



Bunbury City Council

Notice of Meeting and Agenda 24 June 2014

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CITY OF BUNBURY
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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 Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, **24 June 2014** at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 19/06/2014)

Agenda 24 June 2014

Note: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

Council Members:

Mayor Gary Brennan
Deputy Mayor Councillor Brendan Kelly
Councillor Murray Cook
Councillor Wendy Giles
Councillor James Hayward
Councillor Judy Jones
Councillor Betty McCleary
Councillor Neville McNeill
Councillor Jaysen Miguel
Councillor Sam Morris
Councillor David Prosser
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening / Announcements of Visitors

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

4. Attendance

4.1 Apologies

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.”*

At the Council Briefing session of the 17 June 2014, Mayor Brennan declared a financial interest for item 10.4.1 titled *“Audit Regulation 17”* as he has a business association with AMD Chartered Accountants. He will vacate the chambers for the discussion and vote on the matter at the Council meeting.

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

6.2 Responses to Public Questions Taken 'On Notice'

Noel Seymour, 39 Queensbury Street. Bunbury

Mr Seymour asked the following three (3) questions to Council in relation to the Koombana Footbridge. The responses were provided by the Mayor. The Mayor advised that his questions would be taken 'on notice' and a full response will be provided to Mr Seymour.

Question 1. What is the Cost to the City to reinstate the Footbridge on the Existing Structure?

Response: Costs associated with reopening the footbridge are currently being borne by the Public Transport Authority and Landcorp.

Question 2. Will the City install height gauges to minimise risk of collision to boats, if not raised?

Response: The City will comply with relative legislation and the Department of Transport Guidelines for navigable waterways.

Question 3. Who will own the risk of damage and personal injury if the City takes this on?

Response: This has not been defined at this stage and will form part of negotiations with State agencies in accordance with the Management Order Development

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 10 June 2014, have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 10 June 2014 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal |
| Attachments: | Appendix MTBN-1 – Youth Advisory Council Minutes 14 May 2014 Appendix MTBN-2 – Bunbury-Setagaya Sister Cities Committee Minutes 21 May 2014 Appendix MTBN-3 - Bunbury-Regional RoadWise Committee Meeting 4 June 2014 Appendix MTBN-4 - Audit Committee Meeting Minutes 29 May 2014 |

Summary

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

- Title: Youth Advisory Committee Minutes of 14 May 2014
Author: April Byrne, Community Development Officer
Appendix: MTBN-1
- Title: Bunbury-Setagaya Sister Cities Committee of 21 May 2014
Author: Jenni Brown, Sister Cities Administration Officer
Appendix: MTBN-2
- Title: Bunbury-Regional RoadWise Committee Meeting of 4 June 2014
Author: Rachel Griffiths, Engineering Technical Officer
Appendix: MTBN-3
- Title: Audit Committee Meeting Minutes of 29 May 2014
Author: Greg Golinski, Manager Corporate Performance
Appendix: MTBN-4

Council Committee Recommendation

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

1. Youth Advisory Committee Minutes of 14 May 2014.
2. Bunbury-Setagaya Sister Cities Committee of 21 May 2014.
3. Bunbury-Regional RoadWise Committee Meeting of 4 June 2014
4. Audit Committee Meeting Minutes of 29 May 2014

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 Conference Delegates' Reports

8.5.1 Report – Communities of the 21st Century – In the Cube, Bunbury, 15 May 2014

| | |
|-----------------------------|------------------------|
| Applicant/Proponent: | Internal |
| Author: | Councillor Murray Cook |
| Attachments: | Nil. |

This report relates to the conference I attended on May 15 in Bunbury with the theme "Communities of the 21st Century". I would like to thank Council and the City's Ratepayers for facilitating and paying for this opportunity.

The conference ran from 9:00am to 4:25pm and was competently MC'd by **Jon Doust**. Jon is a very articulate and interesting MC and I would recommend his recruitment for any similar event; he resides in Albany.

The organisers have placed some of the presentations on the Critical Horizons' website. If you would like to study the full detail, please use this hyperlink - <http://www.criticalhorizons.com.au/Current%20Event/Speakers>

The programme was put together by the South West Development Commission's Critical Horizons team led by Alan Cross.

Programme

1. **Don Punch CEO SWDC** – Don opened the conference by congratulating Joel and all involved in staging the first conference in the new Cube Theatre. Don spoke of the need to shape the future rather than wait for it to arrive. Business as usual, is not an option – accommodate changing needs – welcome new ideas – be a willing participant in the future.
2. **Bernard Salt** – Bernard offered a statistical snapshot of the Greater Bunbury region and the South West. He suggests China will harbour the biggest economy in the World by 2026. Australia has the 12th biggest Gross Domestic Product, in the World; is the 3rd richest Country; has the 6th fastest growing economy. What the World wants – we have! 170K people currently live in the South West and that is expected to be 220k in 2026. Greater Bunbury is 11th on the list of fastest growing regions in Australia. Busselton is growing at 4% per annum and Bunbury at 3%. Parts of Tasmania are in negative growth of about minus 1%. The biggest growth demographic is the age range 50 to 69 years. Key issues – Social Cohesion, Agricultural Transition, Flight of Youth, Culture of Entrepreneurialism.

To quote Mr Salt:

"Australia has shifted emphasis since the global financial crisis. Gone is our singular obsession with seachange. What seems to have emerged are muscular regions that engage globally and that offer lifestyle. And nowhere is this 'new Australian regionalism' better evidenced than in the West's South West: global linkages through the port of Bunbury; improved motorway and air connections with Perth and beyond; and a lifestyle fusion of Tuscanesque vineyards and Californian beaches. But this is not to say that this golden region isn't without its challenges such as retaining youth. Perhaps the way forward in the South West lies in a cultural shift that embraces the principles of localism and have-a-go-ism. The South West has all the attributes to be regional Australia's "can-do" centre of excellence."

3. **Jim Lee** – Mr Lee is a futurist from Philadelphia, USA and his topic was Ageing populations and social capital. He gave an overview of how communities are adapting to ageing populations at a grass roots level. Changes include – Ownership to Access (housing), (wanting) More to Enough, Financial to Social Capital, Cultural Adolescence to Maturity. Mr Lee's book - *Resilience and The Future of Everyday Life*, is available on Amazon.com.
4. **Prof Gavin Wood** – Prof Wood spoke of Home Ownership in Australia; Recent Trends & Future Prospects. Three key developments that will shape the Australian housing sector in 21st Century: 1) Increasingly insecure 'housing careers' 2) Home Ownership will be more difficult to attain and sustain 3) The emergence of housing and real estate as a key influence on productivity and economic development.
5. **Dr Justin Harrison** – Justin runs a family/relationships counsellor clinic in Busselton and lives in Capel where he also runs the local Goju ryu karate club. He is a very interesting speaker and his topic was Together alone? Trends in families & relationships toward 2050. *"Development of community facilities and sporting clubs very important in light of their increasing role in the development and socialisation of children and families. Property development must take into account needs of children and families, govt' departments must enforce. FIFO families provide great economic stimulus, and deserve support readjusting into and out of the FIFO role. The cost of not doing so is quite large and borne by everyone."*
6. **Paddi Creevey** – former Mayor of Mandurah – Ms Creevey's presentation was titled "Looking forward, looking back". A very interesting speaker and so committed in everything that she has ever done and is doing. Paddi currently chairs the Governing Council of Challenger Institute of Training, is a member of the Peel Region Planning Committee, a member of the Regional Development Australia Peel and chairs the Ministerial advisory committee Women in Local Government.
7. **Prof Peter Newman** - is the professor of sustainability at Curtin University. He is on the Board of Infrastructure Australia and is a lead author for Transport on the IPCC – Intergovernmental Panel on Climate Change. He states: *"People oriented towns are places that people want to be because they meet other people and spend time doing more than just shopping or working. Such places are finding that the best way to do this is to manage the cars so that streets are much more pedestrian friendly."*
8. **David Trench** – Chair of Regional Development Australia SW closed the day after thanking presenters and attendees.

Key Learning:

The key learning I took away from the day was to simply a re-enforcement that Bunbury and the South West have a great future. Our sustained population increase is testament to that coupled with our natural resources and our proximity to Asia. I am very confident that agriculture is going to grow strongly as the need for dairy products, in particular, by China and India will be massive. We just need to keep pace with infrastructure and manage the social change that will come.

Networking:

There were 235 attendees and the networking opportunities were endless.

