do this sometimes we have to take bold steps and in this instance the Council is in a perfect position to do this. The Kyoto agreement has been signed and the Rudd Government has signed us up to a target for carbon emissions. In 2010, carbon emission trading and offsetting is going to be a reality. By 2020 the price for offsetting will be huge and we have an opportunity and also an obligation to the shire to save on our emissions. By setting our target as a five star green star rating, we not only become a leader to the shire and the state, but we will save money and potentially even generate money towards costs to the building.

Note: As the motion was carried, Councillor Stubbs was unable to move the motion he had previously foreshadowed as its intent was directly opposed to the decision already made. This decision was also directly opposed in its intent to Part 2 of the motion foreshadowed by Councillor Tuffin, therefore removing that aspect from the possibility of further consideration. Part 1 remained as a foreshadowed motion.

PART 3 OF MOTION

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the CEO call tenders to engage an Architect to finalise the Design Brief, Develop a Design of Shire Operations and Council Chamber on Lot 42 Causeway Road, Busselton, to a stage that a Development Application can be submitted and finalise detailed costings of the project. The selection criteria for this tender be as follows:

A. COMPLIANCE CRITERIA

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

B. QUALITATIVE CRITERIA

Description of Qualitative Criteria	Weighting %
A) Relevant Experience (a) Provide details of similar work; (b) Provide scope of the Respondent's involvement including details of outcomes; (c) Provide details of issues that arose during the project and how these were managed	

Description of Qualitative Criteria	Weighting %
(d) Demonstrate competency and proven track record of achieving outcomes; (e) Demonstrate sound judgement and discretion.	30%
B) Key Personnel skills and experience (a) Their role in the performance of the Contract; (b) Curriculum vitae; (c) Membership to any professional or business association; (d) Qualifications, with particular emphasis on experience of personnel in projects of similar requirements; (e) Any additional information.	25%
C) Respondent's Resources Respondents should demonstrate their ability and sustain the necessary ; (a) Plant, equipment and materials; (b) Any contingency measures or back up of resources including personnel (where applicable).	20%
D) Understanding of Brief Respondents should outline their: (a) Understanding of the brief; and (b) Methodology proposed to be used.	25%

AMENDMENT MOVED

AMENDMENT

Moved Councillor Binks, seconded Councillor Tuffin:

That the Motion be amended by:

- (a) inclusion in the preamble, following the words "tenders to", of the words "stage the project by" and replacement of the word "engage" with the word "engaging";
- (b) Inclusion of a new paragraph following the preamble and preceding the selection criteria, as follows:

The staging process will require the Council's approval to proceed at each phase identified below:

Phase 1 (5% of fees)

- * Site verification and investigation,
- * Brief Finalisation

Phase 2 (10% of fees)

- * Concept finalisation
- * Submitting of Development Application

Phase 3 (15% of fees)

- * Design Development

Phase 4

- * Contract Documentation

Phase 5

- * Pre-tender estimate from Quantity Surveyor
- * Calling tender for construction

Phase 6 (20% of fees)

- * Construction contract administration

AMENDMENT CARRIED 8/2

Dissenting Voters:

Councillor Ryan
Councillor Stubbs

AMENDMENT

Moved Councillor Underdown, seconded Councillor Tuffin:

That -

- (a) the extent of the site verification referred to in Phase 1 be extended to include the requirement for consideration of any information arising from the appointment by the CEO of an accredited Environmental Auditor as designated in the Contaminated Sites Act 2003 to conduct an Environmental Audit of Rotary Park;
- (b) Phase 1 be amended to provide for the design criteria as part of the tendering process to include an option for staging the building over a number of stages; and
- (c) Phase 2 be amended to require that the design brief go to public advertising and the CEO to report back to the Council.

AMENDMENT CARRIED 8/2

Dissenting Voters:

Councillor Ryan

Councillor Stubbs

COUNCIL DECISION 3

C0812/356 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the CEO call tenders to stage the project by engaging an Architect to finalise the Design Brief, Develop a Design of Shire Operations and Council Chamber on Lot 42 Causeway Road, Busselton, to a stage that a Development Application can be submitted and finalise detailed costings of the project.

