

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

CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 26 SEPTEMBER 2018

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MINUTES

MINUTES OF A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 26 SEPTEMBER 2018 AT 5.30PM.

1. **DECLARATION OF OPENING ACKNOWLEDGEMENT OF COUNTRY / ACKNOWLEDGEMENT OF VISITORS / DISCLAIMER**

The Presiding Member opened the meeting at 5.30pm.

2. **ATTENDANCE**

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr John McCallum Deputy Mayor
Cr Ross Paine
Cr Rob Bennett
Cr Robert Reekie
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mr Cliff Frewing, Acting Director, Community and Commercial Services
Ms Sarah Pierson, Acting Director, Finance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies:

Mr Tony Nottle, Director, Finance and Corporate Services
Cr Coralie Tarbotton (5.30pm – 5.33pm)

Approved Leave of Absence:

Cr Paul Carter
Cr Coralie Tarbotton (5.33pm)

Media:

“Busselton-Dunsborough Times”
“Busselton-Dunsborough Mail”

Public:

3. PRAYER

The prayer was delivered by Reverend Melusi Sibanda of Dunsborough Anglican Church.

4. APPLICATION FOR LEAVE OF ABSENCE**4.1 Leave of Absence Request**

Councillor Coralie Tarbotton has submitted a request for a Leave of Absence for the Ordinary Council Meeting being held on Wednesday 26 September 2018 and the Ordinary Council Meeting being held on Wednesday 10 October 2018.

COUNCIL DECISION**C1809/188**

Moved Councillor J McCallum, seconded Councillor R Reekie

That Leave of Absence be granted to Councillor Coralie Tarbotton for the Ordinary Council Meeting being held on Wednesday 26 September 2018 and the Ordinary Council Meeting being held on Wednesday 10 October 2018.

CARRIED 7/0**5. DISCLOSURE OF INTERESTS**

Nil

6. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

7. QUESTION TIME FOR PUBLIC**Response to Previous Questions Taken on Notice**

Nil

Question Time for Public

Nil

8. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****8.1 Minutes of the Council Meeting held 12 September 2018****COUNCIL DECISION****C1809/189**

Moved Councillor J McCallum, seconded Councillor R Reekie

That the Minutes of the Council Meeting held 12 September 2018 be confirmed as a true and correct record.

CARRIED 7/0

9. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil

11. ITEMS BROUGHT FORWARD

For the convenience of the Public

Nil

Adoption by Exception Resolution

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc, i.e. all together.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1809/190 Moved Councillor L Miles, seconded Councillor K Hick

That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 16.1 FINANCIAL ACTIVITY STATEMENT
- 15.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND FORWARD PLANNING GRANT APPLICATION
- 17.1 CAPEROC
- 17.2 COUNCILLORS' INFORMATION BULLETIN

CARRIED 7/0

EN BLOC

12. REPORTS OF COMMITTEE**16.1 FINANCIAL ACTIVITY STATEMENT**

The report is listed under Finance and Corporate Services due to it being foreshadowed in the agenda ahead of the finance committee recommendation which was provided subsequently as an addendum to the agenda.

13. PLANNING AND DEVELOPMENT SERVICES REPORT

Nil

14. ENGINEERING AND WORK SERVICES REPORT

Nil

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

16. FINANCE AND CORPORATE SERVICES REPORT

16.1 FINANCIAL ACTIVITY STATEMENT

SUBJECT INDEX:

STRATEGIC OBJECTIVE: Governance systems, process and practices are responsible, ethical and transparent.

BUSINESS UNIT: Finance and Corporate Services





ACTIVITY UNIT:

REPORTING OFFICER: Manager Financial Services - Kim Dolzadelli

AUTHORISING OFFICER: Director Finance and Corporate Services - Tony Nottle

VOTING REQUIREMENT: Simple Majority

ATTACHMENTS:

- Attachment A Statement of Financial Activity - Period Ending 31 July 2018 
- Attachment B Statement of Financial Activity - Period Ending 31 August 2018 
- Attachment C Investment Report - Period Ending 31 July 2018 
- Attachment D Investment Report - Period Ending 31 August 2018 

PRÉCIS

Pursuant to Section 6.4 of the Local Government Act ('the Act') and Regulation 34(4) of the Local Government (Financial Management) Regulations ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the City's financial performance in relation to its adopted/ amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the City's financial performance on a year to date basis for the period ending 31 July 2018 and 31 August 2018.

BACKGROUND

The Regulations detail the form and manner in which financial activity statements are to be presented to the Council on a monthly basis; and are to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/ expenditure/ (including an explanation of any material variances)
- The net current assets at the end of the month to which the statement relates (including an explanation of the composition of the net current position)

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting of 25 July 2018, the Council adopted (C1807/138) the following material variance reporting threshold for the 2018/19 financial year:

"That pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations, the Council adopts a material variance reporting threshold with respect to financial activity statement reporting for the 2018/19 financial year as follows:

- *Variances equal to or greater than 10% of the year to date budget amount as detailed in the Income Statement by Nature and Type/ Statement of Financial Activity report, however variances due to timing differences and/or seasonal adjustments are to be reported on a quarterly basis; and*
- *Reporting of variances only applies for amounts greater than \$25,000.”*

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare financial activity statements.

RELEVANT PLANS AND POLICIES

Not applicable.

