



# City of Belmont

## SPECIAL COUNCIL MEETING

### MINUTES

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5 October 2017

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#### ATTACHMENTS INDEX

Attachment 1 – Item 7.1 refers

Councillors are reminded to retain the SCM Attachments for discussion with the Minutes

## MINUTES

### PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr P Hitt ( <i>arr 6.20pm</i> )	West Ward
Cr M Bass	East Ward
Cr B Ryan ( <i>arr 6.13pm</i> )	East Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

### IN ATTENDANCE

Mr R Garrett	A/Chief Executive Officer
Mrs J Hammah	Director Community and Statutory Services
Mr J Olynyk, JP	A/Director Corporate and Governance
Mr S Morrison	A/Director Technical Services
Ms L Bradley	Manager Marketing and Communications
Mr J Hardison	Manager Property and Economic Development
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

### MEMBERS OF THE GALLERY

There were six members of the public in the gallery and no press representative.

## 1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6.03pm, welcomed those in attendance, and read the Acknowledgement of Country.

***It is important that we acknowledge the traditional owners of the land on which we are meeting today the Noongar Whadjuk people and pay respect to Elders both past and present.***

The Presiding Member invited Cr Bass to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Bass read aloud the affirmation.

**Affirmation of Civic Duty and Responsibility**  
***I make this Affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgment and ability. I will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.***

## 2. APOLOGIES AND LEAVE OF ABSENCE

Cr L Cayoun (Apology)  
Cr P Gardner (Apology)  
Mr R Lutey (Apology)

West Ward  
South Ward  
Director Technical Services

## 3. DECLARATIONS OF INTEREST

### 3.1 FINANCIAL INTERESTS

Nil.

### 3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

## 4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

### 4.1 ANNOUNCEMENTS

Nil.

#### **4.2 DISCLAIMER**

**6.05pm** The Presiding Member drew the public gallery's attention to the Disclaimer.

*I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise that any decisions made at the meeting tonight, can be revoked, pursuant to the Local Government Act 1995.*

*Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.*

*Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.*

#### **4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING**

Nil.

#### **5. PUBLIC QUESTION TIME**

##### **5.1 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**6.05pm** The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda and advised that all questions from the gallery must be relevant to the agenda item for this meeting. In accordance with rule (I), the Mayor advised that he had registered one member of the public who had given prior notice to ask a question.

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. No further registrations were forthcoming.

##### **5.1.1 MS J GEE, 97 GABRIEL STREET, CLOVERDALE**

1. What was the total area of the original Senior Citizens building, including storage, and what size will the area allocated to Senior Citizens in the new Community Building be?

##### **Response**

The A/Chief Executive Officer advised that the question would be taken on notice.

**6.07pm** As there were no further questions, the Presiding Member declared Public Question Time closed.

**6. QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN  
(WITHOUT DISCUSSION)**

**6.1 CR P GARDNER**

1. Why is this item required to be discussed and resolved at an out-of-cycle Council Meeting? (ie: why was this not included in the September OCM last week, or considered as a component of the October OCM)?

**Response**

**The construction tender evaluation and report preparation process highlighted last week, after the Ordinary Council Meeting, the necessity to advertise a Business Plan due to the commercial component of the project. The Officer report clearly outlines the need to have this addressed as a matter of urgency in order to maintain the 90 day validity period associated with the tender process, hence tonight's special meeting.**

2. What public advertising was undertaken for this Special Council Meeting (ie: print, website, social media etc.)?

**Response**

**A notice was placed on the City's website on Monday, 2 October 2017. No other advertising was undertaken as it was not practicable in this circumstance as determined by the Chief Executive Officer.**

3. Given that almost 2,000 people follow the City of Belmont Facebook page, is this not a more effective mechanism to advertise all public notices and promote community input?

**Response**

**It is not the current practice, although there is merit in the idea and the Chief Executive Officer will undertake to consider this suggestion.**

4. Regarding the financial implications for the project (approximately \$40m), what were the various aggregate estimates produced by City of Belmont and external advisers since 2013? What has caused any variation to each of these estimates?

