

## **Bunbury City Council**

### **Minutes**

**16 September 2014**



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
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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 16 September 2014.

### Minutes 16 September 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 Deputy Mayor Cr Brendan Kelly 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

Nil

#### 4. Attendance

Council Members:	
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 W Giles
	Councillor D Prosser
	Councillor M Cook

<b>Executive Leadership Team (Non-Voting)</b>	
Acting Chief Executive Officer	Ms S Addison-Brown
Acting Director Community Development	MS K Knight
Acting Director Corporate Services	Mr D Ransom
Acting Director Planning and Development Services	Mr G Fitzgerald
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting)</b>	
Manager Corporate Performance	Mr G Golinski
Media and Communications Officer	Ms L Gallo
Manager Contracts and Property	Mr M Andreone
Planning Officer	Ms D Harmer
Council Meeting Support Officer	Ms K Halbert
<b>Others (Non-Voting)</b>	
Members of the Public	5
Members of the Press	2

#### **4.1 Apologies**

Cr Steele

#### **4.2 Approved Leave of Absence**

Mayor Brennan is on approved leave of absence from all Council-related business from 20 August 2014 to 19 September 2014 inclusive.

## 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.”

Nil

## 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

#### David Smith of 8 Picton Crescent. Bunbury

Mr Smith asked the following fourteen (14) questions to Council. The questions were taken as correspondence and a response will be provided to Mr Smith in writing. A copy of the questions are provided below:

1. Has the City of Sunbury received an integrated planning and reporting assessment report on
  - i. its strategic community plan
  - ii. corporate business plan
  - iii. asset management plan and
  - iv. long term financial plan from the Local Government Advisory Board,



- v. If so will copies be made available to the public?
2. I refer to the accounts for payment schedule to be considered at the Council meeting on the 16th September and ask:-
    - i. City of Geraldton (00151129) \$6,000 for regional capital membership fees and ask whether all the research reports commissioned by the WA Regional Capitals Alliance are available to the public and
    - ii. Has the CEO or Council sought any revision of these research reports and
    - iii. If so what has been the outcome?
  3. WALGA (3318.164) \$25,885.20 and (3334.1790) which includes \$25,571.70 for WALGA Membership. What was the \$25,885.20 for?
  4. 3350.2947 Department of Local Government (LG Standards Panel-Non Public Service Members) \$8,786.62.
    - i. Since when have local governments been charged with these sitting and other fees for the panel, and
    - ii. what are the rates charged and
    - iii. where the complaints are made by Councillors or staff and the complaints are not upheld whether by the panel or on appeal, has Council given any consideration to seeking to recover these costs from the complainants?
    - iv. Also is it true that the City of Bunbury has paid more of these costs than any other local authority even though most of the complaints have been dismissed?
    - v. Also what section of the Act or Regulation allows the Department to impose these costs on Councils?

## **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 2 September 2014 have been circulated.

#### Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 2 September 2014 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 16 September 2014**

The recommendation (as printed) was moved Cr McCleary, 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 349/14**

*The minutes of the Ordinary meeting of the Bunbury City Council held 2 September 2014 be confirmed as a true and accurate record.*

CARRIED  
11 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 – Youth Advisory Council Minutes 13.8.14 Appendix MTBN-2 – MTBN-2 Bunbury Setagaya Sister Cities Committee Minutes - 16.7.14

#### **Summary**

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

1. Title: Youth Advisory Council Minutes 13.8.14  
Author: Elizabeth Larkin – Community Development Officer  
Appendix: MTBN-1

2. Title: MTBN-2 Bunbury Setagaya Sister Cities Committee Minutes - 16.7.14  
Author: Jaimee Earl, Executive Assistant to the Mayor  
Appendix: MTBN-2

**Council Committee Recommendation**

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

1. Youth Advisory Council Minutes 13.8.14
2. Bunbury Setagaya Sister Cities Committee Minutes - 16.7.14

**Outcome – Council Meeting 16 September 2014**

The recommendation (as printed) was moved Cr Giles, 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 350/14**

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

- 1. Youth Advisory Council Minutes 13.8.14***
- 2. Bunbury Setagaya Sister Cities Committee Minutes - 16.7.14***

