



## **Bunbury City Council**

### **Minutes**

**11 November 2014**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

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## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
1:100	Ratio of 'one in one hundred'
AD	Acceptable Development
ARI	Annual Recurrence Interval
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AWARE	All West Australians Reducing Emergencies (grant funding)
BCA	Building Code of Australia
BCCI	Bunbury Chamber of Commerce & Industries
BCRAB	Bunbury Community Recreation Association Board
BEAC	Built Environment Advisory Committee
BESAC	Bunbury Environment and Sustainability Advisory Committee
BHRC	Bunbury Harvey Regional Council
BPA	Bunbury Port Authority
BRAG	Bunbury Regional Art Galleries
BRAMB	Bunbury Regional Arts Management Board
BREC	Bunbury Regional Entertainment Centre
BSSC	Big Swamp Steering Committee
BWEA	Bunbury Wellington Economic Alliance
CALM	Department of Conservation and Land Management
CBD	Central Business District
CCAFF	Community Cultural and Arts Facilities Fund
CERM	Centre of Environmental and Recreation Management
CPI	Consumer Price Index
CSRFF	Community Sport and Recreation Facilities Fund
DADAAWA	Disability in the Arts Disadvantage in the Arts Australia, Western Australia
DAP	Detailed Area Plan (required by WA Planning Commission)
DCU	Development Coordinating Unit
DEC	Department of Environment and Conservation (formerly CALM)
DEWCP	Department for Environment, Water and Catchment Protection
DLI	Department of Land Information
DoE	Department of Environment
DOLA	Department of Land Administration
DoPI	Department of Primary Industry
DoW	Department of Water
DPI	Department for Planning and Infrastructure
DSR	Department of Sport and Recreation
DUP	Dual-use Path
ECT	Enforcement Computer Technology
EDAC	Economic Development Advisory Committee
EDWA	Education Department of Western Australia
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Program
ESL	Emergency Services Levy
FESA	Fire and Emergency Services Authority
FFL	Finished Floor Level
GBPG	Greater Bunbury Progress Group
GBRP	Greater Bunbury Resource Plan report
GBRS	Greater Bunbury Region Scheme
GL	Gigalitres
GRV	Gross Rental Value
GST	Goods and Services Tax
HCWA	Heritage Council of Western Australia
ICLEI	International Council for Local Environmental Initiatives
ICT	Information and Communications Technology
IP	Internet Protocol
IT	Information Technology

## GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
LCC	Leschenault Catchment Council
LEMC	Bunbury Local Emergency Management Committee
LIA	Light Industrial Area
LN (2000)	Liveable Neighbourhoods Policy (2000)
LSNA	Local Significant Natural Area
MHDG	Marlston Hill Design Guidelines
MRWA	Main Roads Western Australia
NDMP	National Disaster Mitigation Program
NEEDAC	Noongar Employment & Enterprise Development Aboriginal Corp.
NRM	Natural Resource Management
NRMO	Natural Resource Management Officer
ODP	Outline Development Plan
PAW	Public Access Way
PHCC	Peel-Harvey Catchment Council
PR	Plot Ratio
R-IC	Residential Inner City (Housing) - special density provisions
RDC	Residential Design Codes
RDG	Residential Design Guidelines
Residential R15	Town Planning Zone – up to 15 residential dwellings per hectare
Residential R20	Town Planning Zone – up to 20 residential dwellings per hectare
Residential R40	Town Planning Zone – up to 40 residential dwellings per hectare
Residential R60	Town Planning Zone – up to 60 residential dwellings per hectare
RFDS	Royal Flying Doctor Service
RMFFL	Recommended Minimum Finished Floor Levels
ROS	Regional Open Space
ROW	Right-of-Way
RSL	Returned Services League
SBCC	South Bunbury Cricket Club Inc.
SCADA	Supervisory Control and Data Acquisition
SGDC	Sportsgrounds Development Committee
SW	South West
SWACC	South Western Area Consultative Committee
SWAMS	South West Aboriginal Medical Service
SWBP	South West Biodiversity Project
SWCC	South West Catchments Council
SWDC	South West Development Commission
SWDRP	South West Dolphin Research Program
SWEL	South West Electronic Library
SWSC	South West Sports Centre
TME	Thompson McRobert Edgeloe
TPS	Town Planning Scheme
USBA	Union Bank of Switzerland Australia
VGO	Valuer General's Office
VOIP	Voice-Over Internet Protocol
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WAPRES	Western Australian Plantation Resources
WAWA	Water Authority of Western Australia
WC	Water Corporation
WML	WML Consultants
WRC	Waters and Rivers Commission

## Bunbury City Council Minutes

Minutes of the Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 11 November 2014.

### Minutes

11 November 2014

**Note: These minutes are subject to confirmation at the next Ordinary meeting of the Council.**

#### 1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by the Mayor Mr Gary Brennan at 5.30pm

#### 2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

#### 3. Announcements from the Presiding Member

The Mayor welcome the Hon Adele Farina MLC, and welcomed students from Bunbury Cathedral Grammar School and their parents, who were attending as part of a local government unit being taught at the school.

The Mayor also recorded his appreciation of Cr Prosser, who had been asked to look at options for the provision of shade at the Bricknell Music Shell. Cr Prosser has prepared designs and costings regarding shade options, and these have been provided to the Executive Team for review.

#### 4. Attendance

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly

Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor S Morris
	Councillor J Miguel
	Councillor M Steck
	Councillor K Steele
	Councillor W Giles
	Councillor D Prosser
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Corporate and Community Services	Ms S Addison-Brown
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting)</b>	
Manager Governance	Mr G Golinski
Media and Communications Officer	Ms L Gallo
Manager Finance	Mr D Ransom
Senior Governance and Risk Officer	Ms L French
Council Meeting Support Officer	Ms K Halbert
<b>Others (Non-Voting)</b>	
Members of the Public	10
Members of the Press	1

#### 4.1 Apologies

Nil

#### 4.2 Approved Leave of Absence

Nil

## 5. Declaration of Interest

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

Cr Steele declared an impartiality interest in item 10.5.2 titled *“Tender for: Upgrade Road and Parking Configuration Lovegrove Avenue and Reading Street RFT 1415-00008”* as her children attend the primary school affected by the works. Cr Steele will remain in the chamber for the discussion and the vote on the matter.

Cr Hayward declared an impartiality interest in item 10.5.2 titled *“Tender for: Upgrade Road and Parking Configuration Lovegrove Avenue and Reading Street RFT 1415-00008”* as his children attend the primary school affected by the works. Cr Hayward will remain in the chamber for the discussion and the vote on the matter.

Cr McNeill declared an impartiality interest in item 10.1.7 titled *“New Policy: Leases and Licenses”* as he is the President of Forza Dragon Boat Club which could be affected by the policy. Cr McNeill will remain in the chamber for the discussion and the vote on the matter.

## 6. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the municipality of Bunbury has jurisdiction or involvement.

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City’s website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.



## **6.1 Public Question Time**

Mr David Smith, of 8 Picton Crescent Bunbury, submitted the following three (3) questions on 10 November 2014. A copy of the questions and the responses are printed below:

Question: On reading the financial report for 2013-2014 and the Annual Report of Council for 2013-2014 it seems the number of staff at Council receiving salaries of over \$100,000 per annum increased from 12 to 17 and their share of total salaries increased from 7.23% of total Council employee costs to 10.15% of total Council employee costs. Is my reading of the reports correct in this respect?

Question: I also note that the costs of consultants increased from \$1,342 Million in 2012- 2013 to \$1.699 Million in 2013-2014 or 26.6% and that contract employment costs increased from \$106,144 to \$530,496 or 400%. Is this correct?

Question: I also note that employee costs increased from \$19,656,504 to \$21,683,887 or by 10.32% even though the 2013-2014 budget estimate was that staff costs for 2013-2014 would be \$20,488,140.

Can the CEO or the Manager of Finance please explain why these employment costs, consultant costs, and contract employee costs, and senior employee costs have all increased so much over the estimates given at the time the Budget for 2013-2014 was presented to Council?

Response: All three questions relate to financial information from the 2013-2014 financial year. As such, all information can be found in previous budget review documents, and I refer you to this documentation which is available to all members of the public.

## **6.2 Responses to Public Questions Taken ‘On Notice’**

Nil

## 7. Confirmation of Previous Minutes and other Meetings under Clause 19.1

### 7.1 Minutes

#### 7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Ordinary meeting of the Bunbury City Council held 28 October 2014 have been circulated.

#### Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 28 October 2014 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 11 November 2014**

The recommendation (as printed) was moved Cr Cook, seconded Cr Giles.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

#### **Council Decision 406/14**

*The minutes of the Ordinary meeting of the Bunbury City Council held 28 October 2014 be confirmed as a true and accurate record.*

CARRIED  
13 votes "for" / Nil votes "against"

#### 7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1: Bunbury Setagaya Sister Cities Committee Minutes 15.10.2014 Appendix MTBN-2: Policy Review and Development Committee Minutes 16.10.2014 Appendix MTBN-3: Policy Review and Development Committee Minutes 28.10.14

#### **Summary**

The following Advisory Committee Meetings were held and the minutes are presented for noting:

1. Title: Bunbury Setagaya Sister Cities Committee Minutes 15.10.2014  
Author: Jaimee Earl, EA to the Mayor  
Appendix: MTBN-1

2. Title: Policy Review and Development Committee Minutes 16.10.2014  
Author: Senior Governance and Risk Officer  
Appendix: MTBN-2
  
2. Title: Policy Review and Development Committee Minutes 28.10.2014  
Author: Senior Governance and Risk Officer  
Appendix: MTBN-3

**Council Committee Recommendation**

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

1. Bunbury Setagaya Sister Cities Committee Minutes 15.10.2014
2. Policy Review and Development Committee Minutes 16.10.2014
- 3: Policy Review and Development Committee Minutes 28.10.14

**Outcome – Council Meeting 11 November 2014**

The recommendation (as printed) was moved Cr Hayward, seconded Cr Cook.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

**Council Decision 407/14**

***The following Advisory Committee meeting minutes listed in the report be accepted and noted:***

- 1. Bunbury Setagaya Sister Cities Committee Minutes 15.10.2014***
- 2. Policy Review and Development Committee Minutes 16.10.2014***
- 3: Policy Review and Development Committee Minutes 28.10.14***

CARRIED

13 votes "for" / Nil votes "against"

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 Petitions**

Pursuant to Clause 6.10(2) of the City of Bunbury Standing Orders 2012, the petition received from Georgina and Michael Grove of 51 Tuart Street Bunbury titled “Petition in relation to request for an alfresco area for Caf-Fez” at 18-20 Princep St Bunbury, WA is:

a) Received and referred to the relevant officer for a report to be submitted within the next two rounds of Council meetings.

The recommendation was moved Cr Steele, seconded Cr Cook.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

#### **Council Decision 408/14**

*That the petition received from Georgina and Michael Grove of 51 Tuart Street Bunbury titled “Petition in relation to request for an alfresco area for Caf-Fez” at 18-20 Princep St Bunbury, WA is received and referred to the relevant officer for a report to be submitted within the next two rounds of Council meetings.*

CARRIED  
13 votes “for” / Nil votes “against”

### **8.2 Presentations**

Nil

### **8.3 Deputations**

#### **Mr David Smith, 8 Picton Crescent, Bunbury**

Mr Smith requested to address item 10.1.7 titled “New Policy – Leases and Licenses”.

#### **Council Decision 409/14**

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith’s deputation request to address item 10.1.7 titled “New Policy – Leases and Licenses”.*

CARRIED

### **8.4 Council Delegates’ Reports**

Nil

## **8.5 Conference Delegates' Reports**

Nil

## **9. Method of Dealing with Agenda Business**

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en-bloc). The Mayor put the matters listed in Section 10 to be “adopted by exception” to the vote.

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.4.1 and 10.5.1.

Items 10.1.2, 10.1.7, 10.2.1, 10.2.2 and 10.5.2 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” were moved Cr Cook, seconded Cr Jones

## 10. Reports

### 10.1 Revocation of Council Policy – Employee Superannuation (*was listed as item 10.1.1 of the Council Agenda*)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Leanne French, Senior Governance and Risk Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix RAC-1: Council Policy Employee Superannuation

#### Summary

The purpose of this report is for Council to consider revoking the current Council Policy entitled *Employee Superannuation*.

#### **Policy Review and Development Committee Recommendation**

That Council revoke the Council Policy *Employee Superannuation*.

#### Strategic Relevance

Goal 1 Accountable and Transparent Governance  
Objective 1.2 Maintain a high standard of corporate governance and improve access to information.  
Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.

#### Background

On 17 September 1990, Council resolved (Decision (27)(a)) to adopt a Policy to document the City's commitment, contribution and options for employee superannuation.

Following a review in November 1997, the Policy was converted into a work procedure, before being returned to a Council Policy on 22 June 1999 (Council Decision 332/99). The Policy was last reviewed on 29 June 2010 (Decision 121/10). A copy of the current Policy is **attached** at appendix RAC-1.

#### Council Policy Compliance

This report proposes the recession of an existing Council Policy.

#### Legislative Compliance

There is no legislative compliance impacting on this report.

#### Officer Comments

The Policy Review and Development Committee recently reviewed the Council Policy *Employee Superannuation*.

Upon consultation with the Manager Organisational Development, it is apparent that this Policy is a duplication of a clause that is included in the City of Bunbury Enterprise Agreement.

The current City of Bunbury 2012 Enterprise Agreement (s16.7) states:

*Clause 16.7 Salary Sacrifice Superannuation*

- 16.7.1 By mutual agreement employees may make provisions to salary sacrifice part of their annual wage/salary for contribution towards superannuation.*
- 16.7.2 The Salary sacrifice so made will nevertheless be considered part of the employees' wages and the City of Bunbury will not be subject to prosecution for underpayment of wage/salary sacrificed pursuant to this clause.*
- 16.7.3 Staff may make arrangement to salary sacrifice in accordance with the Australian Taxation Office Guidelines, subject to the benefit item not rendering the City of Bunbury liable to any cost including payment of fringe benefits taxation.*
- 16.7.4 The Superannuation Guarantee Contribution (SGC) may be paid into any compliant superannuation fund/plan. For the purposes of this clause the default fund shall be the Western Australian Local Government Superannuation Fund.*
- 16.7.5 In addition to the superannuation guaranteed contribution (SGC), superannuation – contribution scheme is accessible by all permanent employees.*
- 16.7.6 The City will match Employee contributions to a maximum of 5% as per the table below as at the seven days after approval by Fair Work Australia.*

Employee Contribution	City Contribution	Additional Contribution	Total combined contribution – not inclusive of SGC
1%	1%		2% Plus SGC
2%	2%		4% Plus SGC
3%	3%		6% Plus SGC
4%	4%		8% Plus SGC
5%	5%		10% Plus SGC

The Enterprise Agreement is a binding agreement negotiated between the City and employees with input from the union, ultimately being approved by the Commissioner of the Fair Work Commission. The Agreement is renegotiated regularly in accordance with its expiry clause.

The Policy Review and Development Committee therefore recommend that this Policy be revoked as the content therein is covered by the City of Bunbury 2012 Enterprise Agreement.

### **Analysis of Financial and Budget Implications**

There are no financial or budgetary implications impacting from the recommendations of this report.

### **Councillor/Officer Consultation**

The Policy was recently reviewed at an Executive Leadership Team meeting and further consultation has been undertaken with the Manager Organisational Development.

The Policy was considered by the Policy Review and Development Committee at its meeting held 16 October 2014.

**Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 410/14**

***That Council revoke the Council Policy Employee Superannuation.***

CARRIED

13 votes "for" / Nil votes "against"



**10.2 Revocation of Council Policy – Playing of Golf or Golf Practice** (*was listed as item 10.1.3 of the Council Agenda*)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Leanne French, Senior Governance and Risk Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix RAC-3: Council Policy Playing of Golf or Golf Practice

**Summary**

The purpose of this report is for Council to consider revoking the current Policy entitled *Playing of Golf or Golf Practice*.

**Policy Review and Development Committee Recommendation**

That Council revoke the Council Policy *Playing of Golf or Golf Practice*.

**Strategic Relevance**

Goal 1 Accountable and Transparent Governance  
Objective 1.2 Maintain a high standard of corporate governance and improve access to information.  
Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.

**Background**

On 17 September 1990, Council resolved (Decision (38)(a)) to adopt a Policy to ban the playing or practicing of golf on established recreational reserves vested in and controlled by Council, other than those reserves set aside for that specific purpose.

The intent of the Policy was to reduce Council's exposure to public liability claims and damage to grass surfaces.

Following a review in November 1997, the Policy was converted into a work procedure (WP-8.2), then on 29 June 2010 following another review, subsequently returned to a Council Policy (Council Decision 121/10 29).

A copy of the current Policy is **attached** at appendix RAC-3.

**Council Policy Compliance**

This report proposes the recession of an existing Council Policy.

**Legislative Compliance**

Pursuant to *the Local Government Act 1995*, section 3.5 local governments may make local laws.

*City of Bunbury Local Government and Public Property Local Law*, Part 8, Division 2, clause 8.25 applies.

### **Officer Comments**

The Policy Review and Development Committee recently reviewed the Council Policy *Playing of Golf or Golf Practice*.

Upon consultation with city officers, it is apparent that the Policy duplicates that which is written in Part 8, Division 2, clause 8.25 of the *City of Bunbury Local Government and Public Property Local Law*, effectively making the Policy redundant.

Part 8, Division 2, clause 8.25 reads:

*Unless indicated by a sign that any of the following activities are permissible on any reserve or other local government property set aside for the purpose, a person shall not –*

- (a) play or practise golf, archery, pistol or rifle shooting;*
- (b) ride a bicycle or any other wheeled recreational device;*
- (c) ride a sandboard or similar device; or*
- (d) launch a personal watercraft or boat;*

The Policy Review and Development Committee recommends that this Policy be revoked as the content therein is covered by local law.

### **Analysis of Financial and Budget Implications**

There are no financial or budgetary implications impacting from the recommendations of this report.

### **Councillor/Officer Consultation**

Consultation has been undertaken with the Manager Civil and Open Space and the Manager Community Law, Safety & Emergency Management.

This Policy was considered by the Policy Review and Development Committee at its meeting held 16 October 2014.

### **Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

#### **Council Decision 411/14**

***That Council revoke the Council Policy *Playing of Golf or Golf Practice*.***

CARRIED

13 votes "for" / Nil votes "against"

### **10.3 New Council Policy – Access and Inclusion (was listed as item 10.1.4 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Isabell Evans, Community Development Officer - Access
<b>Executive:</b>	Stephanie Addison-Brown, Director Community and Corporate Services
<b>Attachments:</b>	Appendix RAC-4: Draft Access and Inclusion Policy

#### **Summary**

The purpose of this report is for Council to consider a new Council Policy relating to disability access and inclusion, which has been commended by both the Policy Review and Development Committee and the Community Access Committee.