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Risk Management Policy

| | |
|-----------------------------|---|
| Applicant/Proponent: | Audit Committee |
| Author: | Greg Golinski, Manager Corporate Performance |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix RAC-1 – Draft Risk Management Policy |

Summary

The purpose of this report is for Council to consider a new policy relating to risk management.

Audit Committee Recommendation

That Council adopt new Council Policy – Risk Management.

Background

At the Audit Committee meeting held on 25 February 2014, the Committee requested that the CEO prepare a risk management policy and corporate guideline and present it to the next meeting of the Committee.

The recommendation was made in the context of discussions about new Audit Regulation 17, which reads as follows:

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Also of relevance is the recommendation made by the Audit Committee at its meeting on 28 January 2014 (later ratified by Council), which read:

The Audit Committee request the CEO to prepare a risk analysis of the macro factors impacting on the operational viability of the City and report back to the Audit Committee (ie. total long service leave accruals; rate income as a percentage of total income; condition of major assets; adequacy of reserves to fund costs.)

It is considered that this recommendation is consistent with clause (1)(a) of the new Regulation, and will therefore be addressed as part of the reporting requirements for Regulation 17.

Council Policy Compliance

This report proposes the adoption of a new Council policy.

Legislative Compliance

N/A

Officer Comments

In working towards achieving compliance with new Audit Regulation 17, it is considered important that Council have an overarching policy in place in relation to risk management.

The proposed policy **attached** at Appendix RAC-1 is generic in its application; the intent being that an accompanying guideline/framework will be more specifically tailored to the City of Bunbury.

A Risk Management framework for the City is currently being developed by Officers, with input from relevant Departments within the City.

The intent of the draft policy is for the City to make an overarching commitment to risk management that ensures consistent, efficient and effective assessment of risk in all planning, decision-making and operational processes.

Analysis of Financial and Budget Implications

Nil

Community Consultation

N/A

Councillor/Officer Consultation

Nil

10.1.2 RoadWise Committee Nomination

| | |
|-----------------------------|---|
| File Ref: | DOC/197300 |
| Applicant/Proponent: | Roadwise Committee |
| Author: | Rachel Griffiths, Engineering Technical Officer |
| Executive: | Phil Harris, Director Works and Services |
| Attachments: | Appendix RAC-2 – Roadwise Nomination Form |

Summary

Mr Peter Stewart has nominated for appointment to the Bunbury Region RoadWise Committee as a representative of the Department of Fire and Emergency Services.

Mr Keith Harraway has nominated for appointment to the Bunbury Region RoadWise Committee as a representative of the RAC.

Roadwise Committee Recommendation

Mr Peter Stewart and Mr Keith Harraway are appointed as new members of the Bunbury Region RoadWise Committee.

**Absolute Majority Vote Required*

Background

The Bunbury Region RoadWise Committee is a committee of Council that the Council is obligated to establish in order to meet the objectives of the Local Government Road Safety Strategy (issued by the State Government's Office of Road Safety).

Currently the committee comprises of:

| Member Name | Representing |
|--------------------|----------------------------------|
| Cr Betty McCleary | City of Bunbury Council |
| Cr Murray Cook | City of Bunbury Council |
| Sgt Craig Clarke | WA Police |
| Lyn Gell | St John Ambulance |
| Brad Brooksby | Community Member - Opus |
| Paul Cassidy | Community Member – Main Roads WA |
| Tegan Studsor | Community Member – Traffic Force |
| Alan Roberts | Main Roads WA |
| Gavan Hayllar | RoadWise Officer - WALGA |
| Lisa Gartrell | RAC SDERA – Road Aware School |

| New Member | Representing |
|-------------------|---|
| Keith Harraway | RAC – Manager South West |
| Peter Stewart | Department of Fire and Emergency Services |

Support staff:

| Name | Title |
|------------------------------------|-------------------------------|
| Jason Gick | Manager Engineering |
| Rachel Griffiths (Minute Taker) | Engineering Technical Officer |
| Phil Harris | Director Works and Services |

Council Policy Compliance

Establishment and Operation of Council Committees.

Legislative Compliance

Section 5.10(1) of the Local Government Act 1995 stipulates that appointment of members to committees of the Council is to be by way of a formal Council decision (an absolute majority vote is required).

Officer Comments

New members are required to replace retiring members. Mr Stewart and Mr Harraway nomination forms are attached RAC-2 – Roadwise Nomination Form.

Analysis of Financial and Budget Implications

There are no budget implications as a result of these nominations.

Community Consultation

No community consultation is required.

Councillor/Officer Consultation

The members of the Bunbury Region RoadWise Committee unanimously support the appointment of the nominated committee members.

10.2.3 Youth Advisory Council Committee Nominations

| | |
|-----------------------------|---|
| Applicant/Proponent: | Youth Advisory Council Committee |
| Author: | April Byrne, Community Development Officer |
| Executive: | Stephanie Addison-Brown, Director Community Development |
| Attachments: | Nil. |

Summary

The purpose of this item is for Council to consider approving the nominations received to fill three (3) vacant positions on the committee, as recommended by the Youth Advisory Council committee at their meeting on 14 May 2014.

Youth Advisory Council Recommendation

That Council notes and approves the following people being appointed to YAC:

- Shannon Muir
- Shani Szabo
- Rebecca Green
-

**Absolute Majority Vote Required*

Background

As Council is aware, a full election was held during October 2013 to appoint a new Youth Advisory Council Committee. Since this election three positions have become vacant and are required to be filled.

As per protocol, an advertisement was placed in the City Focus section of the Bunbury Mail on the 16th and the 23rd April. As a result of this three nominations were received matching the number of positions vacant.

At the Youth Advisory Council committee meeting held Wednesday 14 May 2014 it was moved that the three nominations received to fill the vacant positions were noted and recommended that the nominations are referred to council to be endorsed as Youth Advisory Council committee members.

Council Policy Compliance

There is no Council policy applicable to this report.

Legislative Compliance

There are no legislative requirements applicable to this committee.

Officer Comments

Reference checks have been completed for each nomination and a satisfactory report has been given that each candidate is suitable for the committee.

Analysis of Financial and Budget Implications

There are no financial and budget implications applicable to this report.

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

10.2 Chief Executive Officer Reports

10.2.1 Endorsement of Appointments to Bunbury Regional Theatre Inc.

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal |
| Author: | Andrew Brien, Chief Executive Officer |
| Executive: | Andrew Brien, Chief Executive Officer |
| Attachments: | CEO-1 –Letter requesting endorsement of Board Management members |

Summary

On 6 June 2014, the City received correspondence from the Bunbury Regional Entertainment Centre seeking Council endorsement of the appointment of members to the Bunbury Regional Theatre Inc. (copy **attached** at Appendix CEO-1).

Executive Recommendation

Pursuant to the constitution of the Bunbury Regional Theatre Incorporated, the City of Bunbury endorses appointment of the following members to the Theatre's Board for a two (2) year term to expire 1 July 2016:

- John Ventris
- Simon Jacob
- Trevor Smith
- Joanne O'dea
- Rochelle Lennox

Background

The Bunbury Regional Entertainment Centre is a City of Bunbury asset. It opened in 1990 and provides the people of Bunbury and the South West Region with the opportunity to view and participate in performances staged in a top-class facility.

The Bunbury Regional Theatre Inc. is an independent, not-for-profit community organisation charged with management of the Bunbury Regional Entertainment Centre. The Management Board is comprised of ten (10) interested members of the community with a commitment to the performing arts.

The City of Bunbury contributes funding annually to support operation of the Bunbury Regional Entertainment Centre. Accordingly, the Bunbury Regional Theatre Inc. constitution permits at least one (1) sitting Bunbury City Councillor to be a member of its Management Board (this is currently a position occupied by Cr Brendan Kelly). The Constitution also requires all appointments to the Board to be endorsed by the Council.

Due to existing members' term expiring five (5) positions on the Board will become vacant on 1 July 2014. The Bunbury Regional Theatre Inc. has advised that it called for nominations to fill these vacancies via advertisements in the press on 16 and 17 April 2014. It received nominations from four (4) of the retiring members plus one (1) community member.

A Selection panel consisting of two (2) existing board members (Ray Frisina and Ron Rumball) and one (1) community member (Don Punch) was formed to assess the applications.

The Panel's recommendation was unanimously passed at the last Board meeting held in May 2014. Accordingly, the Bunbury Regional Theatre Inc. now requests that the recommendation be moved at this meeting.

