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CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 14 JUNE 2017

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MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN MEETING ROOM ONE, COMMUNITY RESOURCE CENTRE, HARRIS ROAD, BUSSELTON, ON 14 JUNE 2017 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Coralie Tarbotton Deputy Mayor
Cr Ross Paine
Cr Terry Best
Cr John McCallum
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Gordon Bleechmore

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mrs Tanya Gillett, Acting Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Cliff Frewing, Director, Finance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

“Busselton-Dunsborough Times”

Public:

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3. PRAYER

The prayer was delivered by Pastor Clark Riggins of Busselton Seventh Day Adventist.

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

Nil

Public Question Time

Nil

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

The presiding member announced this would be the last Meeting held at the Community Resource Centre.

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Nil

8. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of impartiality interest had been received from:

- Cr Ross Paine in relation to Agenda Item 13.1 – Marketing and Events Reference Group Outcomes.

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 13.1 was discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****9.1 Minutes of the Council Meeting held 24 May 2017****Council Decision****C1706/123**

Moved Councillor J McCallum, seconded Councillor T Best

That the Minutes of the Council Meeting held 24 May 2017 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings9.2 Minutes of the Policy and Legislation Committee Meeting held on 18 May 2017**Council Decision****C1706/124**

Moved Councillor C Tarbotton, seconded Councillor R Reekie

That the minutes of the Policy and Legislation Committee Meeting held 18 May 2017 be received.

CARRIED 9/0**ITEMS BROUGHT FORWARD AND 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.

Council Decision / Committee Recommendation and Officer Recommendation**C1706/125**

Moved Councillor T Best, seconded Councillor G Bleechmore

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

- 10.1 Policy and Legislation Committee - 18/05/2017 - REVIEW OF POLICY 237 NAMING OF PARKS, GARDENS, RESERVES, MEMORIALS, SPORTS GROUNDS AND BUILDINGS
- 10.2 Policy and Legislation Committee - 18/05/2017 - REVIEW OF BUSSELTON JETTY POLICIES (PLACEMENT OF MEMORIAL PLAQUES AND MOBILE VENDORS)
- 10.4 Policy and Legislation Committee - 18/05/2017 - REVIEW OF POLICY 038 PROMOTING A DIVERSE COUNCIL AND PARTICIPATION
- 10.5 Policy and Legislation Committee - 18/05/2017 - REVIEW OF CODE OF CONDUCT
- 15.1 COUNCILLORS' INFORMATION BULLETIN

EN BLOC**CARRIED 9/0**

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 18/05/2017 - REVIEW OF POLICY 237 NAMING OF PARKS, GARDENS, RESERVES, MEMORIALS, SPORTS GROUNDS AND BUILDINGS

SUBJECT INDEX:	Community Services
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Community Development
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Club Development Officer - Pam Glossop Manager, Community Services - Maxine Palmer
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 237 - Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings ⇒ Attachment B Revised Policy 237 - Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings - Tracked Changes ⇒

This item was considered by the Policy and Legislation Committee at its meeting on 18 May 2017, the recommendations from which have been included in this report.

PRÉCIS

The Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy is presented for review and updating as part of the ongoing policy review process. The policy has been reviewed by the responsible officer and assessed as requiring only minor changes as outlined in this report. While no substantial changes are recommended, the operation of the policy has been examined in detail to ensure no other changes are required.

BACKGROUND

In 2007, a report was presented to Council to adopt a policy that established clearly defined guidelines and selection criteria for the naming of City owned and managed facilities. The Council resolved (C0702/038) that Policy 237 "Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings" be adopted.

The adopted policy specifically dealt with any proposal for a facility or part thereof to be named after a person. On the 25 July 2012 a recommendation was made to Council to review the policy to include reference to the consideration of geographical and purpose driven names. The Council resolved (C1207/197) to adopt the updated policy.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

This report proposes the minor update of the Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy of the Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of this policy.

Long-term Financial Plan Implications

Not applicable.

STRATEGIC COMMUNITY OBJECTIVES

Consideration of this matter is consistent with Key Goal 2 – Place and Spaces Vibrant, attractive, affordable Community Objective 2.2 –Attractive parks and open spaces that create opportunity for people to come together, socialise and enjoy a range of activities– of the City of Busselton Strategic Community Plan 2017.

RISK ASSESSMENT

An assessment of the potential implications has been undertaken using the City’s risk assessment framework. Whilst the removal of the advertising period from the Policy poses a possible reputational risk it is considered low and is mitigated by the selection criteria detailed in the Policy.

CONSULTATION

Not required.

OFFICER COMMENT

This report presents the Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy. The policy has provided consistent guidance to the City in naming of city reserves and community assets.

The Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy has been reviewed by the responsible officer and assessed as requiring only a minor change. The main alteration is deleting advertising for public comment for a 30 day period following the receipt of a proposal. These changes are shown as track changes on Attachment A.

CONCLUSION

While no substantial changes are recommended, the operation of the policy has been examined in detail to ensure no other changes are required. It is considered the view of the relevant officer that the policy included in this report has been operating efficiently and effectively since it was adopted by the Policy and Legislation Committee and the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Subject to Council’s decision this Policy will be adopted with immediate effect.

Council Decision / Committee Recommendation and Officer Recommendation

C1706/126

Moved Councillor R Bennett, seconded Councillor T Best

That the Council adopts the updated Policy 237 - Naming of Parks, Gardens, Reserves, Memorials, Sports Grounds and Buildings Policy as shown in Attachment A.

CARRIED 9/0

EN BLOC

10.2 Policy and Legislation Committee - 18/05/2017 - REVIEW OF BUSSELTON JETTY POLICIES
(PLACEMENT OF MEMORIAL PLAQUES AND MOBILE VENDORS)

SUBJECT INDEX:	Busselton Jetty
STRATEGIC OBJECTIVE:	Events and unique tourism experiences that attract visitors and investment.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Economic and Business Development
REPORTING OFFICER:	Economic and Business Development Coordinator - Jon Berry
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 006 - Mobile Vendors on Busselton Jetty⇒ Attachment B Revised Policy 006 - Mobile Vendors on Busselton Jetty - Tracked Changes⇒

This item was considered by the Policy and Legislation Committee at its meeting on 18 May 2017, the recommendations from which have been included in this report.

PRÉCIS

At item 6.2 of the Policy and Legislation agenda the Committee resolved as follows:

Committee Recommendation and Amended Officer Recommendation

PL1705/123 Moved Councillor R Paine, seconded Councillor R Reekie

That Policy 004 - Placement of Memorial Plaques on the Busselton Jetty be deferred for one month.

CARRIED 5/0

Committee Recommendation and Amended Officer Recommendation

PL1705/124 Moved Councillor R Bennett, seconded Councillor G Henley

That the Council adopts the amended Policy 006 - Mobile Vendors on the Busselton Jetty as shown in Attachment C.