#### **Policy Review and Development Committee Recommendation**

That Council adopt a new Council Policy entitled “*Access and Inclusion*” as **attached** at Appendix RAC-4.

#### **Strategic Relevance**

Goal 1	Accountable and Transparent Governance
Objective 1.2	Maintain a high standard of corporate governance and improve access to information.
Strategy 1.2.4	Oversee and regularly review corporate policies, delegations and management guidelines.

#### **Background**

At their meeting dated 14 August 2014 the Policy Review and Development Committee discussed the potential of a stand-alone Council policy on disability access and inclusion.

The Disability Access and Inclusion Plan 2012 – 2017 identifies the following strategy for completion across the life of the Plan; “Ensure policies and procedures in the City of Bunbury reflect access and inclusion.”

At their meeting dated 3 October 2014 the Community Access Committee were presented with and recommended an Access and Inclusion Policy to be considered by Council.

The Policy was considered by the Policy Review and Development Committee on 16 October 2014 and is now presented to Council for consideration.

#### **Council Policy Compliance**

This report proposes the adoption of a new Council Policy – Access and Inclusion.

#### **Legislative Compliance**

The Disability Services Act (1993) requires that all Local Governments develop and implement a Disability Access and Inclusion Plan that outlines the ways in which they will ensure that people with disability have equal access to its facilities and services.

### **Officer Comments**

A number of other local governments currently have access and inclusion policies in place, and a literature review of these existing policies has guided the development of the proposed document.

### **Analysis of Financial and Budget Implications**

There are no financial or budgetary implications impacting from the recommendations of this report.

### **Community Consultation**

At their meeting dated 3 October 2014 the Community Access Committee discussed and made adjustments to a draft version of an Access and Inclusion Policy. An updated version of the Policy incorporating these suggestions is presented in appendix XX.

### **Councillor/Officer Consultation**

The Senior Governance and Risk Officer and Manager Corporate Performance were consulted in the development of this report.

This Policy is commended to Council by both the Community Access and Policy Review and Development Committees.

### **Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

#### **Council Decision 412/14**

***That Council adopt a new Council Policy entitled "Access and Inclusion" as attached at Appendix RAC-4.***

CARRIED

13 votes "for" / Nil votes "against"

#### **10.4 Revision of Council Policy – Conferences, Seminars, Training and Induction Courses Attendance by Elected Members (was listed as item 10.1.5 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Leanne French, Senior Governance and Risk Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix RAC-5: Council Policy Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members

#### **Summary**

The purpose of this report is for Council to consider a revised Policy relating to attendance of Elected Members at conferences, seminars, training and induction courses.

#### **Policy Review and Development Committee Recommendation**

That Council adopt the revised Council Policy entitled *Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members* as **attached** at appendix RAC-5.

#### **Strategic Relevance**

- Goal 1 Accountable and Transparent Governance
- Objective 1.2 Maintain a high standard of corporate governance and improve access to information.
- Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.

#### **Background**

On 26 August 1991 (Council Decision (18)(a)), Council adopted the *Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members* Policy which details the support that Council provides to Elected Members to attend relevant conferences and seminars and wherever possible appropriate training.

The Policy incorporates information such as appointment by Council, selection priority and also includes an application form for attendance.

Council previously reviewed the Policy on 29 June 2010 (Council Decision 121/10).

The Policy was reviewed by the Policy Review and Development Committee on 16 October 2014 and is now presented to Council for consideration.

#### **Council Policy Compliance**

This report proposes the revision of an existing Council Policy.

#### **Legislative Compliance**

There is no legislative compliance impacting upon this report.

### **Officer Comments**

The Policy Review and Development Committee has undertaken a review of the Council Policy *Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members*.

Whilst the intent of the Policy remains current and applicable, minor amendments to the current Policy are proposed and are summarised as follows:

- deletion of items 6 and 13;
- renumbering of the Policy details into a logical order; and
- minor wording changes throughout the Policy.

### **Analysis of Financial and Budget Implications**

When determining the cost of a conference, seminar or training course, all costs including travel, accommodation, meals, telephone and other expenses incurred by the Elected Member will be in accordance with Council's "Reimbursement of Accommodation and Associated Expenses" Policy.

There are no financial or budgetary implications impacting from the recommendation of this report.

### **Councillor/Officer Consultation**

This Policy was considered by the Policy Review and Development Committee on 16 October 2014.

### **Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

#### **Council Decision 413/14**

***That Council adopt the revised Council Policy entitled *Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members as attached at appendix RAC-5.****

CARRIED

13 votes "for" / Nil votes "against"

**10.5 Revision of Council Policy – Land Rationalisation and Acquisitions** (*was listed as item 10.1.6 of the Council Agenda*)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Massimo Andreone, Manager Contracts and Property
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix RAC-6: Council Policy Land Rationalisation and Acquisition

**Summary**

The purpose of this report is for Council to consider a revised Policy relating to identifying land for potential rationalisation or acquisition.

**Policy Review and Development Committee Recommendation**

That Council adopt the revised Council Policy entitled *Land Rationalisation and Acquisitions* as **attached** at appendix RAC-6.

**Strategic Relevance**

- Goal 1 Accountable and Transparent Governance
- Objective 1.2 Maintain a high standard of corporate governance and improve access to information.
- Strategy 1.2.4 Oversee and regularly review corporate policies, delegations and management guidelines.
  
- Goal 3 Sustainable Natural and Built Environment
- Objective 3.1 Improve urban design, diversity of land uses and enabling infrastructure

**Background**

The Land Rationalisation and Acquisition Committee was initially established with Terms of Reference which provided for consideration of land acquisitions which would support strategic planning initiatives of Council and may include infrastructure provision such as community facilities, roads, parking areas and paths. The desired outcome was to optimize the use and value of Council land assets in terms of generating funds to reinvest in other programs, create development opportunities and rate revenue, improve land management outcomes and contribute to the achievement of strategic planning objectives.

Following the discontinuation of this Committee (Decision 19/12), Council resolved to adopt the current Land Rationalisation and Acquisitions Policy.

The Policy was reviewed by the Policy Review and Development Committee on 16 October 2014 and is now presented to Council for consideration.

**Council Policy Compliance**

This report proposes a revision of an existing Council Policy.

**Legislative Compliance**

There is no legislative compliance impacting upon this report.

**Officer Comments**

The Policy Review and Development Committee has undertaken a review of the Council Policy *Land Rationalisation and Acquisitions*.

The Policy has been amended accordingly to maintain consistency with the City's current processes and procedures.

A complete list of properties that the City holds an interest in, both freehold and reserves, has been compiled.

**Analysis of Financial and Budget Implications**

There are no financial or budgetary implications impacting from the recommendations of this report, as the intent of the existing Policy has not been altered.

**Councillor/Officer Consultation**

The Director of Planning and Development Services, and staff within the Contracts and Property Department has been consulted in the review of this Policy.

The Policy was considered by the Policy Review and Development Committee at its meeting held on 16 October 2014.

**Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 414/14**

***That Council adopt the revised Council Policy entitled Land Rationalisation and Acquisitions as attached at appendix RAC-6.***

CARRIED

13 votes "for" / Nil votes "against"



**10.6 2013/14 Annual Financial Statements and Audit Report** (was listed as item 10.1.8 of the Council Agenda)

<b>Applicant/Proponent:</b>	Audit Committee
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	David Ransom, Manager Finance
<b>Attachments:</b>	Appendix RAC-10: Annual Financial Statements and Auditor's Report

**Summary**

The Auditor's Report and Audited Financial Statements of the City of Bunbury for the financial year ended 30 June 2014 are enclosed at Appendix RAC-10 for the information of Council.

**Committee Recommendation**

That Council accept the Auditor's Report and the Audited Annual Financial Statements of the City of Bunbury for the financial year ended 30 June 2014.

**Background**

The City's auditors, Grant Thornton have audited the 2013/14 Annual Financial Statements and have provided an Independent Auditor's Report as required under the relevant provisions of the *Local Government Act 1995* (the Act). The Auditor's Report and Annual Financial Statements are now presented to Councillors for their information.

Mr Michael Hillgrove from Grant Thornton is the City's appointed Auditor and met with the Audit Committee on 30 October 2014 to answer any queries that Members may have had in relation to the 2014/14 financial audit of the City.

**Council Policy Compliance**

N/A

**Legislative Compliance**

Section 7.9(1) of the Act requires the auditor to submit a report to the local government by 31 December each year.

**Officer Comments**

Council's management and internal control systems are sound. In addition to being monitored internally on a daily and monthly basis they are also strengthened by an independent assessment each year on the City's financial management systems and external audit reporting. The independent assessment reviews Council's financial position, financial management practices and compliance with the requirements of the Local Government Act, the Local Government (Financial Management) Regulations, and Accounting Standards.

There are five (5) primary financial statements:

- Statement of Comprehensive Income
- Statement of Financial Position

- Statement of Changes in Equity
- Statement of Cash Flows
- Rate Setting Statement

Statement of Comprehensive Income: The Statement of Comprehensive Income (shown on pages 4 to 6 of the Financial Statements) shows the extent to which operating expenditure has exceeded operating revenue during the financial year (i.e. operating deficit).

For the year ending 30 June 2014, the operating deficit was \$5.4M compared to \$1.9M in 2012/13, and increase of \$3.5M. While revenue increased by \$1.1M, expenditure increased by \$4.6M. The increase of \$4.6M in expenditure is mainly due to increases in depreciation (\$1.1M), employee costs (\$1.4M), and materials and contracts (561K) and a one-off expenditure to settle a claim from Eastern Regional Business Enterprise and Arts Centre Inc. (\$712K).