FINANCIAL IMPLICATIONS

Any financial implications are detailed within the context of this report.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

Any financial implications are detailed within the context of this report.

STRATEGIC COMMUNITY OBJECTIVES

This matter principally aligns with Key Goal Area 6 – ‘Leadership’ and more specifically Community Objective 6.1 - ‘Governance systems, process and practices are responsible, ethical and transparent’.

RISK ASSESSMENT

Risk assessments have been previously completed in relation to a number of ‘higher level’ financial matters, including timely and accurate financial reporting to enable the Council to make fully informed financial decisions. The completion of the monthly Financial Activity Statement report is a control that assists in addressing this risk.

CONSULTATION

Not applicable.

OFFICER COMMENT

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the City’s overall financial performance on a full year basis, the following financial reports are attached here to:

- Statement of Financial Activity

This report provides details of the City’s operating revenues and expenditures on a year to date basis, by nature and type (i.e. description). The report has been further extrapolated to include details of non-cash adjustments and capital revenues and expenditures, to identify the City’s net current position; which reconciles with that reflected in the associated Net Current Position report.

▪ Net Current Position

This report provides details of the composition of the net current asset position on a full year basis, and reconciles with the net current position as per the Statement of Financial Activity.

▪ Capital Acquisition Report

This report provides full year budget performance (by line item) in respect of the following capital expenditure activities:

- Land and Buildings
- Plant and Equipment
- Furniture and Equipment
- Infrastructure

▪ Reserve Movements Report

This report provides summary details of transfers to and from reserve funds, and also associated interest earnings on reserve funds, on a full year basis.

Additional reports and/or charts are also provided as required to further supplement the information comprised within the statutory financial reports.

COMMENTS ON FINANCIAL ACTIVITY TO 31 July 2018 and 31 August 2018

The officer notes the earlier nature of the attached statements of Financial Activity and given this there is only one major variance to report. The major variance is of a timing nature only and will not impact at all on Council's 2018/2019 Budget; specifically the item is "Rates Revenue" which shows a Year to Date Actual of \$5,127 versus a Year to Date Budget of \$47,909,858 as at 31 July 2018. Rates were raised early in the month of August 2018 being the reason for this timing difference, Council has been previously made aware of this as the dates for payment of rates were required to be amended due to unforeseen technology and software issues.

A more comprehensive analysis of the monthly Financial Activity Statement will occur in the coming reporting months.

Investment Report

Pursuant to the Council's Investment Policy, a report is to be provided to the Council on a monthly basis, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio. The report is also to provide details of investment income earned against budget, whilst confirming compliance of the portfolio with legislative and policy limits.

As at 31st August 2018 the value of the City's invested funds totalled \$67.4M, down from \$68.5M as at 31st July. The decrease is due to ongoing standard operational and Airport Development expenses.

During the month of August six term deposits held with three different institutions totalling \$16.5M matured. All were renewed for a further 172 days at 2.68% (on average).

The balance of the 11am account (an intermediary account which offers immediate access to the funds compared to the term deposits and a higher rate of return compared to the cheque account) increased by \$2.5M as rate funds began to flow late in the month.

The balance of the Airport Development ANZ cash account decreased by \$3.65M over the month. This decrease was due in part to the completion of budgeted transfers to the city's Reserve accounts totalling \$2.36M and the withdrawal of \$1.29M to meet ongoing expenses.

The RBA left official rates on hold during August and September. Future movements remain uncertain at this point, although the next movement is likely to be up but not in the immediate future.

Chief Executive Officer – Corporate Credit Card

Details of monthly (May to June) transactions made on the Chief Executive Officer's corporate credit card are provided below to ensure there is appropriate oversight and awareness of credit card transactions made.

Date	Amount	Payee	Description
28-Jun-18	\$70.40	Urban Coffee House	Morning Tea CEO & Irrigation Team
03-Jul-18	\$223.08	Mounts Bay Waters Apartments	Accomm: Consul Gen USA Visit (Mayor Henley)
10-Jul-18	\$993.84	Naturaliste Travel	Flights To Canberra (Mayor Henley)
10-Jul-18	\$993.84	Naturaliste Travel	Flights To Canberra (Mike Archer)
18-Jul-18	\$50.00	WALGA	Breakfast Forum: Beneficial Enterprises
20-Jul-18	\$82.00	Boyanup Tavern	Farewell Lunch for CEO Michael Parker +
28-Jul-18	\$30.24	Wilson Parking Perth	Parking LG Week AGM
28-Jul-18	\$199.98	Citadines	Accomm: LG Week
01-Aug-18	\$190.89	Citadines	Accomm: LG Week
02-Aug-18	\$30.24	Wilson Parking, Perth	Parking LG Week AGM
09-Aug-18	\$6,289.23	PDQ.com	Renew PDQ Licenses
14-Aug-18	\$31.40	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
14-Aug-18	\$156.53	Perth Valet Parking	Parking - Canberra Ministerial Trip
14-Aug-18	-\$45.45	Perth Valet Parking	Refund - Parking
15-Aug-18	\$14.20	Nookie Coffee & Kitchen	Meals - Canberra Ministerial Trip
15-Aug-18	\$16.69	Mpay.Com Smartcab, Hamilton	Taxis - Canberra Ministerial Trip
15-Aug-18	\$54.00	Mocan Green Grout Canberra	Meals - Canberra Ministerial Trip
15-Aug-18	\$17.01	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
15-Aug-18	\$21.32	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
15-Aug-18	\$20.79	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
15-Aug-18	\$121.90	Portia's Place Kingston	Meals - Canberra Ministerial Trip
15-Aug-18	\$121.90	Portia's Place Kingston	Meals - Canberra Ministerial Trip
16-Aug-18	\$22.89	Mpay.Com Smartcab, Hamilton	Taxis - Canberra Ministerial Trip
16-Aug-18	\$16.20	Dep Parl SVCS	Meals - Canberra Ministerial Trip
16-Aug-18	\$16.28	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
16-Aug-18	\$27.93	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
16-Aug-18	\$12.18	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
16-Aug-18	\$32.45	Aerial Transport Fyshwick	Taxis - Canberra Ministerial Trip
16-Aug-18	\$48.00	Emirates Leisure	Drinks - Canberra Ministerial Trip
16-Aug-18	\$573.38	Peppers Gallery Hotel, Canberra	Accom: Canberra Ministerial Trip
16-Aug-18	\$577.87	Peppers Gallery Hotel, Canberra	Accom: Canberra Ministerial Trip
16-Aug-18	\$673.20	Peppers Gallery Hotel, Canberra	Accom: Canberra Ministerial Trip