**Response**

**The cost estimates associated with the concept and initial design between 2013 and the end of 2015 ranged between \$21M and \$38M. These concepts were preliminary in nature which led to the more detailed design phase during 2016. Below is a summary of the cost estimates prepared for the Community Centre project (all amounts exclude GST) from 2016 onwards.**

- **Updated Concept Design, September 2016: \$39,316,000, estimated by Ralph Beattie Bosworth, who was subsequently engaged by Bollig Design Group (an Architect).**
- **Updated Concept Design (post Value Management Review), November 2016: \$38,731,000, again estimated by Ralph Beattie Bosworth for Bollig Design Group.**

*Item 6.1 Continued*

- **Final Detailed Design, March 2017: \$38,810,206, again estimated by Ralph Beattie Bosworth for Bollig Design Group.**
- **Final Documented Design (Pre-Tender), June 2017: \$40,163,300, again estimated by Ralph Beattie Bosworth for Bollig Design Group.**

**In considering the GHD Woodhead and Bollig Design Group designs, the largest difference is between the July 2015 and September 2016 estimates and is broadly associated with:**

1. **The inclusion of 5-star Green Star ESD initiatives**
2. **The inclusion of an allowance for loose furniture fitout, and mostly**
3. **Design-related factors that were either not fully known or resolved in the preliminary concept design prepared by GHD Woodhead.**

**The difference between the September 2016 and November 2016 estimates (a reduction) was an outcome of implementing Value Management initiatives that were identified in a review in October 2016 following the OCM in September 2016.**

**The difference between the November 2016 and March 2017 estimates (an increase) is broadly associated with refinements to the design of the building through the detailed design process.**

**The difference between the March 2017 and June 2017 estimates (an increase) is primarily associated with the anticipated extent of dewatering works.**

5. **Have there been other examples of significant decisions made by the Council in the past 20 years, so close to the Council elections, with the potential for new Councillors to be elected?**

**Response**

**The decision before Council tonight is that of advertising a Business Plan inviting public submissions. This will lead to a further decision dealing with any submissions to be dealt with by Council on the 22 November 2017, after the Council election. The process associated with the Faulkner Civic Precinct Community Centre has been ongoing for almost a decade and covered four if not five election cycles. Decisions over this period have been made by a number of different Councils, all supporting the need for this important Community facility. The key decision points have been considered as a business as usual approach regardless of election cycles and supported by the direction set in the City's Strategic Community Plan 2016-2036.**

6. **What was the final impact of the contract variation requested earlier this year?**

**Response**

**Council considered a confidential item at its meeting of 27 June 2017 dealing with a contract variation for architectural and engineering design services. The Chief Executive Officer was authorised to negotiate with Bollig Design Group to the maximum value as contained within confidential report. This matter was concluded as per Council's resolution on 11 July 2017.**

*Item 6.1 Continued*

7. Given the significant contract variation in the planning phases of the project, what contingency to the total cost has been allocated? What level of comfort can be provided to Council that this is a genuine contingency (ie over-runs, unforeseen project delays) and will not be used for anticipated construction activity?

**Response**

**Currently, the total contingency allocated to the construction phase of the project is \$1,593,000 (excluding GST) and it is intended that this will cover any unforeseen costs, to be managed in accordance with the contract.**

8. In light of the recent contract variation, what have been the outcomes created from the budgeted expenditure for a project manager, within the CEO's Department?

**Response**

**The budget allocation in the Chief Executive Officer's section of the City's Annual Budget relates to consultancy costs associated with ongoing planning of the Faulkner Park Precinct rather than the Community Building. The *Project Management Coordinator – Building* is an employee of the City within the City's Building Department. The appointment of this position has generated significant benefit to the City by way of a very strong understanding of the construction industry and its practices, and a regularly demonstrated ability to scrutinise documentation, costings and provide advice resulting in effective outcomes associated with the Community Centre at this stage. These skills are readily transferable to other projects as well, and benefits will be ongoing.**

## 7. REPORTS OF ADMINISTRATION

### 7.1 FAULKNER CIVIC PRECINCT COMMUNITY CENTRE BUSINESS PLAN – ADOPTION FOR THE PURPOSE OF INITIATING PUBLIC ADVERTISING

## BUSINESS EXCELLENCE BELMONT

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 7.1 refers	<a href="#"><u>Faulkner Civic Precinct Community Centre Business Plan</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	114/2017-09 Construction of Faulkner Civic Precinct Community Centre
Location/Property Index	:	Lot 33 (215) Wright Street, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	OCM 28 July 2015 –Item 10.4 OCM 15 December 2015 – Item 12.2 OCM 26 April 2016 – Item 12.3 OCM 26 July 2016 – Item 12.8 OCM 27 September 2016 – Item 12.2 OCM 28 February 2017 – Item 12.5 OCM 28 March 2017 – Item 12.6
Applicant	:	City of Belmont
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

### COUNCIL ROLE

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input checked="" type="checkbox"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

### PURPOSE OF REPORT

For Council to consider initiating public advertising of the Business Plan for the Faulkner Civic Precinct Community Centre in accordance with section 3.59 of the *Local Government Act 1995*.