When capital grants and profit/loss on disposal of assets etc. are included the Net Result was a surplus of \$807K (compared to a surplus of \$1.6M in 2012/13). The Statement also accounts for the revaluation of non-current assets during the year of \$9.1M resulting in a Total Comprehensive Income for 2013/14 of \$9.9M.

Statement of Financial Position: The Statement of Financial Position (shown on page 7 of the Financial Statements) shows the assets and liabilities which make up the community equity as at the 30 June 2014. Council's current assets exceed current liabilities by \$10.1M compared to \$15.0M in 2012/13. The total community equity as at 30 June 2014 was \$425.1M an increase of \$9.9M on 2012/13 mainly due to the revaluation of non-current assets.

Statement of Changes in Equity: The Statement of Changes in Equity (shown on page 8 of the Financial Statements) shows the extent to which the community equity has been increased by the net result of the year's activities. For the year ending 30 June 2014, the Community Equity increased from \$415.2M to \$425.1M.

Statement of Cash Flows: The Statement of Cash Flows (shown on page 9 of the Financial Statements) shows the nature and amount of Council's cash in flows and out flows from all activities. Council's cash held at the end of the reporting period was \$17.2M compared to \$22.5M in 2012/13.

Rate Setting Statement: The Rate Setting Statement (shown on pages 10 and 11) shows the amount of rates required to be raised to fund the City's operating during 2013/14. In 2013/14 \$30.3M in rates were raised, an increase of \$1.7M or 6% on 2012/13 (5% Rate in the Dollar increase and 1% increase in property growth).

Key financial figures within the audited Annual Financial Report for the year ended 30 June 2014 include:

<u>Statement of Comprehensive Income:</u>	<u>2014</u>	<u>2013</u>
Operating Revenue	\$ 48,109,366	\$ 47,019,221
Operating Expenses	\$ 53,556,585	\$ 48,964,495
Operating Deficit	\$ 5,447,219	\$ 1,945,274
Net Result (utilised for capital works)	\$ 806,674	\$ 1,563,486
<u>Statement of Financial Position:</u>		
Current Assets	\$ 19,657,697	\$ 24,891,192

Current Liabilities	\$ 9,535,619	\$ 9,861,686
Current Assets over Current Liabilities	\$ 10,122,078	\$ 15,029,506
Non Current Assets	\$ 428,231,265	\$ 410,687,109
Non Current Liabilities	\$ 13,274,445	\$ 10,505,330
Total Equity	\$ 425,078,898	\$ 415,211,285

<b>Financial Information by Ratio:</b>	<b><u>2014</u></b>	<b><u>2013</u></b>	<b><u>2012</u></b>
<b>Current Ratio</b>	1.214	1.529	1.906
<i>Current Assets as a ratio of Current Liabilities</i>			

*(Measure of short term liquidity, i.e. the ability of Council to meet its liabilities when they fall due. A ratio of greater than 1.0 indicates Council has more current assets than current liabilities. Target is > 1.0)*

<b>Asset Sustainability Ratio</b>	0.423	1.060	0.415
<i>Capital renewal and replacement expenditure as a ratio of depreciation expense.</i>			

*(Measures the extent to which assets are being renewed/replaced compared to the amount consumed i.e. depreciation. A ratio of greater than 1.0 indicates that council is investing in asset renewal/replacement greater than current consumption)*

<b>Debt Service Cover Ratio</b>	3.469	3.167	4.700
<i>Operating Surplus before Interest and Depreciation as a ratio of principal and interest expense for borrowings.</i>			

*(Measures Council's ability to service debt out of its uncommitted or general purpose funds available for its operations. The Department of Local Government indicates that a Basic standard is achieved if  $\geq 2.0$ . An Advanced standard is  $\geq 5.0$ )*

<b>Operating Surplus Ratio</b>	(0.095)	(0.112)	0.000
<i>Operating Revenue minus Operating Expenditure as a ratio of own source operating revenue.</i>			

*(A result of lower than zero indicates that the Council has an operating deficit)*

<b>Own Source Revenue Coverage Ratio</b>	0.882	0.839	0.931
<i>Own source operating revenue as a ratio of operating expense.</i>			

*(Measures Council's ability to cover operating expenses from own source revenue. The higher the ratio, the more self-reliant the local government is. The Department of Local Government indicates that an Advanced standard is achieved if the ratio is greater than 0.9)*

### **Analysis of Financial and Budget Implications**

There are no financial or budget implications for Council to accept the Annual Financial Statements and Auditor's Report.

### **Community Consultation**

An abridged Annual Financial Report will be included in the City's 2013/14 Annual Report.

**Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 415/14**

***That Council accept the Auditor's Report and the Audited Annual Financial Statements of the City of Bunbury for the financial year ended 30 June 2014.***

CARRIED

13 votes "for" / Nil votes "against"

**10.7 Scheme Amendment 77, Proposed Rezoning of Lots 190 and 191 #16 Lowe Street, Carey Park from ‘Place of Assembly’ zone to ‘Residential’ zone with a density of ‘R20-30’, and amending the Scheme Maps accordingly. (was listed as item 10.4.1 of the Council Agenda)**

File Ref:	A06032
Applicant/Proponent:	Harley Dykstra Pty Ltd
Author:	Ms Dorothy Harmer – Planning Officer
Executive:	Bob Karaszewych, Director Planning and Development
Attachments:	Appendix DPDS: 1 Scheme Amendment Report Appendix DPDS: 2 Location Plan

**Summary**

Harley Dykstra, on behalf of the Free Reform Church of Bunbury, has submitted a Scheme Amendment proposal to rezone Lot 190 and Lot 191 (No. 16) Lowe Street from “Place of Worship” to “Residential - R20/30”. The proposed dual residential density coding is consistent with the current residential density coding applicable in the area therefore can be supported.

**Executive Recommendation**

That Council:

1. In accordance with the Planning and Development Act 2005 resolves to initiate Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7 by rezoning Lot 190 and Lot 191, 16 Lowe Street Carey Park from “Place of Assembly” to “Residential - R20-30”.
2. Refer the proposed Scheme Amendment 77 documentation to the Western Australian Planning Commission for approval to advertise for public comment.
3. Refer the proposed Scheme Amendment 77 documentation to the Environmental Protection Authority for approval to advertise for public comment.

**Background**

The subject land is currently owned by the Free Reformed Church of Bunbury Inc. situated on the corner of Lowe Street and Eedle Street. The site is currently zoned “Place of Assembly” and located in an established residential area. The proposed scheme amendment will allow for future residential development of the site that is consistent with the surrounding neighbourhood. In the event that the proposed amendment is supported and adopted, the existing development would continue its use as a “Place of Worship” until such time as the owners wish to develop. The existing use will remain compatible with the area as the use class “Place of Worship” is an “A” use in a residential zone (discretionary subject to advertising) thus presenting no anticipated land use conflict.

Scheme Amendment 38 (R Codes – Omnibus Amendment) was gazetted on 6 December 2011. The dual residential density coding and the associated provisions are now part of the Scheme. The Scheme provisions are in order for the assessment and determination of the proposed Amendment #77 to Town Planning Scheme No.7. The Amendment report as prepared by Harley Dykstra is **attached** at Appendix DPDS-1.

**Policy Compliance**

### State Planning Policy Compliance

The primary aim of *State Planning Policy No 1 – State Planning Framework Policy*, is to “provide for sustainable use and development of land” with the key principles including; environment, community, economy, infrastructure and regional development. The proposal meets the objectives for the following reasons:

- Provides for population growth and suitable housing in an urban environment
- The proposal will not generate land use conflicts as the amendment is consistent with the zoning of adjoining land
- The proposed amendment seeks to allow for residential development in an environment that is not environmentally sensitive.
- The proposal will allow for more efficient use of existing infrastructure and services in the locality.

The objectives of *State Planning Policy No.3 Urban Growth and Settlement* are addressed as the amendment provides residential development within an urban area, maximising the use of existing infrastructure and services.

By aligning the zoning density with the surrounding area (R20-R30), future developments will be consistent with existing development standards of the area in accordance with *State Planning Policy No.3.1 – residential design codes*.

### Local Planning Policy Compliance

The applicant has provided the required Scheme Amendment documentation in conformity with City’s Local Planning Policy (LPP) *Scheme Amendments – Applications requirements and documentation for purpose of Advertising*.

By providing medium density infill development that will contribute to the economic, social and environmental sustainability of the City of Bunbury, the proposed amendment meets the aims of the *City of Bunbury Local Planning Strategy for Activity Centres and Neighbourhoods*.

### **Strategic Relevance**

The proposed scheme amendment to a dual residential density of R20/R30 is considered to be consistent with the direction of Town Planning Scheme 8.

### **Legislative Compliance (GBRS and TPS7)**

#### Compliance with the City of Bunbury Town Planning Scheme No. 7

Rezoning the subject site from “Place of Assembly” to “Residential” will meet the objective of the Town Planning Scheme in relation to providing a range of residential development to meet the needs of different household types through infill development in existing residential areas.

In the event that Council resolves to initiate the proposed rezoning, the amendment will be referred to the EPA and WAPC for its consideration and comment on any environmental issues. Following consent to proceed with the amendment, the proposal will be advertised for public comment for a period of 42 days in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

On completion of the advertising, the amendment documentation will be referred back to Council for consideration. Should Council resolve to adopt the amendment, the documentation will then be referred to the WAPC for endorsement and ultimately referral to the Minister for Planning for final approval.