CARRIED 5/0

Reconsideration of Policy 004 – Placement of Memorial Plaques on the Busselton Jetty will be presented to the next Policy and Legislation meeting to be held on 15 June 2017.

This report therefore only deals with Policy 006 – Mobile Vendors on the Busselton Jetty.

BACKGROUND

Council has previously adopted a policy relating to the Busselton Jetty being:

- Mobile Vendors on the Busselton Jetty (C1111/361) on 23 November 2011. This policy sets out the process for recruitment and selection of suitable mobile vendors on the Busselton Jetty.

The policy has been reviewed by City Officers and a draft amended policy was reviewed by the Busselton Jetty Reference group (BJRG) on 28 April 2017.

STATUTORY ENVIRONMENT

The following statutory requirements are relevant in considering this report.

City of Busselton Jetties Local Law 2014

Written consent is required under s2.19 (Miscellaneous Provisions) of the Busselton Jetties Local Law (2014) for the activities addressed in these policies:

- S2.19 1(c) offer for sale or sell goods or services on the Land or from a vessel on the Land, irrespective whether the vessel is moored to or berthed at the jetties;

Land Administration Act 1997

The Jetty is located on Crown land (Reserve 46715), which is vested with the City of Busselton for the purposes of 'Tourism, Recreation and Heritage', with the power to lease for any term not exceeding 49 years, subject to the consent of the Minister for Lands. The Department of Lands has advised permits for non-exclusive use of the Jetty by mobile vendors does not require their written consent.

RELEVANT PLANS AND POLICIES

Council adopted a new policy titled 'Non-exclusive Commercial Use of City Land' (Policy 249) on 9 November 2016. The policy provides a consistent framework and methodology to facilitate, control and regulate the non-exclusive use of City-owned and managed land across the District. This policy is relevant in dealing with mobile traders across the district who operate from particular locations for certain periods of time. The revised policy for Mobile Vendors on Busselton Jetty (006) presented in this report is consistent with Policy 249.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the Officer Recommendation. Council sets Fees and Charges for Mobile Traders within the Annual Budget development process. The Busselton Jetty is considered a Zone 1 site and would attract an annual fee of \$3,000 per annum in accordance with the 2017/18 Fees and Charges Schedule.

Long-term Financial Plan Implications

There are no impacts on the Long Term Financial Plan resulting from the Officer Recommendation.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area 4 of the 2017 Community Strategic Community Plan identifies a community desire to foster an innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice. Specifically, events and tourism experiences that attract visitors and investment is supported. The Busselton jetty is the City's most visited built attraction and requires careful management to keep it as a contemporary visitor experience.

RISK ASSESSMENT

There are no residual risks identified as being high or medium as a result of the Officer Recommendation.

CONSULTATION

As part of the policy review process, the City has consulted with the Busselton Jetty Reference Group and sought feedback which has been included in the draft policy attached.

OFFICER COMMENT

The policy reviewed in this report is over five years old and in summary has been amended as follows:

Mobile Vendors on the Busselton Jetty

The amended policy identifies the Busselton Jetty as a potential location for mobile vendors to trade on heritage node 4 and section 7 for food and beverages that do not compete directly with Busselton Jetty Inc. Permits may be issued for up to two years and operators will be recruited by expression of interest guidelines commensurate with recruitment of land-based mobile traders across the district. Any permit revenue will also be reinvested into the Busselton Jetty Maintenance Reserve. The proposed new policy (with proposed amendments visible) is in Attachment A.

CONCLUSION

This report seeks Council to adopt one amended policy relating to the Busselton Jetty, which is over five years old.

The existing policy, Mobile Vendors on Busselton Jetty (2011) will be superseded by amended to recognise the City of Busselton (rather than the former Shire). It has also been amended to be consistent with recently adopted policies relating to non-exclusive trading in public places.

OPTIONS

Council may elect to make an alternative amendment to the policy not recommended by Officers or the Policy and Legislation Committee.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the amended recommendation, the policy will become effective immediately. Recruitment of a mobile vendor service is likely to be advertised as an expression of interest in the second quarter 2017 for operations in peak visitor periods.


Council Decision / Committee Recommendation and Officer Recommendation**C1706/127**

Moved Councillor R Bennett, seconded Councillor T Best

That the Council adopts the amended Policy 006 - Mobile Vendors on the Busselton Jetty as shown in Attachment A.

CARRIED 9/0**EN BLOC**

10.4 Policy and Legislation Committee - 18/05/2017 - REVIEW OF POLICY 038 PROMOTING A DIVERSE COUNCIL AND PARTICIPATION

SUBJECT INDEX:	Plans, Policies and Procedures
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 038 Promoting a Diverse Council and Participation 

This item was considered by the Policy and Legislation Committee at its meeting on 18 May 2017, the recommendations from which have been included in this report.

PRÉCIS

As part of Council's ongoing policy review, a review of Policy 038 Promoting a Diverse Council and Participation has been carried out. As a result of this review it is recommended that the policy be revoked as it is no longer relevant.

BACKGROUND

This policy was last before the Council in March 2011 at which time officers recommended that existing Policy 038 Elections – Promotions be replaced with amended Policy 038 Promoting a Diverse Council and Participation which proposed policy changes to provide justification for the additional promotion of election processes and to identify the aim of broad representation and participation. The amended policy was endorsed by Council at that time (C1103/071).

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby individual policies are reviewed with a view to determining their ongoing applicability along with standardisation and reduction. This report presents the review of Policy 038 Promoting a Diverse Council and Participation.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

Local Government Act 1995 (*Part 4 Elections and Other Polls*)

Local Government (Elections) Regulations 1997

Department of Local Government and Communities Operational Guidelines 'Conduct of Local Government Elections'

FINANCIAL IMPLICATIONS

The Council's adopted Budget includes provision for costs associated with local government ordinary elections with all decisions made having due regard to budget availability.

Long-term Financial Plan Implications

The Council's Long Term Financial Plan includes budgetary provision for local government ordinary elections and associated electoral campaigning.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.2** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

Not required for review of this policy.

CONSULTATION

This policy review is not considered to require any public consultation.

OFFICER COMMENT

As a result of review of Policy 038 Promoting a Diverse Council and Participation, officers are recommending the policy be revoked.

It is the considered view of officers that this policy is obsolete and therefore no longer relevant as all the actions contained within the policy are now part of normal business processes to promote elections and is consistent with Department of Local Government and Communities Operational Guidelines.

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 038 Promoting a Diverse Council and Participation. Following this review officers are recommending that this policy be revoked.

OPTIONS

The Council may choose not to revoke this Policy, may seek to make changes to the Policy or may seek to retain the existing policy in its current format.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy would become effective immediately upon adoption of Council.

Council Decision / Committee Recommendation and Officer Recommendation

C1706/128

Moved Councillor R Bennett, seconded Councillor T Best

That the Council revoke Policy 038 Promoting a Diverse Council and Participation.