Community Consultation

The Bunbury Regional Theatre Inc. called for nominations for membership of the Board via public notices in the print media on 16 and 17 April 2014.

Analysis of Financial and Budget Implications

Appointment of members to the Board will have no effect on the City's existing budget for the Bunbury Regional Entertainment Centre (which is a City of Bunbury asset).

Council Policy Compliance

There is no Council Policy in relation to this matter.

Legislative Compliance

The constitution of the Bunbury Regional Theatre Inc. requires Council endorsement of appointments to its Management Board.

Officer Comments

In endorsing this recommendation, the City has fulfilled its obligation under the terms of the current Deed of Management.

10.2.2 Elected Member Representative - Appointment of a Proxy to each Committee of Council

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal |
| Author: | Andrew Brien, Chief Executive Officer |
| Executive: | Andrew Brien, Chief Executive Officer |
| Attachments: | Appendix CEO-2 – Extract of Council Committee Book |

Summary

The purpose of this report is Council to consider appointing a proxy to the membership of each of the Committees of Council as per Councils Committee Book.

Executive Recommendation

That the following Elected Members be appointed to the listed Committees of Council as proxy members;

- a) Cr _____ as Proxy Member on the Audit Committee
- b) Cr _____ as Proxy Member on the Bunbury Region RoadWise Committee
- c) Cr _____ as Proxy Member on the Bunbury-Setagaya Sister Cities Committee
- d) Cr _____ as Proxy Member on the CEO Performance Review Panel
- e) Cr _____ as Proxy Member on the Community Access Committee
- f) Cr _____ as Proxy Member on the Policy Review and Development (Standing) Committee
- g) Cr _____ as Proxy Member on the Withers Advisory Committee
- h) Cr _____ as Proxy Member on the Youth Advisory Council (Formal)

**Note: Absolute Majority required*

Background

The purpose of these proxy appointments is to enable the Committees to meet and vote on items should a voting member not be able to attend a meeting due to prior commitments.

In line with best practice and the principles of openness and transparency, it is recommended that Council consider the appointment of a proxy member to each of its Committees.

An extract of Councils Committee Book detailing current members on each Committee is **attached** at appendix CEO-2.

Council Policy Compliance

Not applicable.

Legislative Compliance

The Local Government Act 1995 permits committees of Council to comprise community members as well as Councillors.

Officer Comments

It is acknowledged that Elected Members are required to attend a number of Committee Meetings and Council engagements, along with their own personal and professional engagements.

It is envisaged that through the appointment a proxy member to each committee, should any voting member be unable to attend a meeting, the Committee will still be able to reach a quorum and continue with the duties of the Committee.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

10.2.3 West Australian Local Government Association – 2014 Annual General Meeting Motions

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal Report |
| Author: | Andrew Brien, Chief Executive Officer |
| Executive: | Andrew Brien, Chief Executive Officer |
| Attachments: | CEO-3 – Review of Section 6.28 Valuation of Land Motion CEO-4 – Contaminated Sites – Auditing Requirements Motion |

Summary

Following Council Decisions 175/14 and 174/15 this report has been prepared for Council to endorse motions referred for consideration as part of the WA Local Government Association Annual General Meeting Agenda. .

The two (2) matters identified as motions to be considered at the Convention, these being a review of the rating provisions under the Local Government Act 1995 and the requirement for Council to engage the services of Environmental Auditors.

Copies of these motions are **attached** at Appendix CEO-3 and CEO-4 for endorsement.

Executive Recommendation

That Council endorse the motions titled “*Contaminated Sites – Auditing Requirements*” and “*Review of Section 6.28 Valuation of Land*” to be included in the WALGA Annual General Meeting Agenda.

Background

At the Council Meeting held 27 May 2014, Council *Decision 175/14, Point 3* stated:

3. *That Council endorse the preparation of the following motions to be forwarded to WALGA for consideration at the 2014 Convention:*
 - a) *Review of rating and revenue raising arrangements and options for use by local governments*
 - b) *A review of the requirements for engagement of Environmental Auditors*
 - c) *Transferring of staff from local governments to other levels of government and Regional Councils.*
 - d) *The requirement for western Australian local governments to hold annual electors meetings*
 - e) *Any other matters determined by Council prior to the cut off for agenda items for consideration.*

CARRIED

11 votes “for” / nil votes “against

A motion covering Point (a) of Decision 175/14 is **attached** at Appendix CEO-3.

At the Ordinary Meeting of the same date, Council considered a report in relation to point (b) of decision 175/14. Subsequently, the motion covering this item is **attached** at Appendix CEO-4.

A copy of the Council Decision is listed below.

Council Decision 174/14

That Council refer the following recommendation to the Western Australian Local Government Association for consideration at the Annual General Meeting:

1. *That the Western Australian Local Government Association:*
 - a) *Lobbies the State government to transfer the responsibility for auditing of contaminated sites reports to the Department of Environment Regulation as either a statutory requirement or on a fee for service basis; and*
 - b) *Investigates and implements measures to reduce the cost of resolving contaminated site issues on local government (e.g. discounted consultant fees under WALGA preferred supplier panel contracts)."*
2. *That the CEO prepare a report and associated background material in support of the recommendation.*

In relation to point (c) of Decision 175/14, further investigation by Council Officers has identified existing provisions within legislation which enables the City to enter into an agreement with the other organisation to accept the transfer of entitlements. Therefore there is no requirement for the City to submit such a motion.

Advice has been received from the WA Local Government Association that point (d) of Decision 175/14 proposed by the City of Bunbury is the existing policy position of the Association. It is therefore not a requirement for the City to submit such a motion.

Legislative Compliance

The endorsement of this proposal will ensure that compliance has been met with all legislative matters including policy.

Officer Comments

Councils representation at the WALGA Annual General Meeting will contribute to the potential development of policy and future planning processes to assist the City's strategic capacity to provide good governance, service and facilities for its greater community.

It is considered vital in assisting the Local Government Association to maintain the renewed focus on local government and to drive improved outcomes for the sector at the state level.

Analysis of Financial and Budget Implications

Not Applicable

Community Consultation

There is no requirement for community consultation on this proposal.

Councillor/Officer Consultation

This report serves to bring the matter to the attention of all elected members.

10.3 Director Community Development

Nil.

10.4 Director Corporate Services Reports

10.4.1 Audit Regulation 17

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | Greg Golinski, Manager Corporate Performance |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-1: Proposal from AMD Chartered Accountants |

Summary

The purpose of this report is for Council to consider whether it wishes to engage the services of an external resource in 14/15 to assist the City meet compliance with new Audit Regulation 17.

Executive Recommendation

That Council request the Chief Executive Officer to prepare a report to be presented to the Council Meeting of 5 August 2014, outlining how compliance will be achieved with Audit Regulation 17 by December 2014.

Background

This item was tabled at the last Audit Committee meeting held on 29 May 2014, however due to declarations of financial interest, quorum was lost and the matter could not be considered. In consultation with the Chair of the Audit Committee, it was subsequently decided to table this matter directly at an ordinary Council meeting.

New Audit Regulation 17 reads as follows:

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

Compliance with this new regulation is required by 31 December 2014.

AMD Chartered Accountants have written to the City with a proposal offering their services to undertake a review and provide a subsequent report addressing the matters within Regulation 17. A copy of the proposal is **attached** at Appendix DCS-1.

Council Policy Compliance

N/A

Legislative Compliance

Compliance with Audit Regulation 17 is required by 31 December 2014.

Officer Comments

2014 will be the first calendar year in which the City will be undertaking the necessary work to meet the requirements of the new clause. In this regard, the City can either undertake the work in-house, or seek external assistance.

The primary advantage of engaging an external resource is the ability to have a review framework established independently; a framework that officers can then follow and refine in future years.

Notwithstanding the submission by AMD Chartered Accountants, in the event of Council approving a project to engage an external resource for the provision of this service, the City's purchasing policy would still require Officers to source three quotes.

Option 1

That Council request the Chief Executive Officer prepare a project for Council to consider during 2014/15 budget deliberations, being for the engagement of an external resource to assist the City in meeting its obligations under Audit Regulation 17.

Option 2

That Council thanks AMD Chartered Accountants for their proposal but requests that all work in relation to Audit Regulation 17 be conducted in-house.

Analysis of Financial and Budget Implications

Should Council wish to engage an external resource for this purpose, a new project would need to be approved in the 14/15 budget. It is envisaged the budget for such work would be \$12,000.