16-Aug-18	\$100.52	Peppers Gallery Hotel, Canberra	Meals - Canberra Ministerial Trip
16-Aug-18	\$44.50	The DOCL Kingston	Meals - Canberra Ministerial Trip

**Funds debited against CEO Annual Professional Development Allowance as per employment Contract Agreement*

+ Allocated against CEO Hospitality Expenses Allowance

CONCLUSION

As at 31 July 2018 and 31 August 2018, the City's financial performance is considered satisfactory noting the timing difference with respect to Rate Revenue.

COUNCIL DECISION/COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

C1809/191 Moved Councillor L Miles, seconded Councillor K Hick

That Council receives the statutory financial activity statement reports for the period ending 31 July 2018 and 31 August 2018, pursuant to Regulation 34(4) of the Local Government (Financial Management) Regulations.

CARRIED 7/0

EN BLOC

15. COMMUNITY AND COMMERCIAL SERVICES REPORT

15.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND FORWARD PLANNING GRANT APPLICATION

SUBJECT INDEX:	CSRFF YEAR 2019/20 – 2021/22 Lou Lou Weston Oval
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Development
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Club Development Officer - Pam Glossop
AUTHORISING OFFICER:	Director, Community and Commercial Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

The WA State Government Community Sporting and Recreation Facilities Fund (CSRFF) provides financial assistance to community groups and local government authorities through its' Forward Planning Grants to help develop infrastructure for sport and recreation.

Each year Local Government Authorities are required to rate and prioritise the CSRFF submissions received within their municipality. Annual Forward Planning Grant applications for the 2019/20 – 2021/22 triennium must be submitted by local government authorities to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 30 September 2018.

The purpose of this report is to outline the submissions received for projects within the City for this current funding round and request that Council rates and ranks these applications, prior to forwarding to DLGSC for final consideration.

This report proposes that a grant application in relation to construction of a new pavilion and courts upgrade at Lou Weston Oval be supported and submitted to CSRFF for funding.

BACKGROUND

Forward Planning Grants for the 2019/20 – 2021/22 triennium are available to large scale projects where the total project cost exceeds \$500,000 and where the project may require an implementation period of between one and three years. Grants from \$166,667–\$2,000,000 are provided in this category and may be allocated in one or a combination of the years in the triennium.

All Forward Planning Grant applications must be assessed and prioritised by local governments prior to submission. The DLGSC requires local governments to base assessments on the need for a planned approach to facilities provision, which takes account of justified needs, existing facilities and the social and financial impact of investing in new facilities.

In order to assist with the evaluation of submissions and to ensure projects are viable and appropriate, DLGSC has developed “Key Principles of Facility Provision” criteria. Accordingly, each submission is to be assessed against these criteria and Local Government Authorities are required to rate and prioritise local submissions using the following guide:

RATE	DESCRIPTION
A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work needed
F	Not recommended

Applications will be considered by the CSRFF advisory committee and recommendations made in November/December 2018. Applicants will be notified in January/February 2019 if they have been successful.

One (1) application was received for the CSRFF Forward Planning Grant round 2019/20 – 2021/22 Triennium, as follows:

1. City of Busselton – Lou Weston Oval - Lois Hannay Pavilion and courts redevelopment

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The Officer's recommendation aligns with the City's Social Plan 2015-2025. A key goal of this plan is to "create needed, quality, sustainable recreation and leisure facilities and services for our community."

The upgrading / redevelopment of Lou Weston Oval is also noted as a priority action (subject to external funding) within the City's Corporate Business Plan 2018/19 – 2021/22 under Key Goal Area 1 – Community: Welcoming, friendly, healthy.