CARRIED 9/0

EN BLOC

10.5 Policy and Legislation Committee - 18/05/2017 - REVIEW OF CODE OF CONDUCT

SUBJECT INDEX:	Financial Operations
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 037 Code of Conduct ↔
	Attachment B Consolidated Code of Conduct ↔
	Attachment C Council Members Code of Conduct ↔
	Attachment D Committee Members Code of Conduct ↔
	Attachment E Employees Code of Conduct ↔
	Attachment F Contractors Code of Conduct ↔

This item was considered by the Policy and Legislation Committee at its meeting on 18 May 2017, the recommendations from which have been included in this report.

PRÉCIS

As part of Council's ongoing policy review, a review of Policy 037 Code of Conduct has been carried out. As a result of this review it is recommended that the policy be cancelled and that the Code be regarded as part of the City's suite of significant Corporate documents.

BACKGROUND

The Council's Code of Conduct Policy 037 was last before the Council in April 2015. The Policy has been in existence in one form or another since the late 1990's.

The existing Policy relates to all Council Members, Committee Members and employees (and contractors) and as a consequence, the contents are not particularly relevant to members of all the classes of persons to whom the policy applies.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government's policies. It is also common for a Council to adopt significant Corporate documents and make these documents available to those persons to whom the document applies as well as to make them available to members of the public on the website.

In addition, in accordance with Section 5.103(1) of the Local Government Act 1995, a Local Government is required to prepare and adopt a Code of Conduct to be observed by Council members, Committee members and employees (and Contractors). The Code of Conduct is to contain matters as prescribed by Regulations.

RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Council Policy 037 - Code of Conduct in its current format. In lieu of the existing policy it is proposed to create five new Codes as follows:

- Consolidated Code of Conduct;
- Council Members Code of Conduct;
- Committee Members Code of Conduct;
- Employees Code of Conduct; and
- Contractors Code of Conduct.

The four individual Codes referred to above are all based on the contents of the existing Policy as is the proposed Consolidated Code of Conduct.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

The Council is required to consider and adopt a Code of Conduct in accordance with the provisions of the Local Government Act. The Code is not required to be a Policy.

The contents of the existing and proposed Code reflect general standards of behaviour expected of all those persons appointed by the City (whether elected members, employees or Professional contractors).

In acting in the capacity of a Council member, Committee member, employee or contractor of the City of Busselton, all persons shall espouse the principles outlined in regulation 3 of the *Local Government (Rules of Conduct) Regulations 2007*. Specifically, any person acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.

CONSULTATION

As a policy with a largely internal focus, this policy is not considered to require any public consultation.

OFFICER COMMENT

This report presents the review of the Council's Policy 037 – Code of Conduct. As a result of this review it was established that the contents of this policy would be more appropriately contained as a suite of separately published Corporate documents – a consolidated version and its four main component parts to create a Code more relevant to the group of persons to whom the Code relates.

During the ordinary course of reviewing the policy, the contents have been modified by making minor changes (mainly updates) to create a new "Consolidated" Code of Conduct. This Code has then been separated into four distinct documents:

- Council Members Code of Conduct;
- Committee Members Code of Conduct;
- Employees Code of Conduct; and
- Contractors Code of Conduct.

Each of these individual Codes will be made available to the particular class of person to whom the Code relates.

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 037 Code of Conduct. Following this review officers are recommending that the policy be cancelled and that a stand-alone suite of Codes be adopted by Council.

OPTIONS

The Council may not agree to re-endorsement of the existing policy and may seek to make alterations to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The existing policy would be cancelled effective immediately upon adoption of Council and the new Codes would become effective.

Council Decision / Committee Recommendation and Officer Recommendation

C1706/129 Moved Councillor R Bennett, seconded Councillor T Best

That the Council :

1. Cancel Policy 037 – Code of Conduct
2. Adopt the suite of documents that form a new Code of Conduct that incorporates the following:
 - Consolidated Code of Conduct (*Attachment B*);
 - Council Members Code of Conduct (*Attachment C*);
 - Committee Members Code of Conduct (*Attachment D*);
 - Employees Code of Conduct (*Attachment E*); and
 - Contractors Code of Conduct (*Attachment F*).

CARRIED 9/0

EN BLOC

15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Accountable leadership that is supported by a skilled and professional workforce.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received ⇒ Attachment B Planning Applications Determined ⇒ Attachment C South Swest Zone WALGA Report ⇒ Attachment D Busselon Jetty Reference Group Minutes ⇒ Attachment E MERG Minutes 2 May 2017 ⇒

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

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 May, 2017 and 15 May, 2017. 54 formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 May, 2017 and 15 May, 2017. A total of 50 applications (including subdivision referrals) were determined by the City during this period with 50 approved / supported and 0 refused / not supported.

15.1.2 Current Active Tenders

RFT01/17 KERBSIDE RECYCLING SERVICES

The City invited tenders for the collection of material from yellow-top recycling bins and related services within the City of Busselton. The tender was advertised on 28 January 2017, with a closing date of 10 March 2017. A total of 3 tenders were received. The evaluation was completed and in accordance with the City's Evaluation Panel Council resolved on 10 May 2017 to:

- 1. Endorses the outcomes of the Evaluation Panel's assessment in relation to RFT01/17 for the provision of kerbside recycling services, which has resulted in Cleanaway being ranked as the best value for money tender.*
- 2. Delegates authority to the CEO, following further negotiations, to award a contract for the kerbside recycling services.*

The final contract amendments are currently being finalised with Cleanaway.

RFT02/17 KING STREET BEACH CAR PARK – SEAWALL REFURBISHMENT

The City of Busselton invited tenders for the upgrade of the geotextile sand containers seawall at the King Street Beach Car Park. The tender was advertised on 18 February 2017, with a closing date of 15 March 2017. A total of 6 tenders were received. The evaluation has been completed and the contract awarded by the CEO under delegated authority to BCP Contractors Pty Ltd.

RFT03/17 DETAILED DESIGN AND CONSTRUCTION OF TODDLER'S PLAYGROUND, BUSSELTON FORESHORE

The City of Busselton invited tenders for the detailed design and construction of a toddler's playground at the Busselton foreshore. The tender was advertised on 18 March 2017, with a closing date of 18 April 2017. A total of 2 tenders were received. The evaluation was completed and under Delegation LG3J the CEO declined to accept any tender on the following grounds:

- one tender did not meet the tender specifications; and
- the other tender did not satisfy the City's value for money assessment.

In accordance with relevant provisions under *Local Government (Functions and General) Regulations 1996* and the City's Purchasing Policy these goods/services will be procured by way of a request for quotation process.