CARRIED

11 votes "for" / Nil votes "against"

## 8. Petitions, Presentations, Deputations and Delegations

### 8.1 Petitions

Nil

### 8.2 Presentations

Nil

### 8.3 Deputations

In accordance with section 6.9 (2)(b) of Councils Standing Orders, the CEO referred the following deputation requests to Council to decide by simple majority, whether or not to receive the deputation. One deputation was received being:

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

Mr Smith requested to address the following four (4) items:

- 1) 10.2.2 titled *“Operating Projects Report 2013/14 – Summary of Partial or Incomplete projects”*
- 2) 10.2.4 titled *“Recommendation to the Bunbury Wellington Group of Councils”*
- 3) 10.4.1 titled *“Proposed Deed of Lease – Bunbury Seniors Computer Club Inc. – Portion of Reserve 28953 being Lot 5022, 23 Island Queen Street, Bunbury.”*
- 4) 10.4.3 titled *“Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc.”*

**Council Decision 351/14**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith’s deputation request to address the following four (4) items:***

- 1) 10.2.2 titled “Operating Projects Report 2013/14 – Summary of Partial or Incomplete projects”***
- 2)10.2.4 titled “Recommendation to the Bunbury Wellington Group of Councils”***
- 3)10.4.1 titled “Proposed Deed of Lease – Bunbury Seniors Computer Club Inc. – Portion of Reserve 28953 being Lot 5022, 23 Island Queen Street, Bunbury.”***
- 4)10.4.3 titled “Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc.”***

LOST

3 votes “for” / 8 votes “against”

**Ms Trish Welsh on behalf of the Bunbury Netball Association, PO Box 1035 Bunbury**

Ms Welsh requested to address Item 10.4.3 titled “Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc.”

**Council Decision 352/14**

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Ms Welsh’s deputation request to address Item 10.4.3 titled “Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc.”*

CARRIED

11 votes “for” / Nil votes “against”

## **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 Deputy 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 10.2.1, 10.2.2, 10.2.3, 10.4.1, 10.4.2 and 10.5.1.

Items 10.2.4, 10.4.3, 10.4.4, 10.5.2, 10.5.3 and 10.5.4 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*” was moved Cr Cook, seconded Cr McCleary.

## 10. Reports

### 10.1 Council Priorities – Key Focus Areas (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil.

#### Summary

At the Council Meeting held 10 December 2013, Council endorsed seven (7) Key Focus Areas for the City.

As part of the progressions these key focus areas, formal positions on each were developed and it is considered appropriate that the areas be incorporated into performance reporting.

An update detailing the progress of each of the seven (7) areas is included in this report for Council information.

#### Executive Recommendation

1. That Council notes the update provided in this report which details progress on each of the following Key Focus Areas:
  1. Community Focus
  2. Customer Service
  3. Partnerships
  4. Capital Works
  5. Project Delivery
  6. Financial Management
  7. Administration Operations
2. Ongoing reporting will be through the annual report and the review of CEO and senior staff performance assessments.

#### Background

On 19 November 2013 the Mayor met with the CEO and Directors and discussed future views of importance for the administration and the City's future.

Following this meeting, a set of key focus areas were developed to guide the organisation into the future and to provide the community, staff and stakeholders with a clear idea of the City and Council's priorities, and what they want to achieve.

#### Council Policy Compliance

There is no Council Policy applicable to this proposal

### **Legislative Compliance**

There is no legislative compliance applicable to this proposal.

### **Officer Comments**

At the Council Meeting held 10 December 2013, Council endorsed the Key Focus Areas for the City. The information below is provided as an update on how the City is progressing with each of these:

#### **Community Focus**

It is felt that through the new formed relationship between the Elected Members and Executive, the public is able to make informed judgements and has confidence in the information available to make these judgements on how the City is performing at the Council Chamber level.

Building a more accountable and transparent local government system is an essential step to establishing public confidence. Confidence is needed at two levels. At the broad policy level, the public needs to have confidence in the matters dealt with by Council, and that the City is doing as promised.

The relationship between staff and Elected Members has improved significantly with positive influence within the decision making process and outcomes that this has delivered. This is apparent by looking at the Ordinary Council Meetings and the matters being resolved and the manner in which these are being done.