The staging process will require the Council's approval to proceed at each phase identified below:

Phase 1 (5% of fees)

- * Site verification and investigation (including the requirement for consideration of any information arising from the appointment by the CEO of an accredited Environmental Auditor as designated in the Contaminated Sites Act 2003 to conduct an Environmental Audit of Rotary Park).
- * Brief Finalisation (including an option in the design criteria as part of the tendering process for staging the building over a number of stages).

Phase 2 (10% of fees)

- * Concept finalisation (including the requirement for the design brief go to public advertising and the CEO to report back to the Council).
- * Submitting of Development Application.

Phase 3 (15% of fees)

- * Design Development.

Phase 4

- * Contract Documentation.

Phase 5

- * Pre-tender estimate from Quantity Surveyor.
- * Calling tender for construction.

Phase 6 (20% of fees)

- * Construction contract administration.

The selection criteria for this tender be as follows

A. COMPLIANCE CRITERIA

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

B. QUALITATIVE CRITERIA

Description of Qualitative Criteria	Weighting %
<p>A) Relevant Experience</p> <p>(a) Provide details of similar work;</p> <p>(b) Provide scope of the Respondent's involvement including details of outcomes;</p> <p>(c) Provide details of issues that arose during the project and how these were managed;</p> <p>(d) Demonstrate competency and proven track record of achieving outcomes;</p> <p>(e) Demonstrate sound judgement and discretion.</p>	30%
<p>B) Key Personnel skills and experience</p> <p>(a) Their role in the performance of the Contract;</p> <p>(b) Curriculum vitae;</p> <p>(c) Membership to any professional or business association;</p> <p>(d) Qualifications, with particular emphasis on experience of personnel in projects of similar requirements;</p> <p>(e) Any additional information.</p>	25%
<p>C) Respondent's Resources</p> <p>Respondents should demonstrate their ability and sustain the necessary ;</p> <p>(a) Plant, equipment and materials;</p> <p>(b) Any contingency measures or back up of resources including personnel (where applicable).</p>	20%

Description of Qualitative Criteria	Weighting %
D) Understanding of Brief Respondents should outline their: (a) Understanding of the brief; and (b) Methodology proposed to be used.	25%

CARRIED 8/2

Dissenting Voters:

Councillor Ian Stubbs

Councillor Anne Ryan

Note: The Council amended the Officer Recommendation for the following reasons:

Lot 42 Causeway Road is not currently on the known contaminant site list held by the Shire. As there has been no soil survey completed, it is in the best interest to the staff and community that a soil survey be completed to ensure there will be no contaminants disturbed/released during the build and occupation and therefore endanger staff and public.

This gives the Council an opportunity to visit several options that could be available then involve the community with a number of these that the Council decides will best suit the Shire long into the future. By going out to public advertising, the Council not only gets their feedback, but also gives the community ownership of the process and the building. It also shows the process to be very open and transparent. With a project of this magnitude, the Council considered it important to hold ownership of the process.

Note: The motion previously foreshadowed by Councillor Tuffin at Part 1 was sufficiently incorporated into this Council decision so as not to require the continuance of the foreshadowed motion.

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

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

PART 4 OF MOTION

ABSOLUTE MAJORITY DECISION REQUIRED

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the CEO be delegated authority to award the abovementioned tender pursuant to the criteria, subject to the budgeted sum in COA 4094 not being exceeded.

LOST 6/4

ABSOLUTE MAJORITY NOT ACHIEVED

Dissenting Voters:

Councillor Rob Underdown

Councillor Ian Stubbs

Councillor Anne Ryan

Councillor Tom Tuffin

Note: As the motion was lost the tender will be awarded by the Council.

PART 5 OF MOTION / COUNCIL DECISION 4

C0812/357 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the CEO bring a report back to the Council in relation to land tenure and town planning scheme issues associated with this proposal.

CARRIED 10/0

PART 6 OF MOTION

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That formal negotiations commence with prospective future occupiers of the Shire's current administration site and with Rotary and Lotteries West regarding this proposal and the outcomes of those negotiations be reported to the Council.

AMENDMENT MOVED

AMENDMENT

Moved Councillor Stubbs, seconded Councillor Underdown:

That the Motion be amended by inclusion at the beginning, following the word "That", of the words "after completion of Phase 1 referred to in Council Resolution C0812/356 above".