RFT04/17 DEVELOPMENT AND DETAILED DESIGN OF BUSSELTON FORESHORE JETTY PRECINCT PLAY SPACE

The City of Busselton invited tenders for the detailed design of the Busselton Foreshore Jetty Precinct Play Space. The tender was advertised on 8 April 2017, with a closing date of 5 May 2017. A total of 7 tenders were received. The value of the contract is not expected to exceed the CEO's delegated authority. As part of the evaluation process, four preferred tenderers were identified and asked to conduct a presentation to Council. Following the presentation, a preferred tenderer will be selected and a recommendation report presented to the CEO.

RFT05/17 BUSSELTON FORESHORE CENTRAL EAST CAR PARK

The City of Busselton invited tenders for the construction of a new car park located at the Busselton foreshore known as the Busselton Foreshore Central East Car Park. The tender was advertised on 18 March 2017, with a closing date of 4 April 2017. A total of 7 tenders were received. The evaluation has been completed and the contract awarded by the CEO under delegated authority to Leeuwin Civil Pty Ltd.

RFT06/17 VASSE SPORTING PRECINCT STAGE 2 – SUPPLY & INSTALL TURF

The City of Busselton invited tenders for the supply and installation of roll on turf as part of the Vasse Sporting Precinct Development (Stage 2). The tender was advertised on 18 March 2017, with a closing date of 5 May 2017. A total of 4 tenders were received. The evaluation has been completed and the contract awarded by the CEO under delegated authority to 3 Vines Management Co Pty Ltd T/A True Blue Turf.

RFT07/17 BUSSELTON JETTY PRECINCT PROMENADE

The City of Busselton invited tenders for the construction of a new footpath promenade located at the Busselton foreshore, known as the Jetty Precinct Promenade. The tender was advertised on 29 April 2017, with a closing date of 18 May 2017. A total of 3 tenders were received. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in June 2017.

RFT08/17 BUSSELTON FORESHORE GOOSE CAR PARK

The City of Busselton invited tenders for the construction of a new car park located at the Busselton foreshore known as the Busselton Foreshore Goose Car Park. The tender was advertised on 13 May 2017, with a closing date of 30 May 2017. The value of the contract is not expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to the CEO in June 2017.

RFT09/17 UPGRADE OF QUEEN STREET (NORTH)

The City of Busselton invited tenders for the upgrade of the northern section of Queen Street, Busselton. The tender was advertised on 13 May 2017, with a closing date of 31 May 2017. The value of the contract is expected to exceed the CEO's delegated authority. It is anticipated the evaluation will be completed and a recommendation report presented to Council in June 2017.

15.1.3 MERG

The minutes of the MERG Meeting held on 2 May 2017 are available to view at Attachment C.

15.1.4 Busselton Jetty Reference Group

The minutes of the Busselton Jetty Reference Group Meeting held on 28 April 2017 are available to view at Attachment D.

15.1.5 South West Zone - WALGA

The summary of the south west zone actions sheet can be viewed at Attachment E.

Council Decision and Officer Recommendation

C1706/130 Moved Councillor R Bennett, seconded Councillor T Best

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

- 15.1.1 Planning and Development Statistics
- 15.1.2 Current Active Tenders
- 15.1.3 MERG
- 15.1.4 Busselton Jetty Reference Group
- 15.1.5 South West Zone - WALGA

CARRIED 9/0

EN BLOC

10.3 Policy and Legislation Committee - 18/05/2017 - REVIEW OF POLICY 192 VANDALISM - REWARD FOR CONVICTION AND ASSOCIATED INSTRUMENT OF DELEGATION GV1 - GRAFFITI VANDALISM ACT 2016

SUBJECT INDEX:	Policies, Plans and Procedures
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Policy 192 Vandalism - Reward for Conviction⇒ Attachment B Revised Policy 192 Vandalism - Reward for Conviction showing proposed tracking changes⇒ Attachment C Proposed New Delegation GV1 - Graffiti Vandalism Act 2016⇒

This item was considered by the Policy and Legislation Committee at its meeting on 18 May 2017, the recommendations from which have been included in this report.

PRÉCIS

As part of Council's ongoing policy review process, the Vandalism – Reward for Conviction Policy 192 is presented for review and updating.

In addition this report recommends to Council to delegate to the Chief Executive Officer (CEO) the authority to exercise any of the local government's powers or the discharge of any of its duties under part 3 of the *Graffiti Vandalism Act 2016*. A proposed new delegation is attached (*Refer Attachment C*).

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

The Council's Vandalism – Reward for Conviction Policy 192 was last before the Council in November 2012. At that time a proposal from officers was presented to the Policy and Legislation Committee for revocation of this policy on the basis that a reward could be arranged in the absence of a policy should the need arise. However, the Committee felt that a statement of commitment from the Council regarding its response to acts of vandalism was desired and that the amount should be proportionate to the damage and at the discretion of the CEO. The policy was rewritten to reflect the Committee's views and the amended policy was subsequently adopted by the Council (C1211/324).

Since adoption of this Policy the WA State Parliament has introduced specific legislation that deals with Graffiti. The Graffiti Vandalism Act was passed in 2016 and provides for:

- Graffiti Offenses;
- Local Government Powers; and
- Notices, Objections and Powers of Entry.

Section 16 of the Act provides that a local government may delegate to the CEO the exercise of its powers and duties.

It is proposed that Council delegate to the CEO those powers and duties contained in the Act.

Pursuant to Section 5.46(2) of the *Local Government Act 1995* (the Act), delegations are to be reviewed on an annual basis.

The opportunity has also been taken to further review Policy 192 Vandalism – Reward for Conviction.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government's policies.

In accordance with Section 5.42(1)(a) of the Act Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43. The Act prescribes that any such delegation requires an Absolute Majority vote of Council.

In accordance with Section 16(1) of the *Graffiti Vandalism Act 2016* Council may exercise its power of delegation to the CEO to exercise any of the local government's powers or the discharge of any of its duties provided for in Part 3 of the Graffiti Vandalism Act 2016.

RELEVANT PLANS AND POLICIES

This report proposes adoption of revised Council Policy 192 Vandalism – Reward for Conviction with minor amendments and adoption of Proposed New Delegation GV1 – Graffiti Vandalism Act 2016.

FINANCIAL IMPLICATIONS

Any reward offered could ultimately be accommodated utilising existing budget provisions that have been established for the care, control and maintenance of Council property. In the event the damage to Council property is to such an extent that a larger amount to be offered was warranted, Council could consider a specific allocation of funds at that time under the recommendation of Council officers.

Long-term Financial Plan Implications

There are no long-term financial plan implications associated with either of these matters.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the Council's Key Goal Area 2 – 'Places and Spaces' and more specifically Community Objective 2.2 – 'Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities'.

RISK ASSESSMENT

The revised policy and proposed new delegation will allow for implementation of a relatively straight forward administrative process and is therefore considered "low risk" with no risks identified as "medium" or "greater".

CONSULTATION

As both these matters are of internal focus, it is considered that no public consultation is required.