Community Consultation

N/A

Councillor/Officer Consultation

This report was tabled at the last meeting of the Audit Committee on 29 May, but could not be considered due to a loss of quorum.

10.4.2 2014/15 Fees and Charges

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | David Ransom, Manager Finance |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-2 – 2014/15 Fees and Charges |

Summary

At the Council Meeting 4 March 2014, Council resolved the following:

1. To assist in the preparation of the 2014/15 draft budget, Council gives in principal support to the 14/15 fees and charges being adjusted to achieve a total increase of 2.5%.
2. The proposed 2014/15 fees and charges are advertised for public comment.

The draft fees and charges were reviewed and increased to achieve a total increase of 2.9%. Councillors were provided with a copy of the revised fees and charges document prior to being advertised in the Bunbury Mail on 12, 19 and 26 March 2014. At the close of the advertising period no submissions were received.

The fees and charges imposed by Council form part of the annual budget which is expected to be adopted by Council in late July 2014. However, subject to providing public notice of the new fees and charges, these are able to be implemented earlier. A copy of the 2014/15 Fees and Charges are attached at Appendix DCS-2.

The new fees and charges will be advertised in the Bunbury Mail on 2 July 2014 and after giving 8 days public notice will be effective from 10 July 2014.

Executive Recommendation

1. The Schedule of Fees and Charges (which forms part of the 2014/15 Budget) be adopted effective 10 July 2014.
2. The 2014/15 Fees and Charges be advertised in the Bunbury Mail on 2 July 2014.

Note: Absolute majority required.

Background

The 2014/15 Fees and Charges which form part of the 2014/15 Budget was endorsed by Council on 4 March 2014 for public consultation after being discussed at numerous Councillor budget workshops.

The fees and charges were advertised in March 2014 for 3 weeks but received no public submissions.

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 6.19 requires that Council gives public notice of its intention to impose any new fees and charges if this is not considered at the time of adopting the annual budget. Council is also required to advise the date which the proposed fees and charges will be imposed.

Officer Comments

By adopting the 2014/15 Fees and Charges now will allow the fees and charges to be effective earlier (i.e. 10 July 2014) instead waiting to the end of July 2014 when the annual budget is proposed to be adopted.

Analysis of Financial and Budget Implications

Adopting the 2014/15 Fees and Charges separate to the annual budget will allow the earlier introduction of the new fees and charges. Revenue from fees and charges will increase by 2.9% in 2014/15 to \$11,659,327.

Community Consultation

Community consultation has taken place with advertising in the local newspaper and copies of the proposed fees and charges available on the City's website, libraries and Customer Service Centre. No public submissions were received.

Councillor/Officer Consultation

The draft 2014/15 Fees and Charges report was provided to Councillors at the Council Briefing Session on 28 January 2014 and reviewed at the Council Briefing Sessions on 25 February 2014. Council approved the draft 2014/15 Fees and Charges for advertising on 4 March 2014.

10.4.3 Schedule of Accounts Paid for the Period 1 May 2014 to 31 May 2014

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | David Ransom, Manager Finance |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-3 – Schedule of Accounts Paid 1 to 31 May 2014 |

Summary

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 May 2014 to 31 May 2014 is **attached** at Appendix DCS-3.

The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$10,396,295.32
2. Advance Account – payments totalling \$8,279,506.26
3. Trust Account – payments totalling \$17,934.44
4. Visitor Information Centre Trust Account – payments totalling \$8,752.40
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$425,971.09
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$328,353.12

Executive Recommendation

The Schedule of Accounts Paid for the period 1 May 2014 to 31 May 2014 be received.

10.4.4 Proposed Deed of License – Bunbury Orchid Society Inc. over site 1, a portion of Lot 200 Robertson Drive, Bunbury

| | |
|-----------------------------|---|
| File Ref: | L103 |
| Applicant/Proponent: | Bunbury Orchid Society Inc |
| Author: | Kristen Anderson, Administration Officer Property and Procurement |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-4 – Location plan of proposed Leased Area – Orchid Society |

Summary

An application has been received from the Bunbury Orchid Society Inc (hereinafter the “Applicant”) seeking Council’s consent to grant a new Deed of License over site 1, a portion of Lot 200 Robertson Drive, Bunbury (hereinafter the “Premises”) for the purpose of storage of equipment and goods only.

A location plan is **attached** at Appendix DCS-4.

Executive Recommendation

Council agrees to grant a new Deed of License to the Applicant over the Premises for a term of two (2) years with no further option, subject to the following terms and condition:

1. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

Background

The Orchid Society was founded in 1972 by a group of local orchid enthusiasts and since then have promoted the culture of orchid growing in the Bunbury region.

The Orchid Society grew significantly becoming one of the largest orchid societies in Western Australia and in 1993 the Orchid Society placed an application with the City for a storage facility on Robertson Drive. The Orchid Society were successful in their application and since then have held tenure over the Premises.

The City’s Executive and the applicant have mutually agreed on the proposed terms and conditions of the License including the period of tenure being at this stage, for two (2) years only.

The Orchid Society have been made aware that potential redevelopment of the site to accommodate an SES site is being discussed, however, until such time as those plans are finalised, it is not yet known the impact on the Orchid Society’s license area.

Current License Details

| | |
|---------------|--|
| Commencement: | 15 November 2003 |
| Term: | Five(5) years with a further five (5) year option |
| Expiry Date: | 14 November 2013 |
| Rental: | \$467.31 + GST annually |
| Rent Review: | CPI annually, market every third anniversary. |
| Outgoings: | Responsibility of the applicant. |
| Insurance: | The Licensee to maintain contents and public liability insurance policies over the premises with public liability to be set at \$5(M). |

Proposed New Deed of License Details

| | |
|-----------------------|--|
| Commencement: | 15 November 2013 |
| Term: | Two (2) years plus no further option |
| Expiry Date: | 14 November 2015 |
| Rental: | \$900.00 + GST annually |
| Rent Review: | CPI annually |
| Outgoings: | Responsibility of the Licensee |
| Insurance: | The Licensee to maintain Public Risk and General Insurance Policies over the premises with Public liability to be set at \$10(M) |
| Special Conditions: | <p>(a) Redevelopment</p> <p>In the event that the Licensor requires the whole or part thereof of the licensed area, for rationalisation/redevelopment to alter, extend or redevelop the Land or any part thereof or carry out any works in the Land or any part thereof which will prevent access or safe access to the Licensed Premises, then the Licensor may terminate the License giving the Licensee written notice ("Termination Notice") herein before granted by Twelve (12) months, of the termination of the License. The Licensee shall grant vacant possession to the Licensor upon the date determined in the Licensor's written Termination Notice.</p> <p>In the event of redevelopment delays or cancellation of proposed works the Licensor may advise the Licensee of the delays and negotiate any potential extensions until such time as the development or proposed works are to commence.</p> |
| Document Preparation: | The applicant to pay full cost of document preparation and registration. |

Legislative Compliance

In accordance with Section 3.58 of the Local Government Act 1995 Disposing of Property local public notice will be given of intentions to license the property, inviting submissions to be made to the City of Bunbury.

Officer Comments

The applicant has held tenure over the Premises for over 20 years, with no recorded breach of conditions or late payments of rent.

Consideration has been given to future development of the site and the terms of the License have been mutually agreed to by the parties.

Analysis of Financial and Budget Implications

A valuation of the rental amount was carried out and returned a valuation of \$1800.00 ex GST chargeable per annum. After a rent tier matrix was applied, taking in to consideration the facility itself, maintenance and lifecycle of the Premises, Commercial Operation and the benefit to the community where a healthy lifestyle is promoted.

As such, a 50% reduction in the overall rental amount was agreed upon by the parties, making the annual rental rate \$900.00 ex GST.

Community Consultation

The intention to grant a License over the Premises will be advertised in the City Focus, in the Bunbury Mail, the City of Bunbury's website and public noticeboards, inviting submissions in accordance with Section 3.58 *Disposing of Property*, of the Local Government Act 1995, for a period not less than two (2) weeks.

Councillor/Officer Consultation

The proposed Deed of License was addressed with the City's executive staff, specifically in relation to the proposed term and any potential future impact on the License from redevelopment of the site. No objections were received and all were in favour of a two (2) year term.