FINANCIAL IMPLICATIONS

The CSRFF application for the re-development of Lois Hannay Pavilion and courts has a total project cost of \$1,735,240 (ex GST) with components as follows:

Project costs		QS Cost
	Lois Hannay Pavilion re-development	\$ 668,700
	Courts upgrade	\$ 983,840
	Total	\$1,652,540
	Contingencies	\$ 82,700
	TOTAL FINANCIAL IMPLICATIONS	\$1,735,240

In a staged approach, the City has allocated \$700,000 in the 2018/19 budget towards the redesign and expansion of the current nine netball courts to 12 courts with dual purposing of six courts to basketball. \$19,450 has been spent on design and geotechnical costs to date.

In 2019/20 the City has allocated in its Long Term Financial Plan (LTFP) \$1,500,000 towards construction of the courts and a re-development of the Lois Hannay Pavilion.

A one third funding towards the project cost is requested from the DLGSC of \$578,413.

Busselton Netball Association is supporting the project and contributing \$120,000 to the upgrade. The funding breakdown is shown in the table below:

Contribution Towards Project	Cost
City of Busselton	\$1,036,827
Busselton Netball Association	\$ 120,000
CSRFF	\$ 578,413
Total project cost	\$1,735,240

LONG-TERM FINANCIAL PLAN IMPLICATIONS

The City has made provision in the Long Term Financial plan of \$2,200,000 across two financial years. The total estimated project cost is \$1,735,240. \$700,000 has already been provided in the 2018/19 budget (from the New Infrastructure Development Reserve) and \$1,500,000 has been provided in the LTFP in 2019/20 from the Community and Recreation Facilities Reserve – City District.

Based on the QS estimates, the current LTFP allocations, and subject to receipt of the \$120,000 contribution from the Busselton Netball Association the City would still be able to complete the project to budget if unsuccessful in this round of CSRFF (if necessary).

STRATEGIC COMMUNITY OBJECTIVES

This matter aligns with the City of Busselton Strategic Community Plan 2017 and principally with the following Key Goal Area and strategic goals:

Key Goal Area 1 – Community: Welcoming, friendly and healthy:

- Community Objective 1.3: A community with access to a range of cultural and art, social and recreational facilities and experiences.
- Council Strategy: Create sport and recreation hubs to service local and regional communities

Specifically this particular project is contained as a Corporate Action / project in the City's Corporate Business Plan 2018/19 – 2021/22 as follows:

- *Lou Weston Oval – Develop a concept design for rationalising and upgrading the Club and change room facilities.*

RISK ASSESSMENT

An assessment of the potential risks of implementing the Officers recommendation was undertaken, and as a result, no risks rated as 'medium' or above were identified.

CONSULTATION

There has been extensive consultation undertaken with user groups at Lou Weston Oval over the past six years. In March 2012, City officers commenced community consultation to begin the process to determine community needs at this facility. Initial face to face needs assessment meetings were conducted with individual user groups, with the findings compiled into a site specific needs analysis.

The scope of this study included the following:

- A review of the City of Busselton's existing Leisure Services Plan to provide background information concerning recreational issues, facilities, philosophies and perceived needs throughout the City;
 - An identification of needed services and facilities that are not currently provided on site;
 - An examination of current usage of existing facilities and grounds with recommended future planning options;
 - An assessment of the quality and level of service provision at each facility in terms of the facility being "fit for purpose";
 - An identification of the club's Strategic Plan, current membership and expected growth rate.
- In 2015, three years after the initial needs study was conducted, it was important to revisit this study and touch base with the users again to ensure that the needs previously identified were still current. This review included the following:
- Reviewing any known changes in terms of facility and user group developments in the last three years
 - Updating in consultation with the user groups the documented needs assessment to reflect these changes

A further review was carried out in 2017, touching on the same matters and again in 2018.

In addition to Councillor briefings, this project was discussed on site during the tour of the district conducted earlier this year.

The current application for CSRFF funding is based on the needs assessment and feedback received from the 2018 review.

OFFICER COMMENT

Lou Weston Oval is a three hectare public reserve utilised for recreational purposes year round, featuring an active playing field, nine netball courts with limited sports lighting, a club building, a small change room, and a toilet facility.

Following recent consultation, an updated needs assessment identified user groups as netball, basketball, junior football and tee ball with the possibility of little athletics.

The junior football clubs have expressed a need to relocate to Bovell Oval in the future, pending the outcome of the strategic recreation strategy which is to commence shortly.

A key facility development strategy identified for Lou Weston Oval the growth of netball, particularly in the junior age groups and the ageing infrastructure at Lou Weston Oval which is no longer sufficient to service the users of the facility.

A needs assessment for the Busselton Netball Club (BNA) identified the redevelopment of the nine outdoor netball courts at Lou Weston Oval as their number one priority. The BNA identified that an upgrade of this facility would address their growth in membership and provide for increased participation growth into the future. The court facility is also ageing and due for replacement, with water pooling and severe cracking, which is a concern for users. With the growth of netball and the introduction of new formats and programs (Fast 5, No Limits, Green Shirts), there is a recognised need for expansion to 12 courts.

Sports lighting is currently only on three of the courts and this lighting is now obsolete. As the netball club grows a lighting upgrade and an increase in the network of lights will be required. The upgrade will be developed to provide conduit for future expansion and upgrade of court lighting.

Ageing infrastructure will be upgraded by replacing the Lois Hannay Pavilion. The new building will contain shared storage for users of the oval, with male and female change rooms/toilets, change/toilet facilities for disabled and an increased verandah/viewing area. The building will also house new public toilets and an upgrade to the sewer will be required. The BNA supports this application and is contributing \$120,000 to the project which represents a one third of the cost of the building (less costs associated with the provision of public toilets and sewer).