OFFICER COMMENT

As a result of this review it is recommended that minor amendments be made within the content area of the policy to better reflect the desired outcome of minimising and reducing future occurrences of vandalism against City property.

A revised Policy is attached showing proposed changes (*Attachment B*).

The *Graffiti Vandalism Act 2016* (which came into effect on 7 October 2016), provides that local government's powers in relation to the treatment of Graffiti may be delegated to the CEO.

The main purpose of the proposed delegation is to assist with improving efficiency, to optimise use of the City's resources and seeks to avoid the requirement for officers to refer a relatively straight-forward administrative function to Council.

A proposed new delegation is attached (*Attachment C*).

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 192 Vandalism – Reward for Conviction. As a result of this review officers are recommending that minor amendments are made to the policy.

Officers are also recommending Council delegate to the Chief Executive Officer (CEO) the authority to exercise any of the local government's powers or the discharge of any of its duties under part 3 of the *Graffiti Vandalism Act 2016*.

OPTIONS

The Council may not agree to endorsement of the revised Policy and may seek to retain the existing policy in its current format.

In addition the Council may not agree to endorsement of the proposed new Council Delegation to the CEO.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy and new delegation would become effective immediately upon adoption of Council.

Council Decision / Committee Recommendation and Officer Recommendation**C1706/131**

Moved Councillor G Bleachmore, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

- (1) Adopts the revised Policy 192 Vandalism – Reward for information relating to the damage of Council Property as shown in Attachment A;
and
- (2) Adopts the proposed New Delegation GV1 Graffiti Vandalism Act 2016 as shown in Attachment C.

CARRIED 9/0

13. COMMUNITY AND COMMERCIAL SERVICES REPORT

13.1 MARKETING AND EVENTS REFERENCE GROUP OUTCOMES

SUBJECT INDEX:	Events Regional Economic Development Tourism Development Sponsorship & Grant Applications
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Commercial Services
ACTIVITY UNIT:	Commercial Services
REPORTING OFFICER:	Events Coordinator - Peta Tuck
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

DISCLOSURE OF INTEREST	
Date	14 June 2017
Meeting	Council
Name/Position	Ross Paine, Councillor
Item No./Subject	13.1 - Marketing and Events Reference Group Outcomes
Type of Interest	Impartiality Interest
Nature of Interest	I'm a committee member (treasurer) of the Busselton Runners Club, which organises the Busselton Half Marathon. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider the item solely on its merits and vote or act accordingly.

PRÉCIS

A meeting of the Marketing and Events Reference Group (MERG) was held on Tuesday 2 May 2017. This report presents the recommendations from this meeting.

BACKGROUND

The Council, at its meeting of 13 April 2011 (C1104/114), resolved to endorse the implementation of a differential rating system whereby properties rated within the Industrial and Commercial zones across the City would directly contribute toward the City's continued support of tourism, marketing and event activities. This resolution also endorsed the establishment of a 'Key Stakeholders Reference Group' (now known as the 'Marketing and Events Reference Group') to make recommendations to Council with respect to the marketing and events budget allocations.

Further to this, at its meeting of 22 June 2011 (C1106/201) Council resolved to introduce a 3% Differential Rate on the abovementioned properties and as a result, \$180k was included in the 2011/2012 budget towards events and marketing. Following this, Council progressively increased the Differential Rate, capping the Rate at 10% in 2016/17.

In the 2017/18 draft budget, \$647,400 has been allocated to the Differential Rates budget, with a proposed split of \$347,400 for events and \$300k for marketing.

A meeting of the Marketing and Events Reference Group (MERG) was held on Tuesday 2 May 2017, to discuss the 2017/18 Round 1 Event Sponsorship Programme. This report provides recommendations on the proposed funding allocations to these events.

STATUTORY ENVIRONMENT

Nil

RELEVANT PLANS AND POLICIES

The recommendations are in line with Council policies.

FINANCIAL IMPLICATIONS

At the 21 July 2016 Council meeting, Council resolved to include a 1% increase in the Industrial and Commercial Differential Rate from 9% to 10% in the 2016/17 budget (C1607/157), resulting in an allocation of \$624k for events and marketing, with a split of 75/25 (\$468k/\$156k) respectively. At the end of the 2015/16 financial year an allocation of \$8,488 was unspent and at the Special Council Meeting on 21 July 2016, Council resolved to carryover the unspent allocation in the 2016/17 Differential Rate events budget, bringing the total to \$476,488.

Further to this, \$268k was allocated towards events from the 2016/17 municipal budget. This excludes budgetary allocations for the Leavers Week event, administration, and events staffing.

On 30 March 2017 the Events Coordinator that the Busselton Festival of Paddle event would not be taking place in April 2017, and therefore would not require the \$5k funding allocated to the event in the 2016/17 Events Sponsorship Programme (Round 1).

With this event cancellation, a total of \$9,063 remains in the 2016/17 Differential Rate events budget and Officers recommend that this amount is carried over into the 2017/18 Differential Rate events budget. Further it is recommended that the \$156k marketing budget be transferred to the Airport Marketing Reserve as part of the City's required contribution towards an airline incentive package for the Busselton-Margaret River Airport (BMRA) Development Project.

The 2017/18 draft budget includes an allocation of \$647,400 in the Differential Rates budget, with a proposed split of \$347,400 for events and \$300k for marketing.

Funds already committed to Multi Year Agreements through the 2017/18 Differential Rates Events Budget totals \$160,800, leaving a total of \$186,600 to be allocated to Rounds 1 and 2 of the 2017/18 Events Sponsorship Programme.

Additionally, \$232,400 has been committed to Multi Year Agreements through the 2017/18 Municipal Budget, leaving a total of \$35,600 for events.

Based on the City's commitment towards the BMRA Development Project airline incentive package, and through the draft 2017/18 budget process, \$300k has been allocated to be transferred from the Differential Rates Marketing Budget to the Airport Marketing Reserve.

Long-term Financial Plan Implications

The marketing and events budget, including both the municipal contribution and funds generated through the Differential Rate, are in line with the City's Long Term Financial Plan.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 2** – 'Place and Spaces Vibrant, attractive affordable' and more specifically **Community Objective 2.2** – 'Attractive parks and open

spaces that create opportunities for people to come together, socialise and enjoy a range of activities.

RISK ASSESSMENT

The recommendations contained within this report are considered low risk and as such a formal risk assessment is not provided.

CONSULTATION

Consultation has been undertaken with members of the Marketing and Events Reference Group, consisting of representatives from the Busselton Chamber of Commerce and Industry, Dunsborough Yallingup Chamber of Commerce and Industry, Geographe Bay Tourism Association and Conservation Association, Busselton Jetty Environment and Conservation Association and the City of Busselton.