The Mayor, Chief Executive Officer and Directors are working together to improve the way the City of Bunbury and Council function.

#### **Customer Service**

We are setting in place the culture for the organisation and making a statement about the way we are going to operate from now on to the community and those in the organisation. As a result, there is a strong focus on community that includes the way we interact with residents and customer service, which will be an absolute priority.

At the service delivery level, consumers and others who depend on regional services need to be confident that those services are provided in a manner consistent with modern standards. Customer feedback has been addressed in individual operational areas over the past 12 months. Both of these aspects of accountability have been a source of previous community concern/criticism.

There has been a reduction in the amount of negative comments and correspondence received by the City with a higher proportion of customers (ratepayers and stakeholders) with positive experiences of service delivery has increased. There is continued emphasis from stakeholders of their appreciation of Officers supports and advice.

#### **Partnerships**

In the local government sector, there is a complex mix of stakeholders, each with different information needs, but who share a common interest in knowing how the City is performing or requiring a City service.

The City is required to make information available that allows them to understand options, make informed decisions and participate actively in their local authority. This should include information about how the organisation performs in comparison to surrounding authorities on a range of quality indicators, presented in a way that will assist the person to understand what they can expect as a ratepayer of the City.

Beyond ratepayers, other stakeholders have legitimate needs for information about the City of Bunbury performance.

Another key area is working on partnerships, with the City working with the State Government, Bunbury Chamber of Commerce and Industry, not for profits and all those groups that make up the community to enhance our opportunities.

It is felt that there has been the establishment of comprehensive, timely and regular reporting on Council Business which responds to the full range of stakeholder needs.

### **Capital Works**

The City and Council are also committed to making sure they are working on, and creating projects that are viable, deliverable and can be maintained. Whole of life costings for projects; particularly capital works need to be considered. That includes the project management and maintenance.

The development of the 2013-14 budget saw one of the City's largest capital works delivery program, with everything included in the budget for 2013-14 funded by either Council rates or through borrowings. If the City was successful in obtaining grants or other sources of funding, these funds were used to off-set debt or alternatively fund additional projects.

Contained within the Council adopted the 2013/14 Budget, there were 122 Capital Works Projects totalling \$26,010,576. Council was provided with a report detailing an overview of each of the capital works projects for the period 1 July 2013 to 30 June 2014.

### **Project Delivery**

It is felt the City has achieved an accountable service delivery and this can be demonstrated via the software systems that monitors our performance on service quality indicators and makes this information available to ratepayers and other stakeholders. One of the reporting mechanisms for this is the City of Bunbury Annual Return.

Contained within the Council adopted the 2013/14 Budget, there were 122 Operating Projects totalling \$3,954,123.00.

Council has also been provided with a report detailing an overview of each of the operating projects for the period 1 July 2013 to 30 June 2014 that were not 100% completed.

### **Financial Management**

We are also exploring how Council can overcome growing financial pressures and maintain constraints of financials implications, including generating efficiencies and enhance productivity, delivering organisational change and transform performance and reviewing services and implement effective plans for sustainable service delivery.



A review of all services provided by the City Administration Operations is currently being undertaken which explores the benefits to the Community and Stakeholders.

### **Administration Operations**

At the Council Meeting held 22 July 2014 Council resolved to undertake a review of the City's Operational needs. The organisational restructure will see the number of City directorates reduced from four (4) to three (3).

The directorates endorsed are as follows:

- Works and Services
- Planning and Development Services
- Corporate and Community Services

As a result of this decision, a review of functions and services was also undertaken to determine the most effective way of the City delivering services to the community.

The City is pursuing the following measures to look at the way in Administration Operations are conducted:

- Reduction in the proportion of consultants engaged by the City from the previous financial year
- Review and justification of each position at the City upon resignation or retirement prior to replacement
- Review and duties of each position at the City upon resignation or retirement and where possible, these duties to be incorporated into existing officer duties.

The development and endorsement of the Key Focus Areas has assisted when delivering on administrative and operational processes and staff are embracing the areas.

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

There are no financial or budget implications.

### **Community Consultation**

There is no requirement for community consultation.