10.4.5 Proposed Deed of License – South West Opera Company Inc. over site 2 and 3, a portion of Lot 200 Robertson Drive, Bunbury

| | |
|-----------------------------|---|
| File Ref: | L104 |
| Applicant/Proponent: | South West Opera Company Inc |
| Author: | Kristen Anderson, Administration Officer Property and Procurement |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-5 – Location Plan of Deed of Licence Area |

Summary

An application has been received from the South West Opera Company Inc (hereinafter the “Applicant”) seeking Council’s consent to grant a new Deed of License over site 2 and 3, a portion of Lot 200 Robertson Drive, Bunbury (hereinafter the “Premises”) for the purpose of storage of equipment and goods only.

A location plan is **attached** at Appendix DCS-5.

Executive Recommendation

Council agrees to grant a new Deed of License to the Applicant over the Premises for a term of two (2) years with no further option, subject to the following terms and condition:

1. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

Background

The Opera Company was founded in 1986 by a group of local opera enthusiasts and since then have promoted their mission to present quality music to audiences of the South West.

In 1993 the Opera Company placed an application with the City to build a storage facility on Robertson Drive. The Opera Company were successful in their application and since then have held tenure over the Premises.

The City’s Executive and the applicant have mutually agreed on the proposed terms and conditions of the License including the period of tenure being at this stage, for two (2) years only.

The Opera Company have been made aware that potential redevelopment of the site to accommodate the State Emergency Services (“SES”) development is being discussed, however, until such time as those plans are finalised, it is not yet known the impact on the Opera Company’s license area.

Current License Details

| | |
|---------------|--|
| Commencement: | 15 November 2003 |
| Term: | Five(5) years with a further five (5) year option |
| Expiry Date: | 14 November 2013 |
| Rental: | \$312.00 + GST annually |
| Rent Review: | CPI annually, market every third anniversary. |
| Outgoings: | Responsibility of the applicant. |
| Insurance: | The Licensee to maintain contents and public liability insurance policies over the premises with public liability to be set at \$5(M). |

Proposed New Deed of License Details

| | |
|-----------------------|--|
| Commencement: | 15 November 2013 |
| Term: | Two (2) years plus no further option |
| Expiry Date: | 14 November 2015 |
| Rental: | \$479.45 + GST annually |
| Rent Review: | CPI annually |
| Outgoings: | Responsibility of the Licensee |
| Insurance: | The Licensee to maintain Public Risk and General Insurance Policies over the premises with Public liability to be set at \$10(M) |
| Special Conditions: | <p>Redevelopment</p> <p>In the event that the Licensor requires the whole or part thereof of the licensed area, for rationalisation/redevelopment to alter, extend or redevelop the Land or any part thereof or carry out any works in the Land or any part thereof which will prevent access or safe access to the Licensed Premises, then the Licensor may terminate the License giving the Licensee written notice ("Termination Notice") herein before granted by Twelve (12) months, of the termination of the License. The Licensee shall grant vacant possession to the Licensor upon the date determined in the Licensor's written Termination Notice.</p> <p>In the event of redevelopment delays or cancellation of proposed works the Licensor may advise the Licensee of the delays and negotiate any potential extensions until such time as the development or proposed works are to commence.</p> |
| Document Preparation: | The applicant to pay full cost of document preparation and registration. |

Legislative Compliance

In accordance with Section 3.58 of the Local Government Act 1995 Disposing of Property local public notice will be given of intentions to license the property, inviting submissions to be made to the City of Bunbury.

Officer Comments

The applicant has held tenure over the Premises for over 20 years, with no recorded breach of conditions or late payments of rent.

Consideration has been given to future development of the site and the terms of the License have been mutually agreed to by the parties.

Analysis of Financial and Budget Implications

A valuation of the rental amount was carried out and returned a valuation of \$2400.00 ex GST chargeable per annum. A rent tier matrix was applied, taking in to consideration the facility itself, maintenance and lifecycle of the Premises, Commercial Operation and the benefit to the community where a healthy lifestyle is promoted.

As such, a 50% reduction in the overall rental amount was agreed upon by the parties, making the annual rental rate \$1200.00 ex GST.

The Opera Company was not agreeable to this increase and advised they could not afford such a high increase in the immediate instance. It was agreed to between the parties that due to the time frame available for the License Term, that the rent would only be subject to an increase in the Consumer Price Index (CPI).

The annual rate will remain the same, at \$467.30 ex GST with the CPI calculated from November 2013 when the License expired, to increase to \$479.45.

Community Consultation

The intention to grant a License over the Premises will be advertised in the City Focus, in the Bunbury Mail, the City of Bunbury's website and public noticeboards, inviting submissions in accordance with Section 3.58 *Disposing of Property*, of the Local Government Act 1995, for a period not less than two (2) weeks.

Councillor/Officer Consultation

The proposed Deed of License was addressed with the City's executive staff, specifically in relation to the proposed term and any potential future impact on the License from redevelopment of the site. No objections were received and all were in favour of a two (2) year term.

10.4.6 Write-Off of Outstanding Community Law and Safety Infringements

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | David Ransom, Manager Finance |
| Director: | Wayne Wright, Director Corporate Services |
| Attachments: | Nil. |

Summary

The following is a summary of outstanding infringements from 2011/2012:

| Infringement: | Amount Raised 2011/2012 | Outstanding Balance 2011/2012 |
|----------------------|--------------------------------|--------------------------------------|
| Parking | \$267,446 | \$13,321 |
| Dog Act | \$32,142 | \$6,581 |
| Litter | \$2,152 | \$177 |
| Bushfire | \$38,652 | \$3,498 |
| Local Laws | \$9,065 | \$1,163 |
| Total | \$349,457 | \$24,740 |

Endeavours to facilitate the collection of outstanding infringement will continue, however the certainty of success is reduced after 2 years and it is prudent that these amounts are removed from the financial statements to accurately reflect the collectability of infringements.

Executive Recommendation

Council approves the write-off of outstanding Community Law and Safety Infringements totalling \$24,740 as at 30 June 2014.

Note: Absolute majority required.

Background

The City aims to collect 90% of infringement notices issued for Parking, Dog Act, Litter, Bushfire and Local Laws infringements issued each year. Debt collection actions include internal efforts by staff and lodging infringements with the State Government Fines Enforcement Register.

Community Law and Safety Infringements issued during 2011/2012 total \$349,457. The amount that has not been recovered to date totals \$24,740. This represents approximately 7.1% of infringements issued during the 2011/2012 financial year.

Council Policy Compliance

This item complies with Council's policy for the write-off of moneys.

Legislative Compliance

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write-off any amount of money which is owed to the local government. An absolute majority vote is required.

Analysis of Financial and Budget Implications

The write-off of outstanding Community Law and Safety Infringements will reduce the net current asset position as at 30 June 2014 by \$24,740.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

This item has been referred to Council after consultation with the Manager Community Safety and Emergency Management who will continue efforts to recover outstanding infringements through the State Government Fines Enforcement Register.

10.4.7 Write-Off of Account Receivable Balances

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | David Ransom, Manager Finance |
| Director: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-6 – Accounts Receivable Invoices |

Summary

All endeavours to facilitate collection of the outstanding amounts have been exhausted. The list of accounts receivable invoices (as **attached** at Appendix DCS-6) totalling \$1,867.72 will be written off as at 30 June 2014.

Executive Recommendation

Council approves the write-off of account receivable invoices totalling \$1,867.72 as at 30 June 2014.

Note: Absolute majority required.

Background

A review of outstanding invoices is regularly conducted to determine that unpaid amounts can be recovered.

Account receivable follow-up of unpaid invoices usually ensures that invoices raised are collected within 90 days of issue. However there are instances where amounts are deemed to be not collectable or the cost of recovery is not economically feasible for the amount outstanding.

In all instances:

- a) All the necessary measures have been taken to recover the debt,
- b) The debt remains unpaid for a minimum period of 90 days after its date for payment, and
- c) A list of debts to be written off is presented to Council.

Council Policy Compliance

This item complies with Council's policy for the write-off of accounts receivable balances.

Legislative Compliance

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write-off any amount of money which is owed to the local government. An absolute majority vote is required.

Analysis of Financial and Budget Implications

The write-off of accounts receivable balances will reduce the net current asset position as at 30 June 2014 by \$1,867.72.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

Council's Executive Leadership Team, Department Managers and Corporate Services staff monitors the City's accounts receivable balance and after all endeavours to facilitate collection have been exhausted are referred to Council.