OFFICER COMMENT

The Marketing and Events Reference Group has been established with representatives from the City of Busselton, local Chambers of Commerce, the Margaret River Busselton Tourism Association, and the Busselton Jetty Environment and Conservation Association. A Terms of Reference guides the operations of the Group and an Events Sponsorship Programme has been developed.

Supporting the development and attraction of new events throughout the year, the Events Sponsorship Programme promotes the City of Busselton as an attractive host and event tourism destination for a range of events. The City, through the programme has attracted exciting new events to boost the local economy through event tourism.

Round 1 Event Sponsorship Programme 2017/18

Advertising for Round 1 of the 2017/18 Event Sponsorship Programme opened 1 March 2017 and closed 31 March 2017. A total of twenty-five (25) applications were received, requesting a total of \$299,734 in funding. Of these, 13 requests were for multi-year agreements and 12 were for single year agreements.

Additionally, five (5) events that are currently funded through the 2016/17 Municipal Budget have re-applied for funding, requesting a total of \$34,500 in 2017/18. The Events team evaluated all funding applications, applying the Strategic Funding Guidelines of economic impact, strategic alliance to off-peak and cultural events, destination tourism, social benefits and environmental impact. An overall score out of 100 was allocated and funding recommendations were based on this.

MERG members discussed each application and recommend the following funding allocations:

Applications for funding through Differential Rate Events Budget

Event	New MYA application/ Existing 2016/17 MYA or Single Year	Requested	MERG Recommend
Busselton Spring Running Festival	Existing MYA expires 2016/17	2017/18 \$6,000 2018/19 \$6,000 2019/20 \$6,000	\$0
Down South MTB Festival	Existing MYA expires 2016/17	2017/18 \$8,000 2018/19 \$7,500 2019/20 \$7,000	2017/18 \$3,000 (single year agreement recommended- new event organiser)
South West Wellness Expo	New application - Single Year	\$3,780	\$0*
Make Smoking History Forest Rally	Existing MYA expires 2016/17	2017/18 \$15,000 2018/19 \$15,000 2019/20 \$15,000	2017/18 \$12,500 2018/19 \$12,500 2019/20 \$12,500
Wonderful Indonesia Getaway 2017	New application - Single Year	\$3,050	\$0*
Busselton Half Marathon & Fun Run	Existing MYA expires 2016/17	2017/18 \$4,800 2018/19 \$5,000 2019/20 \$5,200	2017/18 \$2,500 2018/19 \$2,500 2019/20 \$2,500

Jazz by the Bay	Existing MYA expires 2016/17	2017/18 \$50,000 2018/19 \$50,000 2019/20 \$50,000	2017/18 \$45,000 2018/19 \$42,500 2019/20 \$40,000
WA Community Rugby 7's event	Single Year	\$10,000	\$3,000
Maramoo Marathon	Single year	\$6,650	\$0
X Adventure Dunsborough	Existing MYA expires 2016/17	2017/18 \$10,000 2018/19 \$10,000 2019/20 \$10,000	2017/18 \$10,000 2018/19 \$9,500 2019/20 \$9,000
Hannay Lane Street Party	Single Year	\$3,129	\$2,000
Open Water Swim	MYA Renewal Existing MYA expires 2016/17	2017/18 \$5,000 2018/19 \$5,000 2019/20 \$5,000	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000
Undalup Makuru NAIDOC Festival 2017	Single year	\$12,000 cash \$1,000 in kind	\$0*
Dunsborough Rodeo Fest	Single year	\$25,000	\$0
Community Family Walk for Health	Single Year	\$18,000	\$0*
Vineyards Challenge Weekend	Single year	2017/18 \$8,500 2018/19 \$7,500 2019/20 \$7,500	\$0
Margaret River Region Open Studios	Existing MYA expires 2016/17	2017/18 \$16,100 2018/19 \$16,100 2019/20 \$16,100	2017/18 \$8,000 2018/19 \$7,500 2019/20 \$7,000
Australian National Cherubs Championships	Single year	\$3,500	\$0*
Dunsborough Songfest	Existing MYA expires 2016/17	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000	2017/18 \$2,500 2018/19 \$2,500 2019/20 \$2,500
Cape to Cape MTB	Existing MYA expires 2016/17	2017/18 \$7,500 2018/19 \$7,500 2019/20 \$7,500	2017/18 \$5,000** 2018/19 \$5,000** 2019/20 \$5,000**
Port Geographe Blessing of the Fleet	Single year	\$3,000	\$0*
Pedal Prix WA	Existing MYA expires 2016/17	2017/18 \$25,000 2018/19 \$25,000 2019/20 \$25,000	2017/18 \$20,000 2018/19 \$20,000 2019/20 \$20,000
Ironman WA – Volunteer Program	Existing MYA expires 2016/17	2017/18 \$17,500 2018/19 \$17,500 2019/20 \$17,500	2017/18 \$17,500 2018/19 \$17,500 2019/20 \$17,500
Ironman WA – FOC Rooms	Existing MYA expires 2016/17	2017/18 \$9,625 2018/19 \$9,625 2019/20 \$9,625	2017/18 \$9,625 2018/19 \$9,625 2019/20 \$9,625
Yalambi Spring Jumping Classic	Single year	\$10,000	\$0
Jetty Swim (25 th Anniversary celebrations)	Single year additional to MYA Muni	2017/18 \$15,600 2018/19 \$15,600 2019/20 \$20,600	2017/18 \$15,600 2018/19 \$15,600 2019/20 \$20,600
TOTALS		2017/18 \$299,734 2018/19 \$200,325 2019/20 \$205,025	2017/18 \$159,225 2018/19 \$147,725 2019/20 \$149,225

* Officers to recommend application for funding through the Donations, Contributions and Subsidies Fund.

** Contract to stipulate minimum one (1) day of the event each year must be held within the City of Busselton for funding to be paid.

Based on the above recommendation, a total of \$27,375 remains for the events Sponsorship Programme - Round 2 to be funded through the Differential Rate events budget.

Applications for funding through Municipal Budget

Event	New/Renewed MYA or Single Year	Requested	(MERG) Recommend
Carols by the Jetty	Existing MYA expires 2016/17	2017/18 \$4,500 2018/19 \$4,500 2019/20 \$4,500	2017/18 \$2,000 2018/19 \$2,000 2019/20 \$2,000
Festival of Busselton	Existing MYA expires 2016/17	2017/18 \$7,000 2018/19 \$8,000 2019/20 \$9,000	2017/18 \$7,000 2018/19 \$7,000 2019/20 \$7,000
Rotary Australia Day Breakfast	Existing MYA expires 2016/17	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000
Geographe Bay Race Week	Existing MYA expires 2016/17	2017/18 \$20,000 2018/19 \$20,000 2019/20 \$20,000	2017/2018 \$5,000
TOTALS		2017/18 \$34,500 2018/19 \$35,500 2019/20 \$36,500	2017/18 \$17,000 2018/19 \$12,000 2019/20 \$12,000

MERG recommend a total of \$17,000 be funded in Round 1 from the 2017/2018 Municipal Events Budget, leaving a total of \$18,600 remaining for Round 2.