### **Councillor/Officer Consultation**

Councillors are aware of the seven (7) key focus areas and this report is now provided for their information.

### **Outcome – Council Meeting 16 September 2014**

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

**Council Decision 353/14**

***That Council notes the update provided in this report which details progress on each of the following Key Focus Areas:***

- 1. Community Focus***
- 2. Customer Service***
- 3. Partnerships***
- 4. Capital Works***
- 5. Project Delivery***
- 6. Financial Management***
- 7. Administration Operations***

***2.Ongoing reporting will be through the annual report and the review of CEO and senior staff performance assessments.***

CARRIED

11 votes "for" / Nil votes "against"

**10.2 Operating Projects Report 2013/14 – Summary of Partial or Incomplete projects (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-1 Incomplete Operating Project Expenditure Summary with Comments

**Summary**

At the Special Council Meeting held 31 July 2013, Council adopted the 2013/14 Budget which contained 122 operating projects totalling \$3,954,123.00

Officers have prepared a report detailing each of the Council endorsed Capital Works projects for the 2013/14 financial year which is attached at Appendix CEO-1

The report provides an overview of each of the operating projects for the period 1 July 2013 to 30 June 2014 that were not fully expended or have not been recorded as being 100% completed.

**Executive Recommendation**

That Council notes the report detailing partial or incomplete Operating Projects for the period 1 July 2013 to 30 June 2014.

**Background**

With the adoption of the 2013/14 budget, the Council endorsed the inclusion of 122 operating projects programed to start or for completion during the year.

During the 2013-14 financial year, staff have worked to complete all operating projects contained in the budget and the attached report details the status of those which were not 100% completed as at 30 June 2014.

The report also details those projects modified or deleted based on changes in direction by Council resolution.

**Council Policy Compliance**

Nil

**Legislative Compliance**

Nil

**Officer Comments**

The attached operating project summary contains details of projects that were undertaken during the 2013/14 financial year, where all budgeted funds were not expended or the percentage completed by 30 June 2014 was not 100%.

It also provides comments on each of the projects as to why these operating projects were not fully expended or completed by the end of the financial year.

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

It should be noted in the report that any projects identified as not being 100% completed and earmarked as carry forwards to the 2014/15 budget have been identified.

In the case of these projects, these were included in the 2014/15 Budget considered and endorsed by Council. As a result, these have no impacts on Council's current financial position

#### **Community Consultation**

Not applicable

#### **Councillor/Officer Consultation**

All staff responsible for projects have provided input to the development of the report.

#### **Outcome – Council Meeting 16 September 2014**

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

#### **Council Decision 354/14**

***That Council notes the report detailing partial or incomplete Operating Projects for the period 1 July 2013 to 30 June 2014.***

CARRIED

11 votes "for" / Nil votes "against"

### **10.3 Reporting of Council Policy – Infringement Withdrawal – Requests received for July and August 2014 (was listed as item 10.2.3 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil.

#### **Summary**

At the Council Meeting held 8 July 2014, Council adopted the new Council Policy “Infringement Withdrawal”.

The purpose of this report is for Council to be informed of any requests received, and the outcomes of each, relating to infringement withdrawal.

#### **Executive Recommendation**

That in accordance with the Council Policy “Infringement Withdrawal”, Council note:

1. Two (2) requests from Council Officers for the withdrawal of infringement were received for the months of July and August 2014.
2. The outcomes of each of the requests determined that the infringement notices would stand.

#### **Background**

As part of the decision-making for item 15.1.2 Withdrawal of Parking Infringements at the Ordinary Council meeting held on 6 August 2013, Council resolved (Decision 253/13) as follows: *That Council will develop a policy whereby any request to withdraw or otherwise alter an infringement notice issued to a City of Bunbury staff member or Elected Members by the City of Bunbury will be referred to the Council.*

The Policy Review and Development Committee considered this draft policy at its meeting held on 19 June 2014, which was subsequently adopted by Council at the meeting of 8 July 2014.

#### **Council Policy Compliance**

This report is in accordance with the Council Policy.

#### **Legislative Compliance**

Division 2 of Part 9 of the Local Government Act 1995 deals with Enforcement and Legal Proceedings.