AMENDMENT CARRIED 10/0

COUNCIL DECISION 5

C0812/358 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That after completion of Phase 1 referred to in Council Resolution C0812/356, formal negotiations commence with prospective future occupiers of the Shire's current administration site and with Rotary and Lotteries West regarding this proposal and the outcomes of those negotiations be reported to the Council.

CARRIED 10/0

MOTION (PROCEDURAL)

Moved Councillor Hanran-Smith, seconded Councillor Binks:

That the meeting be adjourned for a period of five minutes.

CARRIED 10/0

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

MOTION (PROCEDURAL)

Moved Councillor Hanran-Smith, seconded Councillor Binks:

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

CARRIED 10/0

8.35 p.m. At this time the meeting reconvened with all in attendance prior to the adjournment with the exception of Councillor Tuffin and the Chief Executive Officer.

8.36 p.m. At this time Councillor Tuffin returned to the meeting.

PART 7 OF MOTION

ABSOLUTE MAJORITY DECISION REQUIRED

Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That following the completion of the statutory advertising period under Section 3.59 of the Local Government Act the Council approves progression of the disposal of Lots 58 and 59 Chapman Hill Road and Lot 60 Queen Elizabeth Avenue, Ambergate, to occur by private treaty with any and all offers being presented to the Council prior to their acceptance.

AMENDMENT MOVED

AMENDMENT

Moved Councillor Binks, seconded Councillor Bromell:

That the Motion be amended by inclusion at the end, following the word "acceptance", of the words "and that the CEO continues to investigate and report on potential alternative sources of funding for the project that may be available through State and Federal funding initiatives."

AMENDMENT CARRIED 7/3

Dissenting Voters:

Councillor Anne Ryan

Councillor Tom Tuffin

Councillor Ian Stubbs

RECORD OF WORDS SPOKEN

While Councillor Anne Ryan was speaking against the motion the Presiding Member requested that, in accordance with the provisions of Clause 20.3 of the Standing Orders, his following statement be recorded in the Minutes of this Meeting:

"Councillor Ryan, I have warned you on three previous occasions during the course of this meeting about referring to confidential matters. I now believe that you may have breached the Local Government Act in your latest reference to this confidential matter."

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

COUNCIL DECISION 6**ABSOLUTE MAJORITY DECISION REQUIRED**

C0812/359 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That following the completion of the statutory advertising period under Section 3.59 of the Local Government Act the Council approves progression of the disposal of Lots 58 and 59 Chapman Hill Road and Lot 60 Queen Elizabeth Avenue, Ambergate, to occur by private treaty with any and all offers being presented to the Council prior to their acceptance and that the CEO continues to investigate and report on potential alternative sources of funding for the project that may be available through State and Federal funding initiatives.

**CARRIED 7/3
BY ABSOLUTE MAJORITY**

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

Note: The Council amended the Officer Recommendation as it believed that alternate sources of funding should be identified as a contingency should the value of land sales not be realised and may offset the direct cost of the project

8.57 p.m. At this time Councillor Stubbs left the meeting.

8.59 p.m. At this time Councillor Stubbs returned to the meeting.

PART 8 OF MOTION / COUNCIL DECISION 7

C0812/360 Moved Councillor Clarke, seconded Councillor Hanran-Smith:

That the proceeds from the disposal of the land contained within the Ambergate Business Plan be directed towards the development and construction of a new Shire Operations facility.

CARRIED 7/3
Dissenting Voters:
Councillor Anne Ryan
Councillor Tom Tuffin
Councillor Ian Stubbs

7.2 PROPOSED VASSE LEARNING AND INFORMATION CENTRE

FILE NO: DEV5

DECLARATION OF INTEREST	
Name / Position	Councillor Ian Stubbs
Item No. / Subject	Item 7.2, Proposed Vasse Learning and Information Centre
Type of Interest	Financial Interest
Declaration	<p>"I make this declaration in relation to Officer Recommendation 3. I am employed by the Busselton Golf Club. The Vasse Newtown developer is a major sponsor of the Golf Club, who is my employer and as a consequence I have a Financial Interest in this matter."</p> <p>Councillor Stubbs requested division of the motion to allow his participation in Items 1 and 2.</p>