*Item 7.1 Continued*

### **SUMMARY AND KEY ISSUES**

In accordance with section 3.59 of the *Local Government Act 1995* Council is required to prepare and advertise a Business Plan (refer [Attachment 1](#)) before entering into a major land transaction.

As the City is disposing by lease the Fit Out and Operation of a Cafe / Restaurant in the Faulkner Civic Precinct Community Centre (the Community Centre), the project is classified as a major land transaction.

This Business Plan outlines the rationale behind the intention of the City of Belmont to deliver integrated cultural and community services to a disadvantaged community through the establishment of the Community Centre. As a community hub, the Community Centre will allow for the colocation of the following uses:

- District Library and Digital Hub
- Museum
- Senior Citizens Centre
- Not for Profit organisations
- Café/restaurant
- Crèche

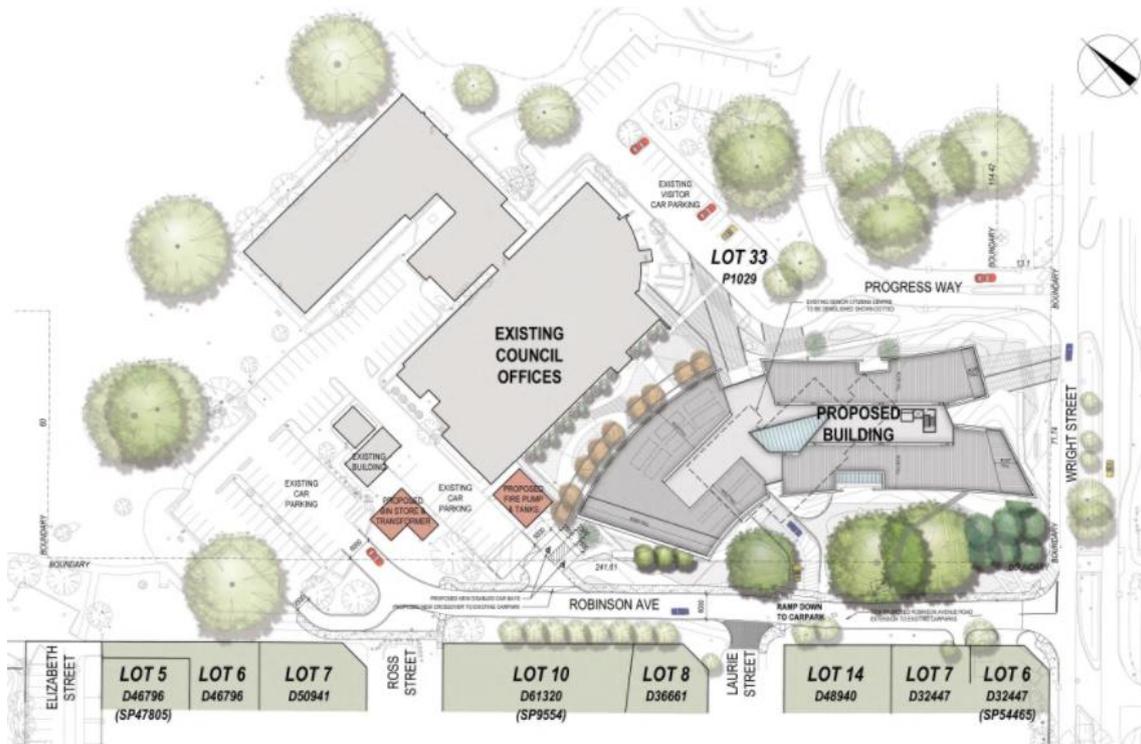
Council is required to adopt the Business Plan and advertise for public submissions for a period of six weeks. After the last day for submissions, Council will consider any submissions made and may decide to proceed with the undertaking or transaction.