### **Officer Comments**

The proposed Scheme Amendment #77 involves rezoning the subject land from “Place of Assembly” to “Residential – R20-30” which is consistent with the surrounding residential density. The subject land, Lot 190 and Lot 191 16 Lowe Street, is located on the corner of Lowe and Eedle Street and has a combined site area of 2240m<sup>2</sup>. A location plan is **attached** at Appendix DPDS-2.

Currently the site comprises of a main building consisting of as Church Hall, meeting rooms, kitchen, and toilets. The second building contains crèche facilities.

The potential residential development for the site, subject to compliance with Clause 5.3.2 of TPS7 and the R-Codes, will result in the provision of Seven (7) addition dwellings in an established residential area.

It is recommended that Council support the proposed Scheme Amendment.

### **Analysis of Financial and Budget Implications**

The recommendation will not impact on the existing Annual Budget.

### **Community Consultation**

Scheme amendments are required to be advertised for public comment for a period of 42 days in accordance with the requirements of the *Planning and Development Act 2005* and Town Planning Regulations 1967 following consideration of environmental matters by the Environmental Protection Authority (EPA). Council may take into account any submissions received prior to final adoption of the amendment. Council’s resolution, the Scheme Amendment documents and the submissions are then referred to the WAPC for the final approval by the Minister for Planning.

### **Councillor/Officer Consultation**

Officers from Development Services have analysed the proposal and provided input as required.

### **Delegation of Authority**

The initiation of a Scheme Amendment is by the decision of the Council.

### **Relevant Precedents**

Scheme Amendment #62 to rezone Lot 74 (No. 35) Winton Street from “Special Use 4 – Pre-Primary School, Church and Hall” to “Residential - R20-30” (Council Resolution – 28/12).

**Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 416/14**

***That Council:***

- 1. In accordance with the Planning and Development Act 2005 resolves to initiate Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7 by rezoning Lot 190 and Lot 191, 16 Lowe Street Carey Park from "Place of Assembly" to "Residential - R20-30".***
- 2. Refer the proposed Scheme Amendment 77 documentation to the Western Australian Planning Commission for approval to advertise for public comment.***
- 3. Refer the proposed Scheme Amendment 77 documentation to the Environmental Protection Authority for approval to advertise for public comment.***

CARRIED

13 votes "for" / Nil votes "against"



**10.8 Tender for: Seawall Replacement – Leschenault Inlet RFT 1415-00009** *(was listed as item 10.5.1 of the Council Agenda)*

<b>File Ref:</b>	RFT1415 – 00009
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Russell, Senior Contracts and Procurement Officer
<b>Executive:</b>	Phil Harris – Director Works and Services
<b>Attachments:</b>	Appendix CRUSC-1 Confidential Evaluation Report RFT1415-00009

**Summary**

The City of Bunbury issued a Request for Tender seeking a suitably experienced Contractor to Remove and replace the existing seawall with a reconstituted limestone block wall in accordance with designs and specifications. The seawall section to be removed and replaced includes the western return at the Stirling Street boat ramp, 66m of interface seawall, and the return at the small beach east of the Stirling Street boat ramp.

Tender prices were requested on a lump sum basis with an expected practical completion date of 19 December 2014.

**Executive Recommendation**

Council authorises the Chief Executive Officer to enter into a contract with JAK Civil Pty Ltd as per their tendered amount.

**Background**

The seawall along the front of Frank Buswell foreshore is old and has deteriorated. The section east of the Stirling Street boat ramp is in very poor condition and needs replacing. The whole length of the wall towards the Quays Precinct is showing signs of failure and can be expected to deteriorate further in the foreseeable future.

Anecdotally, the seawalls along Frank Buswell foreshore were built incrementally, using hand placed coffee rock, granite and other rock materials. The wall is constructed with a slight lean into the bank and has a mortared finished outer course overlaying a rough mortared inner course of rocks. The walls were built in the 1950's and 1960's using day labour. The walls do not display a significant footing structure and exhibit signs of localised sag.

This tender was advertised in the West Australian and the Bunbury South West Times newspapers on the 24 and 25 September 2014. The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/). A total of 138 suppliers viewed the documents on line, 37 companies downloaded the documentation and at closing five (5) responses were received from;

1. Advanteeing Engineering – Civil Engineers – 590 Newcastle Street, Perth WA 6005
2. BMD Group – PO Box 3541, Rhodes NSW 2138
3. Carbone Bros Pty Ltd – PO Box 61, Brunswick Junction WA 6224
4. Errol Archer and Associates / MDW Environmental Services – PO Box A163, Australind WA 6233
5. JAK Civil Pty Ltd – PO Box 239, Perth WA 6936

An evaluation panel comprising of the following internal staff assessed the responses;

- Manager - Engineering
- Team Leader Program and Planning.
- Engineering Technical Officer
- Senior Contracts and Procurement Officer (non voting)

The tenders were evaluated using the following criteria:

Compliance Criteria – Yes / No answers

Qualitative Criteria weighting

1. Relevant Experience - 20%
2. Key Personnel – 20%
3. Demonstrated Understanding – 20%
4. Tenderers Resources – 20%
5. Price – 20%

Evaluation of the tenderers, tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report **attached** at Appendix CRUSC-1.

#### **Council Policy Compliance**

The tender process complies with the requirements of the City's Policy DCS-9 "Purchasing – Local Preferences"

#### **Legislative Compliance**

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

#### **Officer Comments**

All members of the evaluation panel have signed a confidentiality and impartiality agreement.

#### **Analysis of Financial and Budget Implications**

Funding for this project has been allocated in the budget for 2014/15 under Project PR-2380.

The tender amount is within the budget allocation.

#### **Delegation of Authority**

This tender has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

#### **Relevant Precedents**

Council has dealt with all tenders previously called which exceed delegated authority limits.

**Outcome – Council Meeting 11 November 2014**

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Executive was moved Cr Cook seconded Cr Jones and adopted ('en bloc') to become the Council's decision on the matter.

**Council Decision 417/14**

***Council authorises the Chief Executive Officer to enter into a contract with JAK Civil Pty Ltd as per their tendered amount.***

CARRIED

13 votes "for" / Nil votes "against"

### 10.9 Code of Conduct (was listed as item 10.1.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Leanne French, Senior Governance and Risk Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix RAC-2: Code of Conduct

#### Summary

Under the provisions of section 5.103 of the *Local Government Act 1995*, “Every Local Government is to prepare and adopt a code of conduct to be observed by council members, committee members and employees”.

#### Policy Review and Development Committee Recommendation

That Council, pursuant to section 5.103 of the *Local Government Act 1995*, adopt the revised Code of Conduct as amended and **attached** at appendix RAC-2.

#### Strategic Relevance

Goal 1	Accountable and Transparent Governance
Objective 1.2	Maintain a high standard of corporate governance and improve access to information
Strategy 1.2.2	Ensure compliance with corporate legislation and regulations
Strategy 1.2.5	Support elected members to deliver best practice governance

#### Background

In October 2007, the *Local Government Act 1995* was amended to introduce requirements and regulations regarding the “Rules of Conduct” contained within respective Codes of Conduct.

The *Local Government (Rules of Conduct) Regulations 2007* introduced provisions and principles which guide the behaviour of elected members, committee members and employees, as well as establish certain rules of conduct. The amendments to the *Local Government Act 1995* introduced prescribed matter regarding breaches and complaints, and how they are dealt with, penalties and the powers of the State Administrative Tribunal in determining the outcome of potential breaches.

Incorporating these amendments, Council adopted a Code of Conduct at the Ordinary Council Meeting held on 30 September 2008 (Council Decision 173/08).

A recent Human Resources Audit undertaken by AMD Chartered Accountants identified that the City of Bunbury Code of Conduct had not been formally reviewed since 2008. Whilst there is no statutory requirement to review the Code, good governance would suggest that a review is undertaken periodically.

Council considered a draft Code of Conduct at its ordinary meeting held on 2 September 2014. Councillors had a number of queries in relation to the content of the document, and it was subsequently determined that the matter be referred back to the Policy Review and Development Committee for discussion.

A Committee meeting was scheduled for 9 September, with the sole item of business consideration of the Code of Conduct. The meeting was unable to proceed due to lack of quorum, however the Code was still workshopped with those Councillors present.

### **Council Policy Compliance**

There is no policy compliance consideration impacting on this report.

### **Legislative Compliance**

Consideration of this matter is a requirement under the provision of section 5.103 of *the Local Government Act 1995*.

Part 9 of the *Local Government (Administration) Regulations 1996* details requirements to be included in a Code of Conduct.

### **Officer Comments**

Following Council's decision to defer consideration of the Code of Conduct, comments were sought from Councillors regarding specific issues with the revised version of the Code. These issues were identified at the Committee meeting, held on 16 October 2014. The outcomes are reproduced below:

**Issue 1:** *Addition of clause (e) on page 8 - Development Decisions – Elected Members attending meetings between employees and applicants*

- (e) CEO to advise council with an internal report within (10) working days of any meetings which have occurred with staff and or himself both confidential and otherwise in relation to any development within the city municipality and shall form part of the official council records such as file notes.

**Response from Committee:**

The CEO advised the Committee that there was already a procedure in place whereby Council is notified of any application received for a development of \$1 million or more and any meetings attended by the CEO are included in the weekly executive update – no amendment considered necessary.