Section 9.10 of the Act enables a local government to appoint authorised persons to perform particular functions. The City’s local laws define an authorised person as a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under the local law.

### **Officer Comments**

Council's Policy requires that Council be informed of any decisions made to withdraw an infringement issued under any of the City's local laws, where the application for withdrawal was made by an Elected Member or City Officer.

For the month of July, one (1) request was received from a staff member wherein they parked the Council vehicle in the Bunbury Regional Entertainment Centre Carpark and was issued an infringement.

The outcome of the investigation is that the infringement would stand, due to the Bunbury Regional Entertainment Centre not being a designated fleet vehicle parking area and therefore, the appropriate ticket was not obtained.

A further request was received in the month of August wherein an employee felt their permit was displayed on the dashboard of the vehicle, yet they received an infringement.

The outcome of the investigation was that the infringement would stand due to the photos taken of the vehicle show that no permit was visible.

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

There are no financial or budgetary implications arising from this report.

### **Community Consultation**

There is no community consultation impacting on this report.

### **Councillor/Officer Consultation**

This report emanates from compliance with Council's policy on the matter.

### **Outcome – Council Meeting 16 September 2014**

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

#### **Council Decision 355/14**

*That in accordance with the Council Policy "Infringement Withdrawal", Council note:*

- 1. Two (2) requests from Council Officers for the withdrawal of infringement were received for the months of July and August 2014.*
- 2. The outcomes of each of the requests determined that the infringement notices would stand.*

CARRIED

11 votes "for" / Nil votes "against"

**10.4 Proposed Deed of Lease – Bunbury Seniors Computer Club Inc. – Portion of Reserve 28953 being Lot 5022, 23 Island Queen Street, Bunbury. (was listed as item 10.4.1 of the Council Agenda)**

<b>File Ref:</b>	L195
<b>Applicant/Proponent:</b>	Bunbury Seniors Computer Club Inc.
<b>Author:</b>	Jane Porter, Senior Property Officer
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	DCS-1 Bunbury Seniors Computer Club Location Plan

**Summary**

The Bunbury Seniors Computer Club Inc. is seeking Council’s consideration to grant a new lease for a term of five (5) years with a further option of five (5) years over portion of Reserve 28953 being Lot 5022, 23 Island Queen Street, Bunbury. A location plan is **attached** at Appendix DCS-1.

**Executive Recommendation**

Council agrees to grant a new Lease with the Bunbury Seniors Computer Club Inc. over a portion of Reserve 28953 being Lot 5022, 23 Island Queen Street, Bunbury for a term of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:

1. The Lessee is responsible for the full cost of document preparation and statutory advertising.
2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

**Background**

The premises are held by the City of Bunbury under Management Order Crown Land Record LR3080-284 (Crown Land Title Volume LR3080 Folio 284) Reserve 28953 Island Queen Street, Bunbury for the purpose of ‘Community Centre’ with the City having the power to lease for a term of up to twenty-one (21) years.

The Bunbury Seniors Computer Club have occupied the Lease since 22 August 2005 and is seeking a new Lease for a term of five (5) years with a further option of five (5) years on a “Peppercorn” Lease.

The Club has a dedicated committee and volunteer trainers who provide tutorials to various information technology curriculum.

Current Lease Details

Date of Commencement:	1 August 2009
Term:	Five (5) years
Date of Expiry:	31 July 2014
Rent:	Annual lease rental for the premises “Peppercorn” (Valuation \$6,240.00 per annum) waived in recognition of the Club’s efforts to improve the skills

	and knowledge of seniors in the use of computer and information technology)
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General insurance on the premises. Public Liability to be set at \$10(M)
Permitted Use:	Computer and associated activities
Lease Area:	85m2 approx.
Document Preparation Costs:	Lessee responsible for the full cost of documentation preparation and statutory advertising

#### Proposed New Deed of Lease

Date of Commencement:	1 August 2014
Term:	Five (5) years with a further option of five (5) years
Date of Expiry:	31 July 2019
Rent:	Annual lease rental for the premises "Peppercorn" (Valuation \$10,400.00 per annum) waived in recognition of the Club's efforts to improve the skills and knowledge of seniors in the use of computer and information technology)
Outgoings:	Responsibility of Lessee
Insurance:	Lessee to maintain Public Risk Insurance and General insurance on the premises. Public Liability to be set at \$10(M)
Permitted Use:	Computer and associated activities
Lease Area:	188m2 approx.
Document Preparation Costs:	Lessee responsible for the full cost of document preparation and statutory advertising

#### **Legislative Compliance**

- Section 3.58 of the Local Government Act 1995

#### **Officer Comments**

The Bunbury Seniors Computer Club has satisfactorily fulfilled its obligations and responsibilities under the current Lease.