Under a new lease agreement with the BNA the pavilion will be available for hire by other users when not required by the BNA.

The Busselton Amateur Basketball Association (Basketball WA) has been actively seeking an indoor playing facility to cater for the growing popularity of basketball. However, the City is not currently in a position to build new indoor courts (the City has committed over \$10m in future funding to build additional indoor court space in Dunsborough and Busselton to help facilitate the development of the sport).

Basketball has been identified as a future user of the existing netball courts by upgrading and adding three additional courts to the existing nine, making six of the 12 courts dual purpose. This will allow for junior training, sports development and for casual play by the wider community. Dual purposing of six of the courts to basketball has been supported by the BNA. This will provide a short term solution to help support the growth in junior basketball participation and the fragmentation of play across several sites to one central facility with suitable supporting infrastructure.

The local Busselton Basketball Association would prefer to see no investment in Lou Weston and indoor facilities brought forward as a priority. Basketball WA has acknowledged that while there are site constraints in developing outdoor courts for basketball (as basketball is an indoor sport), it recognises that dual purposing the netball courts provides value to basketball as a sport by increasing opportunity for informal play, introducing new participants, providing training space and overflow space for junior outdoor games.

CONCLUSION

The one application received for the CSRFF Forward Planning Grant Year 2019/20 – 2021/22 triennium shows sound reasoning and justification; as such it is recommended that Council support the submission of an application for the Lois Hannay Pavilion and courts redevelopment to the DLGSC Community Sport and Recreation Facilities Fund, and rates the application as a priority 'A' project, rank number 1.

OPTIONS

The Council could decide not to support the application received for the CSRFF Forward Planning Grant Year 2019/20 – 2021/22 triennium.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The DLGSC South West Office staff will be advised in writing of the Council's decision before 30 September 2018 when the full contents of the application are forwarded to their regional office in Bunbury.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1809/192 Moved Councillor L Miles, seconded Councillor K Hick

That the Council resolves to support the submission of an application for the Lois Hannay Pavilion and courts redevelopment to the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund, and rates the application as a priority 'A' project, rank number 1.

CARRIED 7/0

EN BLOC

17. CHIEF EXECUTIVE OFFICERS REPORT**17.1 CAPEROC**

SUBJECT INDEX:	CapeROC Outcomes
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance
REPORTING OFFICER:	Strategic Projects Officer - Tracey King
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

The following is provided to Council as information on the outcomes of the Capes Region Organisation of Councils (CapeROC) meeting held in Margaret River Friday 31 August 2018. Minutes are also available on the City of Busselton HUB and external website.

OFFICER COMMENT

Action items as an outcome of this meeting include –

5.2 CapeROC Budget

1. That CapeROC notes the current status of the CapeROC 2018-2019 budget.
2. That \$18,300 be allocated provisionally toward formulating a joint public health plan to cover the contextual planning and the epidemiological data analysis requirements for the Local Public Health Plan, as detailed in the Minutes.

7.2 Cultural centre

A site visit to the Margaret River Cultural Centre upgrade be arranged for the next meeting of CapeROC; 9 November 2018 – Shire of Augusta Margaret River.

8.1 Changes in recycling costs

The City of Busselton is currently undertaking a three month trial of carting waste to external sites – will bring results to the next CapeROC.

COUNCIL DECISION AND OFFICER RECOMMENDATION






C1809/193 Moved Councillor L Miles, seconded Councillor K Hick

That the Council notes the outcome of the Capes Region Organisation of Councils Meeting held on 31 August 2018.

CARRIED 7/0

EN BLOC

17.2 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information Bulletin
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Kate Dudley
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications received by the City between 16 August, 2018 and 31 August, 2018 
	Attachment B Planning Applications determined by the City between 16 August, 2018 
	Attachment C Meelup Regional Park Management Committee Minutes 
	Attachment D Scheme Amendment 
	Attachment E Australian Coastal Council Association - Minutes 

PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

17.2.1 Planning & Development Services Statistics

Planning Applications

Attachment A is a report detailing all Planning Applications received by the City between 16 August, 2018 and 31 August, 2018. A total of 37 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 16 August, 2018 and 31 August, 2018. A total of 40 applications (including subdivision referrals) were determined by the City during this period with 40 approved / supported and 0 refused / not supported.

17.2.2 2017/2018 TENDERS

RFT24/17 PROVISION OF TRAFFIC MANAGEMENT SERVICES

PQS02/18 PROVISION OF TRAFFIC MANAGEMENT SERVICES – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS

- Council resolved on 11 April 2018 to decline to accept any tender on the basis that the tenders received did not present best value for money. Council requested the CEO establish a panel of pre-qualified suppliers for the provision of traffic management services to the City.

- A Request for Applications to Join a Panel of Pre-Qualified Suppliers (PQS) closed on 31 July 2018.
- The City received applications from 6 applicants.
- In accordance with delegation LG3M the CEO has authority to establish the panel and to decide which applications to accept.
- The evaluation has been completed.
- It is anticipated that the panel of pre-qualified suppliers will be established by the CEO in September 2018.