**Issue 2:** *Addition of clause (f) on page 8 - Development Decisions – Elected Members attending meetings between employees and applicants*

- (f) It is permitted for councillors to attend developer forums as a group invite on site or attend presentations in regards to any development before the city.

**Response from Committee**

There is nothing in the draft Code that prevents Councillors attending developer forums as a group invite on site or presentations in regard to any development before the City, as long as it's not Councillors attending a meeting between Officers' and Developers/Applicants - no amendment considered necessary.

**Issue 3:** *Addition to clause (e) on page 10 - Communication and Official Information – Communication and public relations*

- (e) And for internal matters and Cr prompted enquiries.

**Response from Committee:**

This is covered in the new Elected Member Requests Policy - no amendment considered necessary.

**Issue 4:** *Addition of clause (g) on page 10 - Communication and Official Information – Communication and public relations*

(g) Councillors are at liberty to communicate to community enquiries directly.

**Response from Committee:**

Councillors are at liberty to communicate to community enquiries directly, as long as they don't purport to be speaking on behalf of Council. This is covered in "Expression of personal views" - no amendment considered necessary.

**Issue 5:** *Deletion of clause (a) on page 10 - Communication and Official Information – Comment during Public Consultation Period*

(a) will refrain from making public comment expressing a personal opinion which is biased, or may be perceived as biased or prejudging a matter whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council;

**Response from Committee**

Deletion of Clause (a) on page 10 – *Communication and Official Information - Comment during public consultation period.*

**Issue 6:** *Replacement of clause (h) on page 13 - Relationships between Elected Members, Committee Members and Employees - Inappropriate Interactions*

(h) Group invites from developers are permitted for councillors to attend information or site visits.

**Response from Committee:**

Officers believe that it was intended to introduce this clause on page 8 (Development Decisions) and not page 13 as indicated above. Either way, there is nothing in the draft Code that prevents Councillors accepting invitations from developers to attend group information or site visits, as long as it's not Councillors attending a meeting between Officers' and Developers/Applicants - no amendment considered necessary.

**Issue 7:** *Page 15 - Conflicts of Interests – Private work of employees*

A register be developed to identify and publicly record how many council staff are fully engaged in other work or business activities. Excluding those staff, who lease out their premises of commercial or residential property.

So in other words, how many staff is engaged in other commercial activities or work for other organisations if they are only part time? The CEO should have this employment information prior to employment so that the City does not have risk of conflict of interests with employees.

Staff should also be required to notify the CEO when starting a business venture whilst employed with the City to minimise perception or potential conflicts of interest.

**Response from the Committee:**

Employees are required to comply with the direction and statutory requirements of the *Local Government Act 1995* with regard to conflict of interests. City of Bunbury employment contracts

require employees to disclose to the CEO any conflicts of interest, including additional employment – no amendment considered necessary.

**Issue 8:** *Page 20 – Gifts and Benefits - Disclosure of election campaign contributions:*  
6 months should change to 12 months, to align with election returns.

**Response from the Committee**

The Election regulations state 6 months as the period for disclosure (Reg 30C, *Local Government Elections Regulations 1997*) - no amendment considered necessary.

Following further discussion by the Policy Review and Development Committee, the section entitled *Development Decision – Elected Members attending meetings between employees and applicants (Page 8)* – was reworded, including the addition of a preamble, to make clear the intent of that section to provide good governance and not prohibit Councillors in their role as facilitators. Within the appendix, this section is highlighted in blue for ease of clarity.

The revised Code of Conduct has been prepared based on research involving other Western Australian local governments. The practice of having one encompassing code rather than individual codes for Elected/Committee Members and employees respectively has been identified as the preferred approach. The Code sets out principles and standards of behaviour that Elected Members, Committee Members and employees must observe when performing their duties and is intended to promote accountability, ethical decision making, and encourage greater transparency and accountability in the City of Bunbury.

The Code of Conduct includes all legislative aspects as detailed in Part 9 of the *Local Government (Administration) Regulations 1996*. The Code is to be read in conjunction with the *Local Government Act 1995*, *Local Government (Rules of conduct) Regulations 2007* and *Local Government (Administration) Regulations 1996*.

The adoption of the revised Code of Conduct will ensure the City continues to meet its legislative compliance obligations.

**Analysis of Financial and Budget Implications**

There are no financial or budgetary implications impacting from the recommendations of this report.

**Community Consultation**

There is no community consultation impacting from the recommendations of this report.

**Councillor/Officer Consultation**

The Chief Executive Officer, Directors, Manager Organisational Development and Manager Corporate Performance have been consulted in the development of this document.

Comment from Councillors has been sought and is addressed in this report. The Code of Conduct was reviewed by the Policy Review and Development Committee on 16 October 2014.

**Outcome – Council Meeting 11 November 2014**

The recommendation (as printed) was moved Cr Kelly, seconded Cr Hayward.

Cr Steck raised concerns with the wording of the Code of Conduct regarding Councillor attendance at meetings with developers, and asked that this be reviewed by the Policy Development and Review Committee.

In accordance with clause 5.3(5)(g) of the City of Bunbury's Standing Orders Local Law 2012, Cr Steele moved, Cr Giles seconded the procedural motion "That the Code of Conduct be deferred for a period of one month to allow for further review of the document."

The Mayor put the procedural motion to the vote and the procedural motion was LOST 4 votes "for" 9 votes "against".

The Mayor put the executive recommendation to the vote and it was adopted to become the Council's decision on the matter.

**Council Decision 418/14**

***That Council, pursuant to section 5.103 of the Local Government Act 1995, adopt the revised Code of Conduct as amended and attached at appendix RAC-2.***

CARRIED

9 votes "for" / 4 votes "against"



### 10.10 New Policy – Leases and Licences (was listed as item 10.1.7 of the Council Agenda)

<b>Applicant/Proponent:</b>	Policy Review and Development Committee
<b>Author:</b>	Massimo Andreone, Manager Contracts and Property
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Appendix RAC-7: Draft Council Policy Leases and Licences Appendix RAC-8: Draft Corporate Guideline Leases and Licences Appendix RAC-9: Modelling of financial implications of the Policy

#### Summary

The purpose of this report is for Council to consider a new Council Policy relating to the determination of lease and licence rentals.

#### Committee Recommendation

That Council:

1. Adopt the Council Policy entitled *Leases and Licences* as **attached** at Appendix RAC-7.
2. Determines that all organisations subject to the Leases and Licences Policy and Guideline be given 12 months notice of the application of the policy and guideline.

#### Strategic Relevance

Goal 1	Accountable and Transparent Governance
Objective 1.2	Maintain a high standard of corporate governance and improve access to information.
Strategy 1.2.4	Oversee and regularly review corporate policies, delegations and management guidelines.

#### Background

The City of Bunbury does not currently have a formal policy or procedure in relation to determining lease and licence rentals.

#### Council Policy Compliance

This report proposes the adoption of a new Council Policy – Leases and Licences.

#### Legislative Compliance

There is no legislative compliance applicable to this matter.

#### Officer Comments

The draft policy, rent tier matrix structure and corporate guideline as **attached** at Appendix RAC-7 and RAC-8, define the way in which lease and licence rentals are determined and applied within the City of Bunbury. This will ensure that lease and license rentals are determined in a fair, equitable and transparent manner, and will take into account all information pertinent to the leasing or licensing organisation.

The Policy Review and Development Committee considered the draft Policy at its Committee meeting held on 16 October 2014. The Committee members agreed that the item be deferred pending modelling being undertaken relating to the financial implications of this Policy, and specifically if a cap on concessions was included.

The modelling was subsequently undertaken and presented to the Policy Review and Development Committee meeting held on 28 October 2014 (**attached** at Appendix MTBN-3), who have now commended the draft policy to Council for consideration.

The committee also recommended that a 12 month notice period be provided to affected organisations in relation to the application of the policy and guideline.

### **Analysis of Financial and Budget Implications**

Financial modelling is **attached** at Appendix RAC-9.

### **Councillor/Officer Consultation**

The Policy, Rent Tier Matrix Structure, and Corporate Guidelines have been drafted in collaboration with the Sport, Leisure and Active Lifestyles – Community Customer Services Department, and have been commended to Council by the Policy Review and Development Committee.

### **Outcome – Council Meeting 11 November 2014**

Cr McNeill declared an impartiality interest in this matter (see section 5).

Mr David Smith addressed the Council regarding this matter.

The executive recommendation was moved Cr Kelly, with an amendment to the Guidelines (Appendix RAC-8) to remove the “Community Benefit Guideline”. The amended motion was seconded Mayor Brennan.

Cr Cook moved a further amendment to the Guidelines to “reflect Council’s intent to adopt a maximum discount rate of 90%”. This amendment was seconded Cr Giles.

The Mayor put the amendment to the vote and the amendment was CARRIED to form the substantive motion 10 votes “for” 3 votes “against”.

For ease of reference, the substantive motion is as follows:

That Council:

1. Adopt the Council Policy entitled "Leases and Licences" as attached at Appendix RAC-7 but amend the Guidelines (Appendix RAC-8) to reflect Council's intent to adopt a maximum discount rate of 90%, and to remove the "Community Benefit Guideline".
2. Determines that all organisations subject to the Leases and Licences Policy and Guideline be given 12 months’ notice of the application of the policy and guideline.

Cr Steck moved, Cr Steele seconded a further amendment regarding the inclusion of commercial leases in the policy, and sought approval from the original mover and seconder for this to be

included in the substantive motion. The Mayor did not accept this amendment on the grounds that it was not relevant to the matter currently before the Council.