The Business Plan must be adopted and advertised before Council can commence negotiations with the preferred tenderer and subsequently award the contract for Tender 09/2017 - Construction of Faulkner Civic Precinct Community Centre.

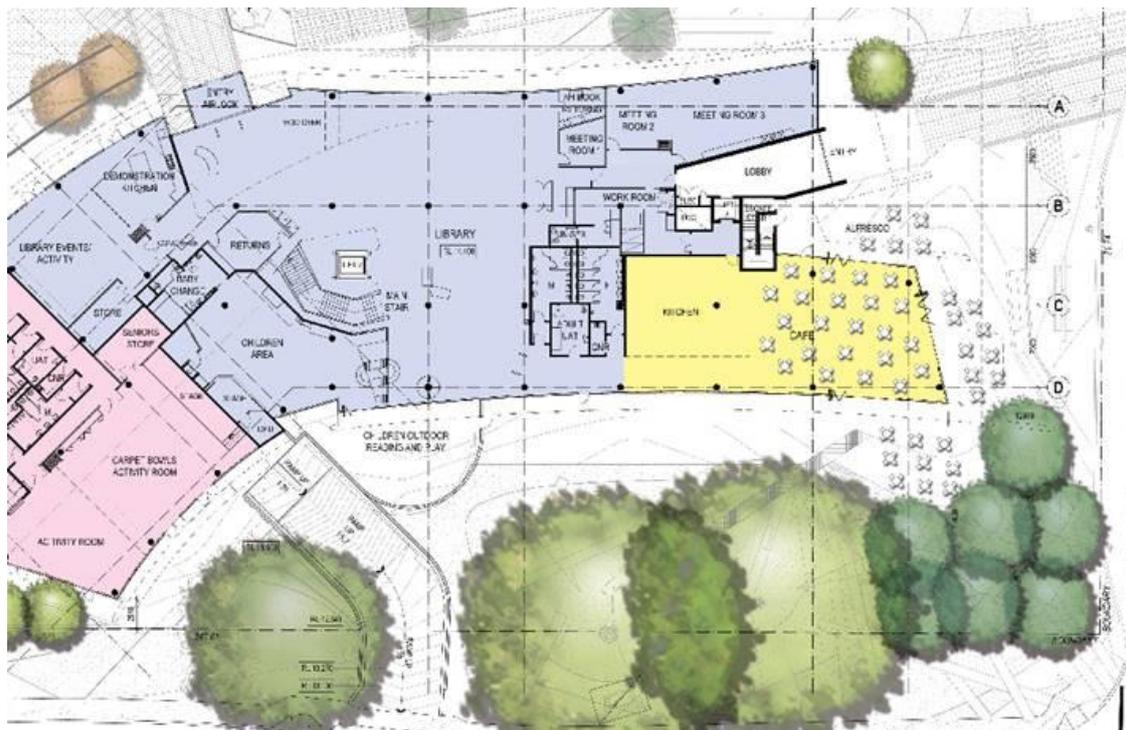
Item 7.1 Continued

**LOCATION**

The Faulkner Civic Precinct Community Centre will be located at Lot 33 (215) Wright Street, Cloverdale



It is proposed that the Cafe will be situated on the ground floor of the building as defined by the area shaded yellow in the plan below.



*Item 7.1 Continued*

## **CONSULTATION**

The Community Centre is the first project to come from the Faulkner Civic Precinct Master Plan adopted by Council at its meeting held 15 December 2015.

The consultant, GHD, undertook a comprehensive consultation phase during the period 5 May 2015 to 31 October 2015. Consultation was undertaken in two stages:

- Community survey in May 2015
- Community feedback on the draft Master Plan, including the Community Centre, throughout August, September and October 2015.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

**Objective:** Maintain Public Infrastructure in accordance with sound Asset Management practices.

**Strategy:** Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

**Corporate Key Action:** Finalise detailed drawings following a value management process. Call tenders for the construction of the Building including the demolition of the existing Seniors Centre.

## **POLICY IMPLICATIONS**

BEXB27 Financial Management – Major Land Transactions

### **Policy Objective**

To ensure specific financial management is applied to Major Land Transactions (a Major Land Transaction would be defined as per s3.59 of the *Local Government Act 1995*).