PQS01/18 SUPPLY OF QUARRY PRODUCTS – REQUEST FOR APPLICATIONS TO JOIN A PANEL OF PRE-QUALIFIED SUPPLIERS

- Requirement - the provision of quarry products to the City.
- The PQS was advertised on 21 April 2018 with a closing date of 8 May 2018.
- A total of 7 applications were received.
- In accordance with delegation LG3M the CEO has authority to establish the panel and to decide which applications to accept.
- The evaluation has been completed.
- A panel has been established under delegation with the following suppliers included on the panel, with various categories based on location: Carbone Brothers Pty Ltd, Busselton Civil Pty Ltd, MGM Bulk Pty Ltd, Leeuwin Civil Pty Ltd, the Wild Fig Company, Holcim (Australia) Pty Ltd, and B&J Catalano Pty Ltd.

RFT08/18 SUPPLY OF SOILS AND MULCH

- Requirement - the supply and delivery of soils and mulch within the City of Busselton.
- The tender was advertised on 9 June 2018 with a closing date of 26 June 2018.
- A total of 4 tenders were received.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- Tenders are in process of being evaluated.
- It is anticipated that a contract will be awarded under delegation in September 2018.

RFT09/18 PROVENCE ESTATE LANDSCAPE MAINTENANCE

- Requirement - the provision of maintenance services for 4 landscaped public open spaces located at Provence Estate (excluding trees, medians and roundabouts).
- A Request for Tender was advertised on 30 June 2018 with a closing date of 17 July 2018.
- A total of 5 tenders were received.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- The evaluation has been completed.
- It is anticipated that a contract will be awarded under delegation in September 2018.

RFT11/18 TURF MAINTENANCE SERVICES

- Requirement - the provision of turf maintenance services to the City of Busselton, including maintaining healthy turf grass on broadacre sites such as playing fields and other public open spaces.
- A Request for Tender was advertised on 30 June 2018 with a closing date of 26 July 2018.
- A total of 3 tenders were received.

- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- The evaluation has been completed and the contract awarded under delegation to Naturaliste Turf.

RFT12/18 CONSTRUCTION OF BUSSELTON TENNIS CLUBHOUSE

- Requirement - the construction of the Busselton Tennis Club Clubhouse.
- A Request for Tender was advertised on 14 July 2018 with a closing date of 7 August 2018.
- A total of 7 tenders were received.
- The value of the contract will exceed the CEO's delegated authority.
- The evaluation has been completed.
- A report was presented to Council at the Council Meeting of 12 September 2018 for awarding of a contract to I. C. Developments PTY Ltd T/A Innovest Construction.

RFT13/18 PROVISION OF GYM EQUIPMENT FOR GEOGRAPHE LEISURE CENTRE, BUSSELTON

- Requirement - the provision and maintenance of gym equipment, including software and the removal of existing equipment at the Geographe Leisure Centre, Busselton.
- A Request for Tender was advertised on 4 August 2018 with a closing date of 21 August 2018.
- A total of 7 tenders were received
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- Tenders are in process of being evaluated.
- It is anticipated that a contract will be awarded under delegation in September 2018.

RFT14/18 CONTAMINATED SITES INVESTIGATION WORKS

- Requirement – contaminated sites investigation works and stakeholder engagement activities 2018-2019.
- A Request for Tender was advertised on 1 September 2018 with a closing date of 20 September 2018.
- The value of the contract is not expected to exceed the CEO's delegated authority under Delegation LG3J.
- Tenders are in process of being evaluated.
- It is anticipated that a contract will be awarded under delegation in October 2018.

17.2.3 Meelup Regional Park Management Committee

Attachment C shows the minutes for the Informal Meelup Regional Park Management Committee meeting held on 27 August 2018.

17.2.4 Scheme Amendment No. 11

The above scheme was published in the Western Australian Government Gazette on 24 August, 2018.

The purpose of this amendment is to amend Local Planning Scheme No. 21 to rezone a portion of Lot 201 Balmoral Drive Quindalup to 'Reserve for Public Purpose' and amending the boundary of Additional Use No. 37. Also amending Addition Use No. 37 to include the land use of Restaurant.

17.2.5 Donations Contributions and Subsidies Fund – August 2018

The Council allocates an annual budget allowance to the Donations, Contributions and Subsidies (Sponsorship Fund). This is provided such that eligible groups and individuals can apply for and receive sponsorship to assist them in the pursuit of endeavours that bring direct benefit to the broader community. Allocation of the funds is delegated to the Chief Executive Officer, in accordance with published guidelines and funding availability.

Ten applications were supported in August 2018, totalling \$3,750, as outlined in the table below

App. No.	Recipient	Purpose	Amount
August 2018			
04/1819	Cape Naturaliste College	Year 12 End of year graduation award night prize	\$200.00
05/1819	Geographe Primary School	Year 6 End of year graduation award night prize	\$100.00
06/1819	CWA Dunsbrough	Seeking funds to cover the cost for their Annual free community Christmas lunch.	\$800.00
08/1819	Cornerstone Christian College	Funding for end of year graduation award night prizes: \$100 for primary school and \$200 for senior school	\$300.00
09/1819	Busselton Senior High School	Year 12 End of year graduation award night prize	\$200.00
10/1819	Blake Murdoch	Selected to represent WA in the U13 State Hockey team in the U13 Championships in Hobart in October 2018. Contribution to assist with associated travel costs.	\$300.00
11/1819	James Richards	Selected to represent WA in the U15 Regional State Soccer team to play at the 2018 Phuket Cup held in November 2018. Contribution to assist with associated travel expenses.	\$300.00
12/1819	Light the Night Busselton	Seeking funds to assist with covering the cost of running the 4th annual Light the Night lantern walk to raise funds for vital research to support Australians with blood cancer. The Busselton event will be held at the new amphitheatre. All members of the community are welcome to attend and enjoy the free entertainment.	\$800.00
13/1819	Busselton Art Society - Annual Art in the Park	Seeking funds to assist with covering the cost of running the 3 day event held in Mitchell Park in January 2019. The event is open to the public with no admission fee.	\$500.00