The Mayor put the substantive motion to the vote and it was adopted to become the Council's decision on the matter.

**Council Decision 419/14**

***That Council:***

***1. Adopt the Council Policy entitled "Leases and Licences" as attached at appendix RAC-7 but amend the Guidelines (Appendix RAC-8) to reflect Council's intent to adopt a maximum discount rate of 90%, and to remove the "Community Benefit Guideline".***

***2. Determines that all organisations subject to the Leases and Licences Policy and Guideline be given 12 months notice of the application of the policy and guideline.***

CARRIED

8 votes "for" / 5 votes "against"

Crs Prosser, Steele, McCleary, Morris and Steck asked that their votes "against" be recorded. All other Councillors and the Mayor voted "for" the motion.

**10.11 2013/14 Annual Report and Annual Meeting of Electors** (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: Annual Report 2013/14

**Summary**

The purpose of this report is for Council to consider accepting the 2013/14 Annual Report for the City of Bunbury, and to confirm a date for the 2014 Annual Meeting of Electors.

**Executive Recommendation**

That Council:

1. Accept the 2013/14 Annual Report as presented;
2. Schedule the 2014 Annual Meeting of Electors for Thursday, 4 December 2014, commencing at 6pm in the Function Room of the Council Chambers, 4 Stephen Street Bunbury; and
3. Request the Chief Executive Officer undertake all statutory advertising in this regard.

**Background**

In accordance with the provisions of section 5.27 of the *Local Government Act 1995* (the Act), a general meeting of electors of a district is to be held once every financial year, but not more than 56 days after the local government accepts the annual report for the previous financial year.

In addition, section 5.29(1) of the Act requires a minimum 14 day notice period of the annual meeting of electors be given via local public notice.

The 2013/14 draft Annual Report includes an abridged version of the Annual Financial Statements and Audit Report.

**Legislative Compliance**

Subdivision 4 of Division 2 of Part 5 of the *Local Government Act 1995* deals with meetings of electors.

Division 5 of Part 5 of the *Local Government Act 1995* deals with Annual Reports and Planning.

**Officer Comments**

The City's 2013/14 Annual Report is **attached** at Appendix CEO-1 for the consideration of Council. The report contains an overview of the City's achievements during 2013/14, as well as all requisite statutory aspects.

Last year's Annual Meeting of Electors was held on Thursday, 5 December 2013. Giving consideration to the requisite statutory timeframes (in particular the 14 day notice period) and the lead time required to lodge a notice in any of the local newspaper publications as necessary for a

“local public notice”, the earliest that Council could hold its 2013 Annual Meeting of Electors is Wednesday, 3 December 2014.

To this extent it is suggested that the meeting be held on Thursday, 4 December 2014, commencing at 6pm.

### **Community Consultation**

N/A

### **Analysis of Financial and Budget Implications**

All advertising costs can be accommodated within the 2014/15 budget.

### **Outcome – Council Meeting 11 November 2014**

The Chief Executive Officer advised that a minor amendment was required to a figure in the Annual Report. As such, he advised that the Executive Recommendation would be amended to read “as amended” instead of “as presented”.

The amended recommendation was moved Cr Jones, seconded Cr Miguel.

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

### **Council Decision 420/14**

#### ***That Council:***

- 1. Accept the 2013/14 Annual Report as amended;***
- 2. Schedule the 2014 Annual Meeting of Electors for Thursday, 4 December 2014, commencing at 6pm in the Function Room of the Council Chambers, 4 Stephen Street Bunbury; and***
- 3. Request the Chief Executive Officer undertake all statutory advertising in this regard.***

CARRIED

13 votes “for” / Nil votes “against”

**10.12 Endorsement of Community Panels/Precinct Consultation Paper and Engagement** *(was listed as item 10.2.2 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-2: Community Panels/Precinct Consultation Paper

**Summary**

At the Council Meeting of 10 June 2014, Council resolved to recommend a reduction in the number of elected members and initiate community consultation into the establishment of Community Panels or Precinct Committees within the Bunbury Area.

Officers have undertaken the necessary research and provide the attached Community Panels/Precinct Committees in the City of Bunbury Consultation Paper which details a number of case studies and options.

It is proposed to now formally undertake consultation with the City of Bunbury ratepayers on which option the Council wish to see implemented for the City of Bunbury.

**Executive Recommendation**

Council endorses the Consultation Paper titled “Community Panels/Precinct Committees in the City of Bunbury” for the purpose of enabling community consultation to seek views and interest in the establishment of Community Panels/Precincts in the City of Bunbury.

**Background**

At its Ordinary Meeting of 10 June 2014, Point 4 of Council Decision 198/14 authorised the CEO to initiate community consultation and research into the potential establishment of Community Panels or Precinct Committees based on geographic groupings of interest throughout the City.

As a result of this resolution, the research paper titled “Community Panels/Precinct Committees in the City of Bunbury” was been prepared. A copy of the Consultation Paper is **attached** at Appendix CEO-2 and is the first stage of the process. The paper examines to use of community panel/precinct committees across Australia along with other relevant research, and outlines options for consideration which will form the basis of the community engagement.

Council is now requested to endorse the paper to allow for community consultation to be undertaken to ascertain the view of ratepayers on the proposal.

**Legislative Compliance**

Section 3.1(1) of the *Local Government Act 1995* details that the general function of a local government is to provide for the good government of persons in its district.

Section 5.9(2) of the *Local Government Act 1995* relates to the establishment of Committees. It is noted that a committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or

- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

### **Officer Comments**

Whilst the concept of precinct committees does have merit, it does come at a cost if the entire process is to be run by Council. Each of the local governments that have implemented in the arrangements in the various forms have dedicated staff resourcing to ensure that they are effective and are able to be managed.

Whilst each of the models varies in their intent and operation, for it to be effective in the City of Bunbury there is a need to have a well-defined focus and objective rather than further duplication of the mechanisms that have already been put in place. The household panel, whilst focusing on the entire City could provide the opportunity to seek input to the decision making process, as can the surveys and feedback through social media and other current sources.

Council staff have worked hard on the establishment of the Withers Advisory Committee and the resourcing required to keep this committee operational is higher than the full Council Meeting operations. Whilst this was somewhat due to the complexities and involvement of various parties, if the same model were introduced for precinct committees there would be a need for an additional FTE to support every two precinct committees.

It is recommended that if the Council is considering moving down the path of establishing precinct committees, that a period of community consultation be undertaken to assess the potential of introducing a precinct group, Citizen Panel, or placemaking approach within the City of Bunbury.

Consultation should explore expected levels of participation, motivations, and potential benefits either system would attract. It should establish the preference for a precinct groups system or a placemaking approach to empower the community and establishing long-term place-specific plans.

### **Analysis of Financial and Budget Implications**

The costs for advertising of the discussion paper and seeking comments is covered in the base operating budget for media and marketing.

### **Community Consultation**

Following Council endorsement, it is proposed to undertake community consultation on the topic of Community Panels/Precinct Committees in the City of Bunbury for a period of 30 days. This will be vital to assist in assessing the potential of introducing either a Precinct Group, Citizen Panel or Place-making approach within the City of Bunbury. Upon completion of the consultation period, a further report be presented to Council outlining the feedback received and a final recommendation.

### **Councillor/Officer Consultation**

Elected Members are aware of the proposal to seek consultation on the establishment of Community Panels/Precinct Committees in the City of Bunbury.

**Outcome – Council Meeting 11 November 2014**

The recommendation was moved Cr Kelly, with the amendment that the word “endorses” be replaced with “receives”. The amended recommendation was seconded Cr Jones.

The Mayor put the amended motion to the vote and it was adopted to become the Council’s decision on the matter.

**Council Decision 421/14**

*Council endorses the Consultation Paper titled “Community Panels/Precinct Committees in the City of Bunbury” for the purpose of enabling community consultation to seek views and interest in the establishment of Community Panels/Precincts in the City of Bunbury.*

CARRIED

8 votes “for” / 5 votes “against”



**10.13 Tender for: Upgrade Road and Parking Configuration Lovegrove Avenue and Reading Street RFT 1415-00008 (was listed as item 10.5.2 of the Council Agenda)**

<b>File Ref:</b>	RFT1415 – 00008
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Russell, Senior Contracts and Procurement Officer
<b>Executive:</b>	Phil Harris – Director Works and Services
<b>Attachments:</b>	Appendix CRUSC-2 - Confidential Evaluation Report RFT1415-00008

**Summary**

The City of Bunbury issued a Request for Tender seeking a suitably experienced Contractor to upgrade the road and car parking configuration for Lovegrove Avenue and Reading Street in accordance with designs and specifications.

Tender prices were requested on a lump sum basis with an expected practical completion date of 30 January 2015.

**Executive Recommendation**

Council authorises the Chief Executive Officer to enter into a contract with Carbone Bros Pty Ltd for Part A and B as per their tendered amount.

**Background**

As part of its School Frontage Program, the City wishes to improve vehicle and pedestrian access and parking at South Bunbury Primary School at Lovegrove Avenue and Reading Street. Traffic management and parking near the Bunbury Primary School is problematic during morning and afternoon peak times, particularly on Lovegrove Avenue. Two issues potentially compromise children's safety:

1. Indiscriminate parking at peak times; and
2. Disorderly traffic movement at peak times.

This project generated significant local opposition to previous proposals that showed removing street trees in Lovegrove Avenue. In response, the Council has indicated that these trees are to be protected, maintained and secured during the construction period.