10.4.8 Financial Management Report for the Period Ending 31 May 2014

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | David Ransom, Manager Finance |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Appendix DCS-7 - Statement of Comprehensive Income Appendix DCS-8 -Statement of Financial Activity Appendix DCS-9 - Statement of Net Current Assets Appendix DCS-10 - Balance Sheet Appendix DCS-11 - Capital Works Expenditure Summary |

Summary

The following comments are provided on the key elements of Council’s financial performance.

1. Statement of Comprehensive Income (**attached** at Appendix DCS-7)
 Actual Financial Performance to 31 May 2014
 - Actual operating income of \$46.94M is \$146K more than the year-to-date budgeted income of \$46.79M (refer explanation within the report).
 - Actual operating expenditure of \$36.75M is \$1.19M less than the year-to-date budgeted expenditure of \$37.94M (refer explanation within the report).
 - Actual operating surplus of \$10.19M is \$1.33M more than the year-to-date budgeted operating surplus of \$8.86M (refer explanation within the report).

2. Statement of Financial Activity (**attached** at Appendix DCS-8)
 - Closing Funding Surplus to 30 June 2014 is forecast at \$1.82M, which is \$1.35M more than the Current Budget Closing Funding Surplus of \$468K. Note that the forecast closing funds of \$1.82M includes \$1.31M of operating and capital projects carried forward to the 2014/15 Budget.

3. Balance Sheet (**attached** at Appendix DCS-10)

Council’s year-to-date and forecast balances are as follows:

| | Year-to-date | Forecast |
|--|--------------|-----------|
| • Current Assets of \$23.2M includes: | | |
| - Cash and Investments | \$21.03M | \$13.67M |
| - Rates | \$ 0.56M | \$0.22M |
| - Other Current Assets | \$ 1.61M | \$2.21M |
| • Current Liabilities of \$6.74M includes: | | |
| - Trade and Other Payables | \$2.32M | \$5.40M |
| - Annual Leave and LSL Provisions | \$2.97M | \$3.46M |
| • Working Capital (Current Assets less Current Liabilities) | \$16.5M | \$5.29M |
| • Equity (Total Assets less Total Liabilities) | \$430.84M | \$413.97M |

4. Capital Works (**attached** at Appendix DCS-11)
 - Actual capital works of \$18.29M is \$5.75M less than the year-to-date budgeted capital works of \$24.04M (refer explanation on next page).

Executive Recommendation

The Financial Management Report for the period ending 31 May 2014 be received.

Background

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix DCS-7)
- Statement of Financial Activity (**attached** at Appendix DCS-8)
- Statement of Net Current Assets (**attached** at Appendix DCS-9)
- Balance Sheet (**attached** at Appendix DCS-10)
- Capital Works Expenditure Summary (**attached** at Appendix DCS-11)

These summaries include end-of-year forecasts based on a monthly review of year-to-date income and expenditure for all accounts.

Council Policy Compliance

Not applicable.

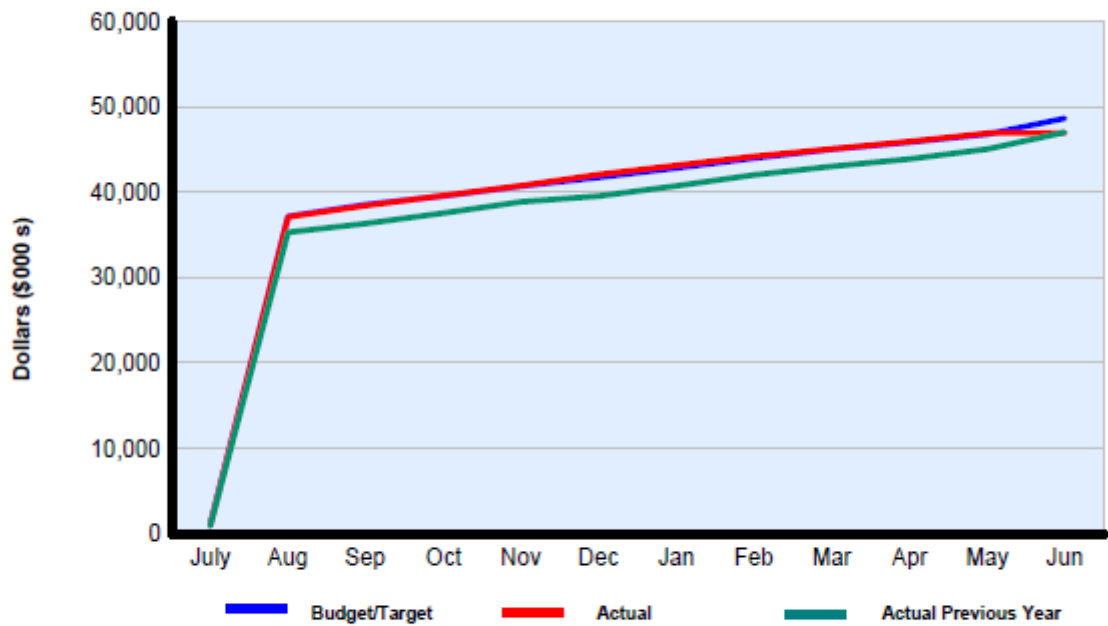
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix DCS-8) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

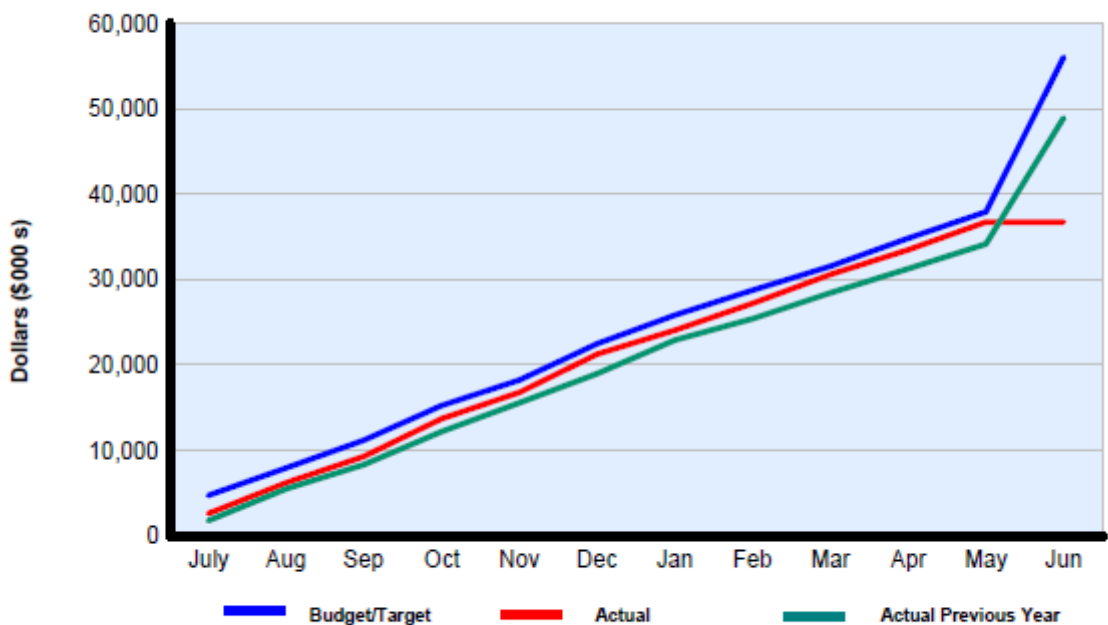
Operating income (\$000's)



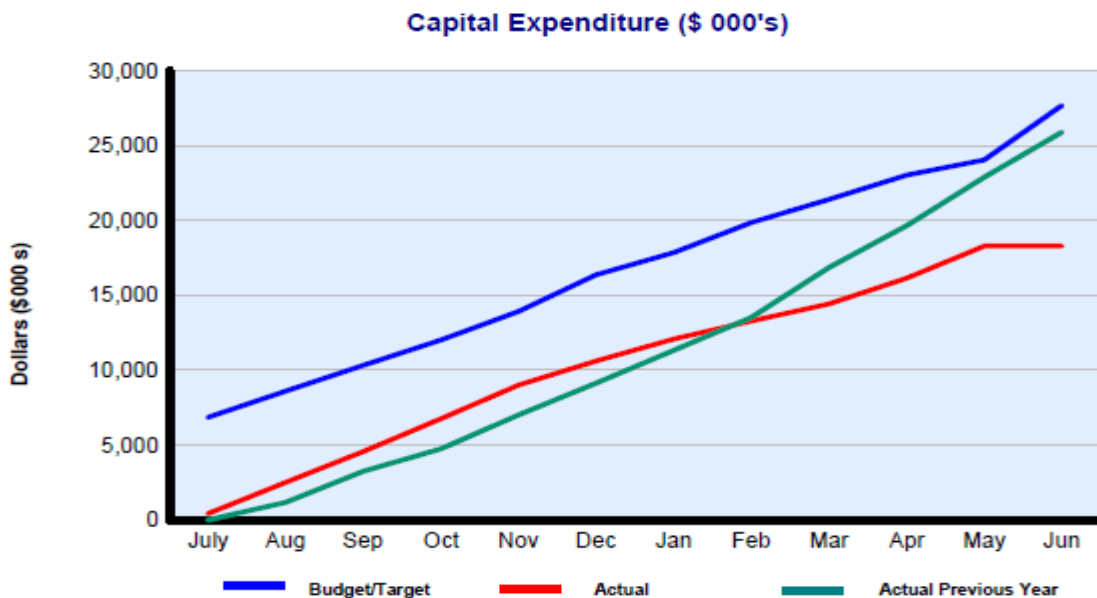
Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

There is a favourable actual to budget-to-date variance of \$146K.