DECLARATION OF INTEREST	
Name / Position	Councillor Anne Ryan
Item No. / Subject	Item 7.2, Proposed Vasse Learning and Information Centre
Type of Interest	Interest Affecting Impartiality
Declaration	<p>"The Vasse Newtown developer is a client of my employer, the "Busselton-Dunsborough Mail" newspaper. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly."</p>

PRÉCIS

At its meeting of 23 July 2008, the Council resolved (CO807/213) to advertise the Shire of Busselton Library Services Strategic Plan for public comment. This report presents to the Council the outcomes of this community consultation and suggests subsequent modifications to the key recommendations and outcomes encapsulated in the plan.

The construction of a central Busselton Public Library formed part of the Business Plan for the Civic Precinct Project, this report now presents to the Council an opportunity to provide for an expanded and enhanced footprint for the Busselton Public Library as a separate stand alone project.

OFFICER RECOMMENDATION

1. That the Library Services Strategic Plan be endorsed with specific projects being referred to the five year financial planning process for consideration and with the following modifications:

- (a) That the proposal to expand and enhance the Busselton Public Library becomes a stand alone project by being decoupled from the wider Civic Precinct project.
 - (b) That the local studies/local history element of the proposal to expand the Busselton Library be enhanced to allow for the addition of a museum. A preservation needs assessment of the collection, housed within the Butter Factory Museum, is currently being undertaken and funded by an allocation of \$6,000 from the Councillors' Small Project Fund. Utilising the findings of this assessment, the Council support progression of a joint funding proposal between the Busselton Historical Society and the Shire of Busselton with the State Government/Local Government to facilitate the inclusion of a museum in a future library expansion.
 - (c) That in recognition of C0301/041 approximately 130m² of the proposed new facility be provided for the accommodation of local study/local history groups.
2. That the Council endorses officers to proceed with the timely investigation of the feasibility of utilising the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m² (over two sites) with a report back to the Council.
3. That a dedicated (separate) lot sufficient for the purposes of the learning centre be secured as part of the existing (already) agreed 7,000m² of land contributed to the Shire of Busselton as part of the Vasse Newtown Developer Contribution Plan and that this lot be as close as possible to the village centre. This lot be earmarked for the construction of a library facility in mid term, as prescribed in the Library Services Strategic Plan.

Note: On the basis of a financial interest having been declared with regard to Part 3 of the Officer Recommendation, Councillor Hastie moved only in relation to Parts 1 and 2 of the Officer Recommendation.

MOTION

Moved Councillor Hastie, seconded Councillor Hanran-Smith:

1. That the Library Services Strategic Plan be endorsed with specific projects being referred to the five year financial planning process for consideration and with the following modifications:
 - (a) That the proposal to expand and enhance the Busselton Public Library becomes a stand alone project by being decoupled from the wider Civic Precinct project.

- (b) That the local studies/local history element of the proposal to expand the Busselton Library be enhanced to allow for the addition of a museum. A preservation needs assessment of the collection, housed within the Butter Factory Museum, is currently being undertaken and funded by an allocation of \$6,000 from the Councillors' Small Project Fund. Utilising the findings of this assessment, the Council support progression of a joint funding proposal between the Busselton Historical Society and the Shire of Busselton with the State Government/Local Government to facilitate the inclusion of a museum in a future library expansion.
- (c) That in recognition of C0301/041 approximately 130m² of the proposed new facility be provided for the accommodation of local study/local history groups.
2. That the Council endorses officers to proceed with the timely investigation of the feasibility of utilising the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m² (over two sites) with a report back to the Council.

AMENDMENT MOVED

Note: Following advice from the Director, Community and Organisational Development that the Library Services Strategic Plan contains a number of references throughout to Vasse Newtown, Councillor Stubbs revised his initial Financial Declaration.