CONCLUSION

The Marketing and Events Reference Group (MERG) has been assigned by Council to make recommendations on the way in which funds raised through the Industrial and Commercial Differential Rate for the purposes of events and marketing are allocated. This report contains the recommendations made at the 2 May 2017 meeting, which if endorsed by Council, will result in the continuation of high quality events being held within the region, supported by successful marketing promotions. All recommendations support Council's vision of being recognised as the 'Events Capital WA.'

OPTIONS

Council may choose not to support the recommendations made by the Marketing and Events Reference Group and resolve not to endorse part or all of the recommendations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council's decision, the outcomes will be communicated to all members of the Marketing and Events Reference Group and relevant event organisers for their information and implemented where required.

Council Decision and MERG Recommendation**C1706/132**

Moved Councillor P Carter, seconded Councillor J McCallum

That Council;

1. As part of the Events Sponsorship Programme endorses the funding allocation towards the following events to be funded from the 2017/18 Differential Rate Events Budget:

Event	MERG Recommend
Busselton Spring Running Festival	\$0
Down South MTB Festival	2017/18 \$3,000
South West Wellness Expo	\$0*
Make Smoking History Forest Rally	2017/18 \$12,500 2018/19 \$12,500 2019/20 \$12,500
Wonderful Indonesia Getaway 2017	\$0*
Busselton Half Marathon & Fun Run	2017/18 \$2,500 2018/19 \$2,500 2019/20 \$2,500
Jazz by the Bay	2017/18 \$45,000 2018/19 \$42,500 2019/20 \$40,000
WA Community Rugby 7's event	2017/18 \$3,000
Maramoo Marathon	\$0
X Adventure Dunsborough	2017/18 \$10,000 2018/19 \$9,500 \$2019/20 \$9,000
Hannay Lane Street Party	\$2,000
Open Water Swim	2017/18 \$3,000 2018/19 \$3,000 2019/20 \$3,000
Undalup Makuru NAIDOC Festival 2017	\$0*
Dunsborough Rodeo Fest	\$0
Community Family Walk for Health	\$0*
Vineyards Challenge Weekend	\$0
Margaret River Region Open Studios	2017/18 \$8,000 2018/19 \$7,500 2019/20 \$7,000
Australian National Cherubs Championships	\$0*
Dunsborough Songfest	2017/18 \$2,500 2018/19 \$2,500 2019/20 \$2,500
Cape to Cape MTB	2017/18 \$5,000 2018/19 \$5,000 2019/20 \$5,000
Port Geographe Blessing of the Fleet	\$0*
Pedal Prix WA	2017/18 \$20,000 2018/19 \$20,000 2019/20 \$20,000

Ironman WA – Volunteer Program	2017/18	\$17,500
	2018/19	\$17,500
	2019/20	\$17,500
Ironman WA – FOC Rooms	2017/18	\$9,625
	2018/19	\$9,625
	2019/20	\$9,625
Yalambi Spring Jumping Classic	\$0	
Jetty Swim (25 th Anniversary celebrations)	2017/18	\$15,600
	2018/19	\$15,600
	2019/20	\$20,600
TOTALS	2017/18	\$159,225
	2018/19	\$147,725
	2019/20	\$149,225

* Officers to recommend application for funding through the Donations, Contributions and Subsidies Fund.

- As part of the Events Sponsorship Programme endorses the funding allocation towards the following events to be funded from the 2017/18 Municipal Events Budget:

Event	MERG Recommend	
Carols by the Jetty	2017/18	\$2,000
	2018/19	\$2,000
	2019/20	\$2,000
Festival of Busselton	2017/18	\$7,000
	2018/19	\$7,000
	2019/20	\$7,000
Rotary Australia Day Breakfast	2017/18	\$3,000
	2018/19	\$3,000
	2019/20	\$3,000
Geographe Bay Race Week	2017/18	\$5,000
TOTALS	2017/18	\$17,000
	2018/19	\$12,000
	2019/20	\$12,000

- Endorses the remaining \$156k in the 2016/17 Differential Rate Marketing Budget be transferred to the Airport Marketing Reserve.

CARRIED 9/0

12. ENGINEERING AND WORKS SERVICES REPORT

12.1 TENDER AWARD RFT 09-17 – UPGRADE OF QUEEN STREET (NORTH)

SUBJECT INDEX:

STRATEGIC OBJECTIVE:	Assets are well maintained and responsibly managed.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Confidential Recommendation Report

Attachment A is confidential under section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with “a contract entered into or which may be entered into, by the local government”. Copies have been provided to Councillors, the Chief Executive Officer and Directors only.

This item is presented for Council consideration for acceptance as a late Item for the 7th June 2017 Agenda Council Meeting so that the award of Tender can be awarded and construction can commence.

PRÉCIS

The City of Busselton invited RFT 09/17 Upgrade of Queen Street (North) Construction and received five submissions. This report summarises the tender responses and makes recommendation to award the tender.

BACKGROUND

The objectives of this Request for Tender are to appoint a suitably qualified contractor for the Construction of Queen Street North located at the Busselton Foreshore for the City of Busselton.

This Request for Tender specified the requirements of the City and invited suitably qualified and experienced respondents to submit bids to enter into a Contract for the Construction of Queen Street North from Marine Terrace to Foreshore Parade, in accordance with the detailed design and specification sent out in the request for tender.

The requirements for the Queen Street upgrade include:

- Relocation and Upgrade of services
- Removal and disposal of existing infrastructure
- Construction of upgraded roundabout at the intersection of Marine Terrace and Queen Street
- Reconstruction and upgrade of Queen Street from Marine Terrace to Foreshore Parade.
- Upgrade of Parking Bays along Queen Street.
- Installation of Rain Gardens and landscaping to new medians and adjacent to the road
- Upgrade and installation of Street and feature lighting.
- Upgrade to general street scape including new footpaths, limestone seating walls and bollards.
- Specific timelines for the completion of works

The successful tenderer will be reporting to the Director of Engineering and Works Services to fulfil the requirements as described in this report. The contract will be a construction only contract.

The Request for Tender for the construction of the Queen Street Upgrade was advertised from 14th May 2017 for a period of 17 days closing on the 31st May 2017.

The City received twenty two (22) requests for the tender documents and received five (5) tender responses. A tender evaluation panel was formed to evaluate all tender submissions and prior to the evaluation meeting, each panel member was provided with a copy of each submitted tender and a copy of the Evaluation Score sheet and Panel Guide. Each panel member then scored each tender, with the scores being averaged to determine a final score.

The Evaluation Panel met on 2nd June 2017 to discuss and evaluate each tender submission. The basis for the scoring and rationale for each score was discussed and final comments for the averaged scores agreed upon.