The premises are already being utilised by the Bunbury Seniors Computer Club for its intended purpose, for computing and associated activities. The current Lease expired on 31 July 2014. The proposed new Lease to be 'Peppercorn'.

Standard conditions of a Lease will apply such as the redevelopment clause, the requirement for the facility to be kept clean and tidy, not to cause a nuisance and to inform the City of any required maintenance.

The Club has provided the City with the following information in support of its application for a new Lease:-



“The Bunbury Seniors Computer Club provides a non-threatening forum in which we train Seniors on a one to one basis, or in small groups, in a friendly and informal environment in which Seniors can learn how to use computers, its technology and the Internet services such as; emails, internet Banking, accessing Government Agencies and filling in the necessary forms.

We also guide people how to use Facebook, Tablets, iPads and Skype. Popular classes are in the editing of photos in Microsoft and photo shop elements, writing autobiographies, Genealogy, photo Books and Power-point with music.

Craft classes include; card making, book marks, Calendars, Certificates and Invitations. Over the past year we have had 30 and 40 year old younger Seniors coming in to brush up or learn Microsoft Office, Word and Excel, to go on to Jobs when the course is finished.

We have always been very appreciative of what the Council has done to help us achieve and provide the high quality of our Service to the Community. We have added to the building over the years, new carpet throughout the IT area, an electric ceiling fan in the IT area, also new blinds to the 7 windows in the IT and Office areas. We have also installed, floor vinyl throughout the large and small rooms and the laundry area. The Club has gladly paid for these upgrades to show Council our commitment to the wellbeing of the building, to the approximate total cost of \$4500-00.”

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

The Independent Market Lease Rental has been assessed at \$10,400.00 per annum.

The proposal is to offer a rent-free period for the term of five (5) years and the further term of five (5) years.

#### **Community Consultation**

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

#### **Councillor/Officer Consultation**

Comment was sought from the Development Coordination Unit with no Department having any objections to the proposed new Lease.

#### **Outcome – Council Meeting 16 September 2014**

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

#### **Council Decision 356/14**

***Council agrees to grant a new Lease with the Bunbury Seniors Computer Club Inc. over a portion of Reserve 28953 being Lot 5022, 23 Island Queen Street, Bunbury for a term of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:***

- 1. The Lessee is responsible for the full cost of document preparation and statutory advertising.***

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

CARRIED

11 votes "for" / Nil votes "against"

**10.5 Schedule of Accounts Paid for the Period 1 August 2014 to 31 August 2014** (was listed as item 10.4.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Acting Director Corporate Services
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-2 Schedule of Accounts Paid August 2014

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 August 2014 to 31 August 2014 is **attached** at Appendix DCS-2. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$7,688,478.18
2. Advance Account – payments totalling \$6,296,501.01
3. Trust Account – payments totalling \$14,717.98
4. Visitor Information Centre Trust Account – payments totalling \$5,665.25
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$217,031.19
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$74,893.76

**Executive Recommendation**

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

**Outcome – Council Meeting 16 September 2014**

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

**Council Decision 357/14**

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

CARRIED

11 votes "for" / Nil votes "against"

**10.6 Department of Agriculture and Food - Funding Cuts and Biosecurity Services** *(was listed as item 10.5.1 of the Council Agenda)*

<b>File Ref:</b>	A05996
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ben Deeley, Team Leader Sustainability
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development Services
<b>Attachments:</b>	Nil

**Summary**

The WA Department of Agriculture and Food’s level of biosecurity service provision has reduced over the past decade due to funding cuts. Should this trend continue into the future, it may result in increases in pest organism distribution and abundance with resultant adverse environmental, social and economic impacts on Council and the local community.