Operating expenditure (\$000's)



Note: Actual operating expenditure is \$1.19M under the year-to-date budget mainly due to Materials and Contracts being under budget by \$1.16M.



Note: The capital expenditure variance to the end of May 2014 of \$5.75M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council.

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity.

| Statement of Comprehensive Income | YTD Actual to YTD Budget Variance |
|---|-----------------------------------|
| Operating Income | |
| Donation Income – Bunbury Wildlife Park donation income is down \$7K on year to date budget. Overall operating income for Bunbury Wildlife Park is on budget. | \$7,117 42% |
| Sports Facility Fee Income Gym memberships are under budget by \$195,445 to May 2014. The forecast to 30 June 2014 has been adjusted down by \$100,000. A membership marketing program is being conducted in June to increase member numbers | \$197,058 6% |
| Operating Expenditure | |
| Material and Contracts (Contract Employment Expense) – Contract employment expenses are higher than year-to-date budget estimates due to staff vacancies, employees on workers compensation, employee leave, and using temporary agency staff in-lieu of contractors. The increase in contract employment expenses has been offset by savings in salaries and wages and contract labour and materials budgets. | (\$70,896) (16%) |
| Utilities (Sewerage Expense) – There has been an increase in recoupable utilities, which has been matched with a corresponding increase in income. | (\$7,393) (19%) |
| Non Operating Income and Expenditure | |
| Proceeds Plant and Vehicle Disposals – Changeover of various plant and vehicles scheduled to be completed by end of March are yet to occur. | (\$156,251) (38%) |

| Statement of Financial Activity | YTD Actual to YTD Budget Variance |
|--|--|
| Operating Revenues | |
| <p>Interest Received – Favourable variance seen in interest received on investments and rates debtors. The end of year forecast has been increased to include additional interest received.</p> | <p>\$93,854 11%</p> |
| <p>Other Revenue – Increase in current year actual income is reflective of the following other revenue being received in excess of the current year-to-date budget amount:</p> <p>Undertake Private Works (\$24,087) – Favourable variance. This account will continue to be monitored on a monthly basis.</p> <p>Coordinate Rating (\$6,221) – Revenue associated with rate enquiries is greater than year-to-date budget.</p> <p>Undertake Fundraising Activities for Bunbury Museum (\$18,000) – Donation income has been received for the Bunbury Museum this amount is to be transferred to reserve.</p> <p>Collect hard, hazardous and commercial waste (\$8,972) – Favourable variance. Sale of Scrap metals has increased and this account will continue to be monitored on a monthly basis.</p> <p>Employee contributions (\$5,455) – Increase in employee contributions.</p> <p>Maintenance of street banners (\$2,626) – Favourable variance. This account will continue to be monitored on a monthly basis.</p> | <p>\$64,601 22%</p> |
| Capital Revenues | |
| <p>Proceeds on Disposal of Assets – See explanation above included in the Statement of Comprehensive Income variances.</p> | <p>(\$101,615) (13%)</p> |
| Capital Expenses | |
| <p>Acquisition of Assets – Variance due to delay in commencement or progress of various projects.</p> <p>The Capital Expenditure Report included at Appendix 5 provides details of all projects and the expenditure progress versus year-to-date estimates for the project.</p> | <p>\$5,742,215 24%</p> |

Analysis of Financial and Budget Implications

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications.

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

Council's Executive Leadership Team, Department Managers and Corporate Services staff monitor the City's monthly revenue and expenditure and (as required) refer any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

10.4.9 Community Funding 2014/15 – Assessment Group Nominations

| | |
|-----------------------------|---|
| Applicant/Proponent: | Internal |
| Author: | Liz Allan, Community Funding/Grants Officer |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | Nil |

Summary

The purpose of this report is for Council to nominate three (3) Elected Members to the Assessment Group for the 2014/15 community funding application assessments.

Executive Recommendation

That Council nominate and endorse the three (3) Elected Members listed below to form the Assessment Group for the 2014/15 community funding application assessments:

1. Cr
2. Cr
3. Cr

Background

Council Policy CEO-10 Community Funding and associated Corporate Guideline was adopted by Council on the 21 of May 2013.

At its meeting held the 27 of May 2014 Council amended the Policy to include the Events Funding and at the same time endorsed the associated guidelines.

Applications for category 1 Competitive Community Funding Pool opened on the 29 of May 2014 with a closing date of the 21 of July 2014, allowing approximately eight (8) weeks for submissions to be prepared and submitted.

In accordance with the Council Funding Policy, Community Funding Applications will be assessed against set criteria by an Assessment Group comprising three (3) Elected Members and two (2) Council Officers and recommendations brought to Council for endorsement.

In 2013/14 the Mayor also took part in the deliberations of the Community Funding Assessment Group.

It is envisaged that assessments will take place by the Assessment Group as soon as practicable after the 2014/15 budget is endorsed.

Council Policy Compliance

This matter relates to the Council Funding Policy endorsed by Council on the 27 of May 2014 and the Corporate Guideline Community Funding – Competitive Funding Pool.

Officer Comments

The policy and guideline provide a clear assessment process based on a clearly defined weighting system. This was designed to provide a clearly communicated, fair and equitable process for determining allocations under the competitive community funding category. The assessment criteria is weighted so that projects supported will provide the maximum positive impacts to the Bunbury community; demonstrate community support; and reach and increase access and participation of the City of Bunbury's priority target groups.

Applications close on the 21 of July 2014, and it is hoped that assessments will take place as soon as possible after Council endorses the 2014/15 budget. This is important to ensure outcome notifications are distributed early in the new financial year, thus allowing community groups to plan their projects and programs accordingly.

Analysis of Financial and Budget Implications

All financial support awarded under the competitive community funding category will be allocated from a funding pool determined by Council as part of the 2014/15 budget.

In 2012/13 the total pool amount was \$100,000.

In 2013/14 the total pool amount was \$100,000 however Council allocated an additional \$17,000.

10.4.10 Disposal and Acquisition of land

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal |
| Author: | Massimo Andreone, Manager Contracts and Property |
| Executive: | Wayne Wright, Director Corporate Services |
| Attachments: | CRUSC-1 - Confidential Report |

Summary

Council has, under PR-1701, made provision for a net budget allocation of \$1,300,000 towards the construction of a facility for City of Bunbury residents to take their waste and recyclables. The item was initially deferred by the Executive Leadership Team in July of 2012 to the 2014/2015 budget for further consideration. The project is linked to PR-1289, being the design of a new waste transfer station, under which a budget of \$50,000 has been allocated.

Consideration is being given to the possible purchase of an established industrial facility in order to accommodate the project, and various commercial/industrial properties have been investigated and viewed, and Council Officers have identified an appropriate site in this regard.

In order to procure the identified site, Council will need to consider the disposal of its Waste Management Depot at McCombe Road and its Operations Depot at Nuytsia Avenue. Other parcels of land held in freehold by the City have also been identified in this report for possible disposal by the City in the future.