Given the close proximity to the Bunbury Primary School, it is important that this project starts and finishes during the 2014/15 school holidays. Due to the high public profile of this project and associated political interest in the community, it is paramount that the Contractor, Sub Contractor and/or Agent conducts themselves in a safe, responsible and professional manner at all times.

**Council Decisions**

*Council Decision 181/14 of 27 May 2014:*

1. *That Council adopt Drawing 1-2014-16 (TWO WAY concept) as its preferred development option for the School Frontage Program at Lovegrove Avenue. (carried 10/1)*

2. *That Council note that the construction of 30 parking bays within the School grounds has not been included in the project unless additional grant funding becomes available. (carried 8/3)*
  - A. *Construction of interim car park of an informal nature be considered as a first step.*
  - B. *Work with Bunbury School Board to find funding for permanent upgrade including work on entry and exit points into the existing staff parking area.*
3. *City of Bunbury enlarge cul-de-sac to facilitate safe turn around at the top of Reading Street. Funding for this project to be found from road existing/future road budget and to be completed as soon as practicable. (carried 9/2)*
4. *City of Bunbury review and consider the installation of bollards and footpath extensions to improve the pedestrian / cyclist crossing points on Stockley Road at the intersections of Reading Street, Karri Street and the Western Lovegrove.( carried 10/1)*

This tender was advertised in the West Australian and the Bunbury South West Times newspapers on the 17 and 18 September 2014. The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/). A total of 58 suppliers viewed the documents on line, 24 companies downloaded the documentation and at closing two (2) responses were received from;

1. Carbone Bros Pty Ltd – PO Box 61, Brunswick Junction WA 6224
2. JAK Civil Pty Ltd – PO Box 239, Perth WA 6936

An evaluation panel comprising of the following internal staff assessed the responses;

- Manager - Engineering
- Team Leader Airport and Design
- Senior Projects Officer
- Senior Contracts and Procurement Officer (non voting)

The tenders were evaluated using the following criteria:

Compliance Criteria – Yes / No answers

Qualitative Criteria weighting

1. Relevant Experience - 20%
2. Key Personnel – 20%
3. Demonstrated Understanding – 20%
4. Tenderers Resources – 20%
5. Price – 20%

Evaluation of the tenderers, tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report **attached** at Appendix CRUSC-2.

### **Council Policy Compliance**

The tender process complies with the requirements of the City's Policy DCS-9 "Purchasing – Local Preferences"

### **Legislative Compliance**

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

### **Officer Comments**

Funding limitations necessitated that Part C of the works which includes the Reading Street modifications not be included in the contract with alternate plans for this component to be delivered by City of Bunbury work teams.

The Department of Education are aware of the proposal not to include Reading Street in the contract works and have confirmed that no additional funding is available for this project nor can the project funding be transferred to another School Frontage project.

Staff are continuing to develop concepts for part 4 of Council Decision 181/14 which relate to Stockley Road improvements.

All members of the evaluation panel have signed a confidentiality and impartiality agreement.

### **Analysis of Financial and Budget Implications**

Funding for this project has been allocated in the budget for 2014/15 under Project PR-1172.

The tender amount is within the budget allocation if Part A and Part B only are awarded.

### **Delegation of Authority**

This tender has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

### **Relevant Precedents**

Council has dealt with all tenders previously called which exceed delegated authority limits.

### **Outcome – Council Meeting 11 November 2014**

Cr Steele and Cr Hayward declared impartiality interests in the matter (see Section 5).

The recommendation (as printed) was moved Cr Steck, seconded Cr Cook.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

#### **Council Decision 422/14**

***Council authorises the Chief Executive Officer to enter into a contract with Carbone Bros Pty Ltd for Part A and B as per their tendered amount.***

CARRIED  
13 votes "for" / Nil votes "against"

**11. Applications for Leave of Absence**

Nil

**12. Motions on Notice**

Nil

**13. Questions on Notice**

**13.1 Response to Previous Questions from Members taken on Notice**

Nil

**13.2 Questions from Members**

Nil

## 14. New Business of an Urgent Nature Introduced by Decision of the Meeting

It is requested that this matter be dealt with as urgent business as the Bunbury Chamber of Commerce and Industries have asked that Council submit a modified application to the Department of Commerce to further extend Christmas trading hours in Bunbury trading for the additional period 1 to 17 December, and 31 December 2014. To allow time for the Department of Commerce to assess the application, it is requested that this business be considered as a late item rather than deferring the matter to the next round.

### Recommendation

That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item 14.1 entitled “2014 Christmas Extended Trading Hours” as a matter of urgent business.

### Outcome – Council Meeting 11 November 2014

The recommendation (as printed) was moved Cr Cook , seconded Cr Jones

The Mayor put the motion to the vote and was adopted to become the Council’s decision on the matter.

#### Council Decision 423/14

*That Council pursuant to section 5.4 of Councils Standing Orders, agree to receive the item 14.1 entitled “2014 Christmas Extended Trading Hours” as a matter of urgent business.*

CARRIED

13 votes “for” / Nil votes “against”

### 14.1 2014 Christmas Extended Trading Hours

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix URG-1: Approved Variation Order Appendix URG-2: Council Policy <i>Application for Extended Trading Hours</i> Appendix URG-3: Correspondence from BCCI

#### Summary

The purpose of this report is for Council to consider dates for extended retail trading for the 2014 Christmas period.

#### Executive Recommendation

That Council accept the offer from the Minister for Commerce for extended trading for the additional period 1 to 17 December, and 31 December 2014.

#### Background

Pursuant to Council Policy *Application for Extended Trading Hours*, an application was made to the Department of Commerce on 30 September 2014 to extend retail trading within the City of Bunbury over the 2014 Christmas period. A copy of the Policy is **attached** at Appendix URG-2.

In preparing the application, comment was sought from the Bunbury Chamber of Commerce and Industry, who supported the proposed extended hours, which were consistent with the parameters of Council's Policy.

The application was subsequently approved by the Minister for Commerce (the Minister) and a Variation Order drafted under the *Retail Trading Hours Act 1987* (copy **attached** at Appendix URG-1). The approved hours are as follows:

Day	Hours
Friday 19 December 2014	From 6.00pm until 9.00pm
Saturday 20 December 2014	From 5.00pm until 6.00pm
Monday 22 December 2014	From 6.00pm until 9.00pm
Tuesday 23 December 2014	From 6.00pm until 9.00pm
Saturday 27 December 2014	From 5.00pm until 6.00pm
Monday 29 December 2014	From 6.00pm until 9.00pm
Tuesday 30 December 2014	From 6.00pm until 9.00pm

Following this approval, further correspondence was received from the Department of Commerce advising that the Minister was extending an invitation to all local governments for an extended suite of trading hours for between 1 and 31 December 2014. This proposal would see general retail shops within the City be able to trade from 8.00am to 9.00pm Monday to Friday, from 8.00am to 5.00pm on Saturdays, and from 11.00am to 5.00pm on Sundays and Public Holidays, other than on Christmas Day, which will be a closed day.

Following some media coverage relating to the invitation above, the Bunbury Chamber of Commerce and Industry wrote to the Chief Executive Officer requesting that consideration be given to the most recent suite of extended trading hours offered by the Minister. A copy of this correspondence is **attached** at Appendix URG-3.

### **Council Policy Compliance**

Council has a current policy entitled *Application for Extended Trading Hours*, which deals with extended retail trading.

The Policy was last reviewed by Council on 26 November 2013, as a mechanism to simplify the process around the annual application for extended trading during the Christmas/New Year period.

Council's current approved suite of extended trading hours for the 2014 Christmas period is consistent with Council's Policy in this regard. The most recent offer of extended hours is not consistent with Council Policy, however with the support of the BCCI the matter can be approved.

### **Legislative Compliance**

*Retail Trading Hours Act 1987*

### **Officer Comments**

The City of Bunbury already operates a seven (7) day trading regime, by virtue of an Exemption Order that was published in the Government Gazette on 21 November 2008, and came into effect on 4 January 2009. In the simplest of terms, the Exemption Order permits trading within the City of Bunbury on Sundays and Public Holidays.

Given the City's Exemption Order, the main change from the currently approved suite of extended trading hours (to that now offered by the Minister), would be the ability for retailers to open for late night trading (to 9pm) on Mondays, Tuesdays, Wednesdays and Fridays between 1 and 17 December, and Wednesday 31 December 2014.

### **Analysis of Financial and Budget Implications**

There are no financial implications arising from the recommendations of this report.

### **Community Consultation**

The current approved extended trading hours have been advertised locally, so any changes would need to be marketed accordingly to ensure clarity.

The BCCI is currently working on a submission in relation to the deregulation of trading hours and will provide this to Council in the near future. In the interim the BCCI has requested that Council support the additional extension of trading hours.

### **Outcome – Council Meeting 11 November 2014**

The recommendation (as printed) was moved Cr Steck, seconded Cr McCleary.

The Mayor put the motion to the vote and was adopted to become the Council's decision on the matter.

#### **Council Decision 424/14**

*That Council accept the offer from the Minister for Commerce for extended trading for the additional period 1 to 17 December, and 31 December 2014.*

CARRIED

13 votes "for" / Nil votes "against"

## **15. Meeting Closed to Public**

### **15.1 Matters for which the Meeting may be Closed**

Nil

### **15.2 Public Reading of Resolutions that may be made Public**

## **16. Closure**

The meeting was declared closed at 6:24pm.

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Confirmed this day 25 November 2014 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 11 November 2014.

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**Mr Gary Brennan**  
**MAYOR**