**Executive Recommendation**

That Council:

1. Refers the matter to WALGA via the South West Zone Group for actioning.
2. Supports the position of the WA Auditor General, as outlined in the “Managing the Impact of Plant and Animal Pests: A State-wide Challenge” (2013) report, that pest organisms pose a significant threat to the natural environment, society and economy, and that effective pest management requires cooperation and collaboration amongst all stakeholders.
3. Requests the Western Australian Local Government Association to lobby the State Government to appropriately resource the Department of Agriculture and Food to the extent that it can resume its 1990’s level of biosecurity service provision, and to address all of the recommendations contained in the WA Auditor General’s report.

**Background**

Pest organisms can result in a range of adverse impacts on the natural environment, society and the economy, for example, the CSIRO estimates that pest organisms cost Australia at least \$7 billion per year.

Western Australian land holders have been legally responsible for the management of serious pest organisms, termed “declared pests”, on their lands for many decades.

The WA Department of Agriculture and Food (DAFWA) has traditionally played an important role in supporting land holders to manage declared pests through the following “biosecurity” measures:

- research and monitoring
- regulation and enforcement
- preparation of policy and guidance documents
- community education
- quarantine and limited management works.

Over the past decade, DAFWA has experienced a decline in funding from the State Government, which has resulted in a 32% reduction in its full time staff. This has resulted in a corresponding decline in DAFWA's biosecurity service provision, including a 55% fall in the number of property inspections and a 99% fall in the number of compliance notices issued by the department over the period.

DAFWA's decline in service provision could possibly result in increases in the abundance and distribution of certain declared pests in the future. This in turn, may result in adverse environmental, social and economic impacts along with:

- additional pest management costs for proactive land holders
- increased community pressure on local government to address the gaps in biosecurity left by the department.

These issues may have already begun to manifest as reflected by the current Narrow Leaf Cotton Bush issue in the Shires of Harvey, Dardanup and Capel. It is understood that each of the shires has come under increasing pressure from land holders during recent months to take action regarding perceived increases in the distribution and abundance of the pest, with DAFWA's lack of enforcement believed to be a key cause.

The Shire of Dardanup estimates that it expended approximately \$30,000 on the management of Narrow Leaf Cotton Bush on its lands between July 2013 and February 2014. Furthermore, some private landholders are understood to have recently spent up to \$20,000 to treat outbreaks on their land.

As DAFWA's focus has traditionally been on agricultural pests, it may be expected that rural areas would be most affected by the department's recent decline in service provision. However, many agricultural pests also cause social and environmental issues and thereby pose a threat to urban areas, including those in the City of Bunbury.

At least ten declared pests are found in the City of Bunbury at present, including weeds and vertebrate pests such as the European Rabbit and Red Fox. It is estimated that Council currently spends \$180,000 on biosecurity each year across all of its landholdings, of which approximately \$18,000 p.a. is spent on the management of declared pests.

It is currently unclear whether the populations of declared pests in the City of Bunbury have increased in response to DAFWA's decline in service provision to date, due to Council's limited capacity to undertake comprehensive monitoring at present. However, it is considered possible that this could occur in the future, particularly in relation to pests that the department has targeted locally in the past, such as the European Rabbit.

Additionally, in December 2013 the WA Auditor General undertook an independent investigation into the current management of pests in WA and consequently formed the following recommendations to DAFWA under the "Managing the Impact of Plant and Animal Pests: A State-wide Challenge" report:

- ensure that an effective framework for the collaborative management of pests across the state is established; and that key roles of government agencies are defined – by 30 June 2014
- develop a state-wide plan for the management of all declared pests – by 30 June 2014
- ensure that information on the spread, abundance and impact of high priority pests is accurate, current and complete
- approve its draft policies and criteria to declare pests; and establish a transparent process that is visible to external stakeholders – by 30 June 2014

- establish a program under which the threat posed by potential and declared pests is subject to periodic documented review – by 30 June 2014
- develop effective prioritisation processes that ensure its operational resources are directed to combating the highest threats – by 30 June 2014
- develop an effective monitoring and evaluation regime to determine whether planned operational outcomes are being achieved – by 31 December 2014
- where appropriate, make greater use of enforcement mechanisms under the BAM Act to ensure landholders meet their responsibilities to control pests on their land.