Executive Recommendation

That Council:-

1. Authorise the Chief Executive Officer to investigate the disposal of Lots 101, McCombe Road, and Lots 103 and 104 Gibbons Road, Davenport (“the McCombe Road Depot”),
2. Authorise the Chief Executive Officer to commence negotiations with the Minister for Lands (“the Minister”) for the relinquishment of the Crown Grant in Trust over Lot 37 Nuytsia Avenue, Carey Park (“the Nuytsia Avenue Depot”), and to negotiate with, and procure the consent of, the Minister, for the subsequent acquisition and disposal thereof.
3. Agrees to engage SDEA Nominees Pty Ltd T/a Southern Districts Estate Agency (“the Agency”) to market and sell the sites, ‘as is’, subject to statutory advertisement of the proposed disposal,
4. Authorise the Chief Executive Officer to enter into negotiations for the site identified in the confidential attachment to this report.

Item Background

Attached is a copy of the current market valuation received from LMW Hegney for Lots 101 McCombe Road, and 103 and 104 Gibbons Road, which concludes a market value as a ‘sale in on line’ i.e. in one transaction to a single buyer, as at 17 June 2014, to be \$1,330,000 exclusive of GST.’

Refer to confidential report distributed under separate cover.

Council Policy Compliance

There is no Council Policy applicable to this matter.

Legislative Compliance

Section 3.58 of the *Local Government Act 1995*

Officer Comments

The endorsement by Council for the sale of identified land parcels held in freehold in the future would alleviate the necessity for an Agenda Item to be brought before Council on each occasion that a disposal of such land is considered appropriate or necessary.

Analysis of Financial and Budget Implications

The sale of the proposed parcel/s of land would be required to cover the shortfall between the Budget allocation under PR-1701, and the anticipated cost of acquisition of Lot 3 i.e. \$3,800,000 - \$1,350,000 = \$2,450,000.

A possible 'land swap', coupled with a cash component, is also being investigated in conjunction with the Agency regarding the identified lot and the McCombe Road Depot.

Community Consultation

There has been no community consultation in relation to this matter at this point in time. Prior to the disposal of the sites, public advertising will be undertaken in accordance with the provisions of the Local Government Act 1995.

Councillor Officer Consultation

The Director Works and Services and the Director Corporate services are in agreement that the identified Lot a viable option for the City's new Waste Transfer Station.

10.5 Director Planning and Development Services Reports

Nil.

10.6 Director Works and Services Reports

10.6.1 Quotation Variation – Parade Road Cycleway

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal |
| Author: | Phil Harris, Director Works & Services |
| Executive: | Phil Harris, Director Works & Services |
| Attachments: | Nil. |

Summary

In April 2014 a contract was awarded to Malatesta Road Paving & Hot Mix to supply and lay gravel on a rate per tonne basis for the Parade Road Cycleway. A contract variation in excess of Chief Executive Officers delegated authority is required to retrospectively cover the extra costs associated with additional gravel to complete the works. Variations exceeding 10% of the contract value require Council approval.

Executive Recommendation

In accordance with Section 3.57 of the Local Government Act 1995 and Regulation 20 of the Local Government (Functions and General) Regulations 1996 Council authorises the Chief Executive Officer to retrospectively approve:

1. Variation Order # 1 for the supply and laying of additional gravel to the value of \$11,540.10 ex GST

Background

The Parade Road Cycleway Project was designed with construction direct managed by the City of Bunbury staff. The contract to supply and lay the gravel pavement was awarded to Malatesta Road Paving and Hotmix with clear wording for a rate per tonne that the quantity was an estimate.

In this instance of the cycleway construction the extra gravel was associated with additional work to seal the gravel shoulder and was assessed as being essential to the protect the pavement from becoming saturated during rain events and reduction in long term maintenance of the shoulder between the bitumen edge and the new kerbing.

Council Policy Compliance

Delegation Register Instrument of Delegation – DAG4 Contract Price Variations

Legislative Compliance

- Section 3.57 of the Local Government Act 1995
- Regulations 11 -24 Local Government (Functions and General) Regulations 1996

Officer Comments

It would not have been practical to cease works while seeking Council approval for the variation. The additional two trucks of gravel were delivered to site.

The quantities of gravel for projects such as the Parade Road Cycleway are estimated on a simple area by depth calculation taking into consideration compaction ratios.

It is more economical and common practice to import and lay additional gravel to achieve the required base level rather than leave the surface low and use more asphalt.

Analysis of Financial and Budget Implications

The project has sufficient funds to cover the \$11,540.10

Community Consultation

Not Applicable

Councillor/Officer Consultation

The Executive Leadership Team has considered the impact of the recently amended Council Purchasing Policy and proposes a further review of the document to be placed on the agenda for the next Policy Committee meeting.

10.6.2 Turkey Point Toilet Block

| | |
|-----------------------------|--|
| Applicant/Proponent: | Internal |
| Author: | Steve Stirton, Manager Building and Trades |
| Executive: | Phil Harris, Director Works & Services |
| Attachments: | Nil. |

Summary

In March 2014 a report was submitted to Council recommending the demolition of the Turkey Point toilet block as it is the most vandalised and problematic public convenience in the City. The facilities are in such poor condition that the option of removing the infrastructure needs to be considered. While Council approved the demolition an additional report was requested with options for alternate facilities by 30 June 2014

Executive Recommendation

That:

1. Council note the alternate options for toilet facilities at Turkey Point.
2. No further action be taken in relation to a replacement facility.

Background

The Turkey Point toilet facilities comprising two waterless composting toilets, water tank, internal and security lighting were constructed in 2007 by Landmark Engineering at a tendered price of \$52,930. Unfortunately the project was never completed due to the imminent decommissioning of the Port Authority houses, associated Western Power Infrastructure and high cost to have a dedicated supply to the toilet block

As part of the construction a separate tender was let to Swispec for \$32,759 for the supply of 370 metres of overhead and underground reticulated power and associated works at the site. An allowance was made as part of the tender to provide internal and external lighting and a 6 metre lighting tower. Due to the infrastructure changes at the time these works were not completed and have since been vandalised. The design proposal allowed for water to be harvested from the roof for storage into a 1000 litre tank during the winter months with a nearby bore providing water when the tank was empty. The water services were never connected due to lack of power to run the bore.

The fenced off area at the rear of the building housing the water tank and access to the waste composting tanks was demolished and the tank stolen within a month of commissioning. A replacement tank was installed and locked in the second toilet cubical which had been extensively damaged by vandalism requiring decommissioning.

The remaining toilet has had all fittings replaced on numerous occasions and in one instance in 2009 repairs cost approximately \$5,500.

Council Decision 100/14

1. That Council approve the demolition and removal of the toilet facilities at Turkey Point.
2. That Council investigate alternate options for future toilet facilities at Turkey Point.
3. That Council Officers return with options by 30 June 2014 in liaison with Bunbury Port Authority.

The toilet block demolition has been delayed pending the outcome of items two and three of Council Decision 100/14.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

Officers have undertaken a review of a variety of replacement options including talking to other local government authorities and suppliers focusing on vandal proofing a future structure.

The most economical option should Council decide to keep a toilet facility operational at Turkey Point would be to rebuild and modify the existing structure combined with a performance based contract to clean and maintain for a twelve month period. If the structure was to be recommissioned in a new format it is proposed that it is secured by locking and unlocking daily.

The cost to achieve this is estimated to rebuild the existing structure inclusive of modifications to reduce vandalism at a cost of \$55,700. Allowances have been made for CCTV and solar lighting in the vandal proofing.

In reviewing options officers have consulted a range of building and cleaning contractors to determine indicative costing to clean and maintain the structure including an allowance to cover vandalism.

The annual cost for vandalism repairs, cleaning, daily locking and unlocking is estimated to be in the vicinity of \$32,000.

Analysis of Financial and Budget Implications

The cost to demolish and remove the existing infrastructure is estimated to be in the vicinity of \$2,000.

Community Consultation

While no community consultation has taken place relating to the potential to remove the toilet block there are regular complaints about the condition of the facilities. Following the Council Decision to demolish the toilet block no feedback was received by officers.

The Bunbury Port Authority has indicated that the port expansion project will allow ongoing access to Turkey Point.

Councillor/Officer Consultation

Consultation at this stage has been confined to officer level.

Social

Turkey Point is a very popular recreation area for people fishing, accessing the beach or launching a small boat. While removal of the toilet block may create some criticism it is evident that the facilities are rarely used.

11. Applications for Leave of Absence

No requests for Leave of Absence had been received at the time of printing.

12. Motions on Notice

No Motions on Notice had been received at the time of printing.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.2 Public Reading of Resolutions that may be made Public

16. Closure