DECLARATION OF INTEREST	
Name / Position	Councillor Ian Stubbs
Item No. / Subject	Item 7.2, Proposed Vasse Learning and Information Centre
Type of Interest	Financial Interest
Declaration	"I am employed by the Busselton Golf Club. The Vasse Newtown developer is a major sponsor of the Golf Club, who is my employer and as a consequence I have a Financial Interest in this matter."
Councillor Stubbs left the meeting at 9.05 p.m., did not vote on any aspect of this item and did not return to the meeting.	

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 issues separately.

AMENDMENT

Moved Councillor Hastie, seconded Councillor Hanran-Smith:

That Clause 1 be amended by:

1. deletion of existing sub-para. (b) and replacement with:

“(b) That the local studies/local history element of the proposal to expand the Busselton Library be enhanced to allow for a museum and that:

(i) the CEO be requested to write a letter to the Busselton Historical Society with the suggestion that a Working Party be established with membership representing the various historical groups, nominated elected members and the appropriate Shire Officers for the purpose of progressing a joint funding proposal between the Busselton Historical Society and the Shire of Busselton with the State/Local Government to facilitate the inclusion of a museum in a future library expansion.

(ii) On the establishment of the above Working Party it be empowered within purpose and function to make formal reports and recommendations to the Council on the process of the joint funding proposal inclusive of the intent of such a museum.”

2. addition, at the end of sub-para. (c) following the word “groups” of the words “inclusive of Busselton Family History Society”.

AMENDMENT CARRIED 9/0

COUNCIL DECISION 1

C0812/361 Moved Councillor Hastie, seconded Councillor Hanran-Smith:

1. That the Library Services Strategic Plan be endorsed with specific projects being referred to the five year financial planning process for consideration and with the following modifications:

- (a) That the proposal to expand and enhance the Busselton Public Library becomes a stand alone project by being decoupled from the wider Civic Precinct project.
- (b) That the local studies/local history element of the proposal to expand the Busselton Library be enhanced to allow for a museum and that:
 - (i) the CEO be requested to write a letter to the Busselton Historical Society with the suggestion that a Working Party be established with membership representing the various historical groups, nominated elected members and the appropriate Shire Officers for the purpose of progressing a joint funding proposal between the Busselton Historical Society and the Shire of Busselton with the State/Local Government to facilitate the inclusion of a museum in a future library expansion.
 - (ii) On the establishment of the above Working Party it be empowered within purpose and function to make formal reports and recommendations to the Council on the process of the joint funding proposal inclusive of the intent of such a museum.
- (c) That in recognition of C0301/041 approximately 130m² of the proposed new facility be provided for the accommodation of local study/local history groups inclusive of the Busselton Family History Group.

CARRIED 9/0

COUNCIL DECISION 2 / OFFICER RECOMMENDATION 2

C0812/362 Moved Councillor Hastie, seconded Councillor Hanran-Smith:

That the Council endorses officers to proceed with the timely investigation of the feasibility of utilising the existing Department of Environment and Conservation's facility in Queen Street for the purposes of expanding the footprint of the Busselton Public Library to approximately 2,000m² (over two sites) with a report back to the Council.

CARRIED 9/0

COUNCIL DECISION 3

C0812/363 Moved Councillor Hastie, seconded Councillor Hanran-Smith:

That the Council recommends an immediate allocation of \$24,372 from the strategic projects budget of 2008/2009 (COA 100-10000-3588-0000) to develop an interim accommodation strategy and a concept plan (with associated costs) to progress the expansion of the Busselton Library.

**CARRIED 9/0
BY ABSOLUTE MAJORITY**

COUNCIL DECISION 4 / OFFICER RECOMMENDATION 3

C0812/364 Moved Councillor Hastie, seconded Councillor Hanran-Smith:

That a dedicated (separate) lot sufficient for the purposes of the learning centre be secured as part of the existing (already) agreed 7,000m² of land contributed to the Shire of Busselton as part of the Vasse Newtown Developer Contribution Plan and that this lot be as close as possible to the village centre. This lot be earmarked for the construction of a library facility in mid term, as prescribed in the Library Services Strategic Plan.

CARRIED 9/0

8. CLOSURE

The meeting closed at 9.18 p.m.

THESE MINUTES CONSISTING OF PAGES 1 TO 30 WERE CONFIRMED AS A TRUE

AND CORRECT RECORD ON _____

DATE: _____

PRESIDING MEMBER: _____