*Item 7.1 Continued*

## **STATUTORY ENVIRONMENT**

Section 3.59 of the *Local Government Act 1995* applies:

### **3.59. Commercial enterprises by local governments**

(2) *Before it —*

- (a) *commences a major trading undertaking; or*
- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

*a local government is to prepare a business plan.*

(3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) *its expected effect on the provision of facilities and services by the local government; and*
- (b) *its expected effect on other persons providing facilities and services in the district; and*
- (c) *its expected financial effect on the local government; and*
- (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) *any other matter prescribed for the purposes of this subsection.*

(4) *The local government is to —*

(a) *give Statewide public notice stating that —*

- (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
- (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*  
*and*

(b) *make a copy of the business plan available for public inspection in accordance with the notice.*

(5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

*\* Absolute majority required.*

*Item 7.1 Continued*

**BACKGROUND**

At the 15 December 2015 Ordinary Council Meeting, Council resolved the following:

ROSSI MOVED, POWELL SECONDED,

*That Council:*

1. *Authorise the Chief Executive Officer to seek tenders from suitable experienced and qualified Architects for the supply of Architectural Design Services, including all necessary sub-consultants, for the Faulkner Civic Precinct Community Centre building project.*
2. *Authorise the Chief Executive Officer to engage the services of a Green Star Accredited Professional to assist the City in seeking 'Green Star' certification for the Community Centre. The target certification under the Green Building Council of Australia's 'Green Star – Design and As Built v1' rating tool to be 5 Star.*
3. *Authorise the Chief Executive Officer to engage the services of a Project Management professional to assist the City in the efficient implementation of the Community Centre building project.*
4. *Authorise the Chief Executive Officer to commence the tender process for a potential operator for the cafe within the Community Centre.*
5. *Request the Chief Executive Officer to provide Councillors with progress reports as appropriate.*

CARRIED 6 VOTES TO 2

Subsequently, at the 26 July 2016 Ordinary Council Meeting, following a tender process, Council resolved the following:

HITT MOVED, WOLFF SECONDED,

*That Council:*

1. *Accept the tender submitted by Sapore Espresso Bar; and*
2. *Authorise the Chief Executive Officer to enter into negotiations with Sapore Espresso Bar to establish a Heads of Agreement with a view to establishing a commercial lease in accordance with Tender 03/2016 - Fit Out and Operation of Community Centre Cafe / Restaurant.*

CARRIED 6 VOTES TO 2

*Item 7.1 Continued*

### **OFFICER COMMENT**

The Café component of the Community Centre is approximately 2.5% (293m<sup>2</sup>) of the total floor area, being 11612 m<sup>2</sup>. Even though the Café is incidental to the primary purpose of the Centre and in support of the main activities it is considered commercial in nature and as such will necessitate compliance to section 3.59 “Commercial Enterprises by local government” of the Act. The City has sought legal advice which confirms this position.

Should Council resolve to proceed, Officers will advertise the Business Plan from Saturday 7 October 2017 with submissions closing Monday 20 November 2017. A further report would be prepared for Council’s consideration of any feedback, anticipated to be a Special Council Meeting.

Tenders for the construction of the Community Centre, Tender 09/2017, closed on the 31 August 2017 and have been subject to an extensive assessment. Before Council can resolve Tender 09/2017 it must complete the Business Plan submission period and assessment. It should be noted that the Tenders are valid for a period on 90 days which is set to expire on 29 November 2017.

### **FINANCIAL IMPLICATIONS**

The approximate breakdown for the cost of the Faulkner Civic Precinct Community Project and how it is to be funded is outlined in the tables below (inclusive of loose furniture fitout, public art allowance and professional fees).

<b>Financial Year</b>	<b>Approx. % of Total</b>	<b>Cost \$</b>
2017-2018	22	8,579,653
2018-2019	68	26,518,926
2019-2020	10	4,944,721
<b>Total</b>		<b>40,043,300</b>

Item 7.1 Continued

<u>Funding</u>	<b>Option A - Borrow \$20M</b>	<b>Option B - Borrow \$15M</b>
Total Cost:	\$40,043,300	\$40,043,300
<b><u>Funding:</u></b>		
Total Borrowings	\$20,000,000	\$15,000,000
Grant Funds	\$13,513,000	\$13,513,000
Reserve Funds	\$6,530,300	\$11,530,300
	<b><u>\$40,043,300</u></b>	<b><u>\$40,043,300</u></b>
<b><u>Reserve Impact</u></b>		
Property Development Reserve Opening Balance	\$13,280,612	\$13,280,612
Property Development Reserve Closing Balance	\$6,750,312	\$1,750,312
Annual Loan Repayments - 20 years semi-annual (4.57%)	\$1,536,296	\$1,152,222