A rating scale of zero to five (0 – 5) was used for evaluating each tender submission in accordance with the Qualitative Criteria, with 0 being lowest and 5 being highest. The scoring has taken place in accordance with the RFT – Evaluation Scoring Guide and Procedural Fairness Guidelines as published by WALGA.

A comprehensive summary of these responses and pricing schedules has been included in the confidential attachment.

STATUTORY ENVIRONMENT

Section 3.57 of Local Government Act 1995 requires “A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services”.

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.

RELEVANT PLANS AND POLICIES

The City’s Busselton Foreshore Master Plan includes construction of coastal defences to the West of the Busselton Jetty as part of the Busselton Foreshore Development.

The City’s purchasing, tender selection criteria, occupational health and safety and engineering technical standards and specifications, were all relevant to this tender and have been adhered to in the process of requesting and evaluating tenders

FINANCIAL IMPLICATIONS

The total budget for the Construction of the Upgrade of Queen Street North (Road) and the section of landscaping and footpath which connects from Queen Street to the Promenade and abutment is \$830,000.

The section of landscaping and footpath which connects from Queen Street to the Promenade will be constructed under a separate contract which will form part of the Jetty Precinct high amenity project/contract (yet to be issued).

To date tender preparation costs associated with these works have been completed in house. From the above budget, to date the City has expended \$77,000 for detailed design and for the purchase of principal supplied materials being street lights and bespoke bollards for issue to the preferred contractor.

The tender contract value will be \$648,365.55 (ex GST) which is on budget.

The above contract value includes a provisional sum of \$100,000 for landscaping. This may be done in house should it be possible to complete at a lower rate. The above contract does not include any variations. Due to the nature of these works there is the potential of an unforeseen element which may require a variation to be paid to the contractor.

It is expected that any variation will be paid from the \$830,000 budget, but will not exceed the budget.

Long-term Financial Plan Implications

This is incorporated in the 2016/17 and 2017/18 budgets and Long Term Financial Plan onwards.

STRATEGIC COMMUNITY OBJECTIVES

The construction of the Queen Street Upgrade (North) is consistent with following the City of Busselton's strategic objectives:

- Well Planned, Vibrant and Active Places;
- Infrastructure Assets that are well maintained and responsibly managed to provide for future generations.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officers Recommendation has been undertaken using the City's risk assessment framework. The assessment sought to identify 'downside' risks only rather than 'upside' risks and where the risk, following implementation of controls has been identified as medium or greater are included below;

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
The contractor fails to complete the project by specified deadline.	Weekly project meetings to monitor progress. Liquidated damages to be imposed for delays that cause loss to City.	Medium	Likely	Medium
The contractor causes delays or losses to other contractors working on the Busselton Foreshore project.	Monitor contractors' compliance with requirement to work/co-ordinate with other contractors.	Medium	Likely	Medium
The costs associated with the construction is over the Council endorsed budget due to variations to the contractors scope of work.	Tender contract terms & conditions; Weekly project meetings to monitor progress and any variations to scope.	Medium	Likely	Medium
The contractor fails to construct the works in accordance with the design.	This is a construction contract. Contractor to provide sign off on construction in accordance with design and specified hold points. City supervision.	High	Unlikely	Medium

CONSULTATION

NIL with reference to the award of the Contract.

The preferred tenderer will be required to close down Queen Street for a period of time (to be negotiated) for a more efficient and reduced construction period. This will be perceived as a negative impact for access to the foreshore for this period of time. Alternative access is available to the foreshore along Jetty Way, Geographe bay Road and West Street.

OFFICER COMMENT

The tender assessment was carried out by a tender review panel consisting of Rob Penfold, Manager of Major Projects, Leon Kruger, Contract Admin and Technical Officer (Major Projects) and Lisa McDonald, Contract and Tendering Officer. Tender submissions were received from the following organisations:

- Advantesting Civil Engineers
- BCL Group Pty Ltd
- Carbone Brothers
- Leeuwin Civil Pty Ltd
- BCP Contractors Pty Ltd

All tenders were found to comply with the terms and conditions and mandatory requirements of the RFT. Accordingly, each tender was scored according to the qualitative criteria endorsed by Council and included in the tender documentation as follows:

Criteria Weighting

(a)	Relevant Experience	15%
(b)	Key Personnel Skills and Experience	15%
(c)	Tenderer's Resources	10%
(d)	Demonstrated Understanding	20%

The net tendered price was scored using the 'Average Based Scoring Method' recommended by WALGA in the 'Local Government Purchasing and Tender Guide'.

The panel members individually assessed the compliance and qualitative criteria and then applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender. The Confidential report attached provides further detail in relation to the relative merits of each of the individual tenderers. Following this evaluation, BCL Group Pty Ltd is the preferred tenderer for the reasons outlined in the confidential report.

CONCLUSION

The tender evaluation panel have completed their assessment in line with the City's tender process and Officers now recommend the Council award RFT 09/17 Upgrade of Queen Street (North) located at the Busselton Foreshore to BCL Group Pty Ltd.

OPTIONS

The Council may consider the following alternate options:

1. The Council choose not to accept the Officers Recommendation and award the Tender to an alternate tenderer. In the view of the Officers this could result in a Tender being awarded to a tenderer that has not presented the “best value” for money offer.
2. The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the Busselton Foreshore Development project

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender can be made immediately after the Council has endorsed the Officers recommendation. Subject to finalisation of a number of minor non contractual issues, the successful tenderer will receive formal written notification within seven (7) days of the resolution. All unsuccessful tender applicants will also be notified at this time.

This report was accepted by Council as a late item.

Council Decision and Officer Recommendation**C1706/133**

Moved Councillor T Best, seconded Councillor P Carter

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Endorses the outcomes of the evaluation panel’s assessment in relation to Tender RFT 09/17 Upgrade of Queen Street (North) for which has resulted in the tender submitted by BCL Group Pty Ltd being ranked as the best value for money.
2. Delegate authority to the CEO to award the contract for Tender RFT 09/17 Upgrade of Queen Street (North) to BCL Group Pty subject to successful negotiations of non-contractual issues.

CARRIED 9/0

- * The Officer Recommendation was moved noting that the contract will be for an amended value of \$698,365.55 excluding GST.

11. PLANNING AND DEVELOPMENT SERVICES REPORT

Nil

14. FINANCE AND CORPORATE SERVICES REPORT

Nil

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16. CONFIDENTIAL REPORTS

Nil

17. QUESTIONS FROM MEMBERS

Nil

18. PUBLIC QUESTION TIME

Nil

19. NEXT MEETING DATE

Wednesday, 28 June 2017

20. CLOSURE

The meeting closed at 5.37PM.

THESE MINUTES CONSISTING OF PAGES 1 TO 36 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 28 JUNE 2017.

DATE: _____ PRESIDING MEMBER: _____