App. No.	Recipient	Purpose	Amount
14/1819	Lions Cancer Institute	Seeking sponsorship of 10 children from the Busselton district who are current patients at the Perth Children's Hospital to cover the cost to attend the 'Special Children's Christmas Big Day Out' (ticket cost is \$100pp). The event is a special outing for terminally ill, handicapped or severely disabled children. A contribution of \$25 per child is supported by the CEO and Mayor on compassionate grounds.	\$250.00
August Total			\$3,750.00

17.2.5 Australian Coastal Council – Minutes

Attachment E shows the minutes for the Australian Coastal Council meeting held on 7 September 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1809/194 Moved Councillor L Miles, seconded Councillor K Hick


That the items from the Councillors' Information Bulletin be noted:

- [17.2.1 Planning & Development Services Statistics](#)
- [17.2.2 2017/2018 TENDERS](#)
- [17.2.3 Meelup Regional Park Management Committee](#)
- [17.2.4 Scheme Amendment No. 11](#)
- [17.2.5 Donations Contributions and Subsidies Fund – August 2018](#)
- [17.2.5 Australian Coastal Council – Minutes](#)

CARRIED 7/0

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ADOPTION BY EXCEPTION RESOLUTION ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**16. FINANCE AND CORPORATE SERVICES REPORT****16.2 COUNCILLOR PAUL CARTER - REMOTE ATTENDANCE**

SUBJECT INDEX:	Council Meeting
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Administration Officer - Governance - Kate Dudley Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Site Map 

PRÉCIS

The purpose of this report is to recommend to Council that they consider an arrangement allowing Councillor (Cr) Paul Carter to attend specified meetings of Council and the Finance Committee by telephone (or other means of instantaneous communication) as per Regulation 14A of the *Local Government (Administration) Regulations 1996* (the Regulations). This will require Council to also determine a "suitable place", in addition to approving an arrangement.

BACKGROUND

Cr Carter has provided written notice to the Chief Executive Officer that he has accepted a position with BHP, working at the Yandi mine site, located 90kms North West of the town of Newman, Western Australia. Cr Carter commenced employment with BHP on 4 September 2018 and will be working a 14 days on, 7 days off roster until 1 January 2019. Post 1 January 2019 Cr Carter expects to be working an 8 days on, 6 days off roster.

Based on his current roster Cr Carter will be away for the Ordinary Council meetings held on 24 October 2018, 14 November 2018 and 28 November 2018 and the Finance Committee meeting on 15 November 2018.

Additionally he will be away for the Agenda Briefing / Community Access Sessions on 3 October, 7 November and 5 December, noting that Regulation 14A does not apply to these and so they are not the subject of the recommendation.

It is anticipated (subject to confirmation of Council / Committee meeting dates and Cr Carter's roster) that an 8 and 6 roster would enable Cr Carter to attend the majority of Council meetings, with fly in / out days expected to be on Tuesdays.

STATUTORY ENVIRONMENT

In accordance with Regulation 14A - Attendance by telephone etc - of the Regulations, sub-regulation (1), it is the role of the Council to determine that a person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if the person is:

- (a) simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
- (b) in a suitable place, and
- (c) the council has approved of the arrangement (by absolute majority).

A council cannot give approval under sub-regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with Regulation 14A.

A suitable place (as per sub-regulation (4) (b) means a place that the council has approved (again by absolute majority) as a suitable place for the purpose of the regulation and must be located -

- i. in a townsite or other residential area; and
- ii. 150 km or further from the place at which the meeting is to be held ... measured along the shortest road route ordinarily used for travelling;

where townsite has the same meaning given to that term in the *Land Administration Act 1997* section 3(1). That is, a townsite constituted by the Minister for Lands.

Yandi Accommodation Village (YAV) is not located in a townsite. Independent legal advice has confirmed however that there are strong grounds to conclude that it would meet the 'other residential area' requirements of the regulation. Residential area is not defined in the Regulations. In the absence of any legislative definition, the expression must be given its natural and ordinary meaning, in the context in which it appears, including the legislative object or purpose. Commonly held definitions of residential area focus on residential areas being districts or areas where people live, where housing predominates as opposed to industrial and commercial areas.

The object or purpose of regulation 14A is to enable a Council member to participate in a Council meeting while not physically present. The 'suitable place' qualification appears to be intended to ensure, to the satisfaction of an absolute majority of the Council, that the Council member is in an environment that is conducive to the Council member's proper participation in the meeting and decision making process. In that context, and particularly noting that Landgate information shows YAV listed as a Crown Lease for the purposes of an Accommodation Village, and the actual use of the YAV by BHP as an accommodation village for its employees working at the Yandi mine site, advice supports the YAV being an 'other residential area'.