Option A was included in the Long Term Financial Plan with \$15M borrowed in 2017-2018 and \$5M in 2018-2019. Given interest rates are at their lowest ebb in more than 50 years it is certainly an opportune time to borrow and by maximising our borrowings the City will have more in reserve for future projects. It should be noted that once we have applied for a \$15M loan the City will be in a better position to gauge our maximum borrowing potential but indications are that \$20M is reasonable.

The City currently has \$13.3M in the Property Development Reserve and \$6.2M in the Land Acquisition Reserve with both reserves available for the developments of this nature. Option A will leave an additional \$5M in reserve but will also increase annual loan repayments by \$384K. Based on long term financial planning the additional loan repayments can be absorbed within future budgets.

### **ENVIRONMENTAL IMPLICATIONS**

The Faulkner Civic Precinct Community Centre is to achieve a minimum “5 Star Green Star” rating utilising the current “Design and As Built” rating tool. Certification for the Community Centre represents Australian Excellence in sustainability performance, consistent with the City’s Environment and Sustainability Policy (NB3) and the ‘Natural Belmont’ objectives/strategies of the Strategic Community Plan.

Use of the ‘Green Star’ rating assessment tool will also ensure that Action 5.7 of the City of Belmont Environment and Sustainability Strategy 2016–2021 is completed:

Achieve a 5 Star Green Star rating (Design and AS Built) for the new Faulkner Civic Precinct Community Centre.

The Cafe operator will be required to enter into a pledge with the City regarding sustainability initiatives such as:

- Energy and water consumption (ie fixtures / fittings);
- Waste generation and recycling;
- “Keep your cup” initiative offering a discount for customers who bring their own coffee cups;
- Recycling of coffee grounds.

*Item 7.1 Continued*

### **SOCIAL IMPLICATIONS**

The Community Infrastructure Plan completed in 2013 identified a need for a multipurpose Community Hub in the Faulkner Civic Precinct which will provide the community with a range of opportunities that will have a significant social benefit by:

- Increasing and streamlining access for the community in seeking support from multiple organisations that complement rather than compete with each other;
- Increasing the diversity and number of support services and providers within Belmont;
- Providing child care support services to those seeking assistance from local support service providers; and
- Activating a central, accessible and contemporary community hub for those in need with the provision of state of the art facilities in a family friendly, non-stigmatised positive environment.

The Cafe is required to provide a significant community service function, becoming a meeting place and social hub, integrating with other activities being undertaken within the broader multi-purpose community facility.

### **OFFICER RECOMMENDATION**

That Council:

1. Adopts the Faulkner Civic Precinct Community Centre Business Plan (refer [Attachment 1](#)) in accordance with section 3.59 of the Local Government Act 1995 for the purpose of public advertisement.
2. Advertises the Faulkner Civic Precinct Community Centre Business Plan for public comment for a period of six weeks

**6.13pm Cr Ryan entered the meeting.**

**6.20pm Cr Hitt entered the meeting.**

*Item 7.1 Continued*

**ALTERNATIVE OFFICER RECOMMENDATION**

**ROSSI MOVED, POWELL SECONDED,**

***That Council:***

- 1. Adopts the Faulkner Civic Precinct Community Centre Business Plan (refer amended Attachment 1) in accordance with section 3.59 of the Local Government Act 1995 for the purpose of public advertisement.***
- 2. Advertises the Faulkner Civic Precinct Community Centre Business Plan for public comment for a period of six weeks.***
- 3. Hold a Special Council Meeting on Wednesday 22 November 2017 to consider any submissions and the adoption of the Business Plan.***

**CARRIED 7 VOTES TO 0**

**Reason:**

To ensure that the Business Plan reflects the most up-to-date architectural drawings and references, and so that Council can consider any submissions to the Business Plan and finalise the process following the public consultation period.

**8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**9. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 6.40pm.

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Special Council Meeting held on 5 October 2017 were confirmed as a true and accurate record at the Ordinary Council Meeting held 31 October 2017:

Signed by the Person Presiding:  \_\_\_\_\_

PRINT name of the Person Presiding: PHILLIP MARKS

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