RELEVANT PLANS AND POLICIES

There are no relevant plans of policies.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the officer's recommendation.

In the event that there was an ongoing approval required and provided for Cr Carter under Regulation 14A, then the City would likely look to invest in improved technology to facilitate remote attendance at meetings.

LONG-TERM FINANCIAL PLAN IMPLICATIONS

There are no long term financial plan implications.

STRATEGIC COMMUNITY OBJECTIVES

The Report links to Key Goal Area 6 – Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

- a. 6.3 – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

Given the absence of a legislative definition for 'other residential area', there is a risk that a different interpretation could be taken as to whether the YAV meets the requirements of the Regulation. Noting the legal advice received, Officers consider this risk to be low.

CONSULTATION

The City initially sought advice from the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Western Australian Local Government Association (WALGA) in relation to whether Yandi would be considered as an 'other residential area'.

Both the DLGSC and WALGA indicated there was some ambiguity and that the only way to clarify that would be to test the matter through the court system. The DLGSC indicated that, in the meantime, so long as the City is satisfied with the supporting information / rationale, then the decision rests with the council. WALGA noted the *Local Government Act 1995* is intended to be an enabling piece of legislation and that, in their view, the Regulations weren't intended at the time they were created to restrict people's ability to engage in employment while an Elected Member.

Independent legal advice was sought further to this advice, and is outlined in the Statutory Environment section of this report.

OFFICER COMMENT

It is proposed that Cr Carter would dial in via telephone (VOIP conference call) for Council meetings and additionally team viewer via a laptop into the minutes PC. This will enable Cr Carter to be heard and hear everything that is spoken into a microphone, and to have the same view as the other councillors in the chamber. Cr Carter would of course also continue to utilise his Ipad to access the Hub, email etc.

With respect to a suitable place, it is proposed that Cr Carter utilise a conference / meeting room within YAV where available or, where not available, his private accommodation lodgings. Attachment A is a map showing the layout of the YAV and indicating Cr Carter's accommodation lodgings and the location of the conference / meetings rooms.

Officers consider the following to be relevant considerations for Council in determining a suitable place:

- A place where instantaneous communication can be easily maintained;
- A place reasonably free of noise, distractions or interruptions;
- A place where, as required, confidentiality can be maintained (noting that the majority of the time Council meetings are open to the public); and
- A place where City provided equipment can be safely used without potential of damage.

Officers believe that Cr Carter's accommodation lodgings, which we understand to be a single bed donga, would satisfy most of the considerations above, noting that officers are unable to verify whether complete confidentiality can be maintained for confidential items. While Cr Carter would be on his own in his accommodation lodgings, officers are unsure of the level of sound-proofing and whether there would be those in lodgings adjacent that may be able to hear proceedings. The limited occurrence of confidential items mitigates this however, for these reasons it would be preferable for Cr Carter to utilise a conference / meeting room where it is available. Cr Carter has confirmed that he has access to use these facilities.

With respect to the Finance Committee meeting on the 15 November 2018, Cr Carter could video conference into this using the zoom technology in the Committee Room. This will enable Cr Carter to visually as well as audibly attend the meeting.

In addition to the considerations outlined above, Councillors should also consider issues such as impacts on the effectiveness and transparency of the decision making process and public perception. Officers make no comments or recommendations in this regard other than to note them as factors for consideration.

While this report and the Officers recommendation does not apply to attendance at briefing sessions or Agenda Briefing / Community Access Sessions, it is recommended that where Cr Carter is available to attend in the same fashion, Council support this.

CONCLUSION

Cr Carter is expected to revert to a 8 days on 6 days off roster in the new calendar year which will enable his attendance at the majority of Council meetings. Officers therefore recommend that Council approve the following as a suitable place for the purpose of Regulation 14A:

- a conference / meeting room or Cr Carters private accommodation lodgings at YAV

and that they approve the arrangement outlined in this report so that Cr Carter can attend the Ordinary Council Meeting of the 24 October 2018, 14 November 2018, and 28 November 2018 by telephone.

OPTIONS

Council could decide to determine the proposed location as not being a suitable place and / or could decide not to approve the arrangement and instead request Cr Carter to apply for leave of absence for the Ordinary Council Meetings held on 24 October, 14 November and 28 November 2018.

COUNCIL DECISION AND OFFICER RECOMMENDATION

C1809/195 Moved Councillor R Paine, seconded Councillor L Miles

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council resolves

1. that a conference / meeting room or Cr Carters private accommodation lodgings at Yandi Accommodation Village to be a suitable place in accordance with regulation 14A of the *Local Government (Administration) Regulations 1996*
2. approves the arrangement outlined in this report for Councillor Paul Carter to attend by telephone etc the Ordinary Council Meetings held on 24 October, 14 November and 28 November 2018 and the Finance Committee meeting held on 15 November 2018.

CARRIED 7/0

BY ABSOLUTE MAJORITY

18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

19. URGENT BUSINESS

Nil

20. CONFIDENTIAL REPORTS

Nil

21. CLOSURE

The Presiding Member closed the meeting at 5.34pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 28 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 10 OCTOBER 2018.

DATE: _____ PRESIDING MEMBER: _____