DAFWA has acknowledged the WA Auditor General’s recommendations and has committed to working with stakeholders to improve declared pest outcomes within its resource capacity. However, it is uncertain whether the department will be able to address the recommendations in full due to its recent funding cuts.

The Executive Recommendation seeks to have DAFWA’s resources increased so that it may resume its previous level of biosecurity provision and address the recommendations contained in the WA Auditor General’s recent report.

#### **Council Policy Compliance**

Not applicable.

#### **Legislative Compliance**

Not applicable.

#### **Officer Comments**

The City of Bunbury currently undertakes a responsible approach to biosecurity through the proactive management of both declared and non-declared pests on its lands. This is done for a combination of legal, public safety, amenity, biodiversity protection and fire management reasons. However, it needs to be acknowledged that Council’s landholdings are significant as it currently manages approximately 715 hectares of bushland alone, and as such, it is possible that some declared pest issues are currently unmanaged, particularly in inaccessible locations.

Council staff continue to investigate and implement methods to improve the organisation’s situational awareness of local biosecurity issues and the efficiency of its management approaches, in order to achieve the best possible outcomes with Council’s limited resources.

The Executive Recommendation may lend support to other south west local governments, such as the Shire of Dardanup, which have been active in recent months in advocating for the State Government to improve its biosecurity practices.

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

The Executive Recommendation has no immediate consequences for the 2014/15 Budget or Council’s Ten Year Financial Plan.

Should DAFWA’s funding be increased and its previous level of biosecurity service provision be resumed as is proposed, Council may receive an increase in the number of compliance notices from DAFWA (e.g. in response to unmanaged declared pests as discussed above). However, it should be

noted that the compliance notices that the City has received in the past have typically been of low impact financially and have been adequately met under existing operational programs and allocations.

### **Community Consultation**

No consultation has occurred with the general community in relation to this issue.

Officer-level consultation has occurred with the Shires of Harvey, Dardanup and Capel, Western Australian Local Government Association and DAFWA on the issue of biosecurity in WA generally.

### **Councillor/Officer Consultation**

Consultation has occurred with the CEO and Director Planning and Development Services.

### **Outcome – Council Meeting 16 September 2014**

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

#### **Council Decision 358/14**

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

- 1. Refers the matter to WALGA via the South West Zone Group for actioning.***
- 2. Supports the position of the WA Auditor General, as outlined in the "Managing the Impact of Plant and Animal Pests: A State-wide Challenge" (2013) report, that pest organisms pose a significant threat to the natural environment, society and economy, and that effective pest management requires cooperation and collaboration amongst all stakeholders.***
- 3. Requests the Western Australian Local Government Association to lobby the State Government to appropriately resource the Department of Agriculture and Food to the extent that it can resume its 1990's level of biosecurity service provision, and to address all of the recommendations contained in the WA Auditor General's report.***

CARRIED

11 votes "for" / Nil votes "against"

**10.7 Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc. (was listed as item 10.4.3 of the Council Agenda)**

<b>File Ref:</b>	CAP-SCR-00020
<b>Applicant/Proponent:</b>	Bunbury Netball Association Inc.
<b>Author:</b>	Jane Porter, Senior Property Officer
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-3 Location Plan Bunbury Netball Association Appendix CRUSC-3 LMW Hegney Property Valuation

**Summary**

The City of Bunbury has been approached by the Bunbury Netball Association Inc. (“the Applicant”) to enter into a new Lease over a portion of Hay Park Reserve 30601, Lot 3001 Parade Road, for a term of five (5) years with a further option of five (5) years. A location plan is **attached** at Appendix DCS-3.

**Executive Recommendation**

Council agrees to grant a new Lease with the Applicant over portion of Hay Park Reserve 30601, Lot 3001 Parade Road, Bunbury for a term of five (5) years with a further option of five (5) years subject to the terms and conditions as specified in the report, and the following:

1. Final approval of the Minister for Lands.
2. The Applicant to pay all costs associated with the lease application including document preparation and advertising.
3. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

**Background**

The Applicant has occupied its current lease site since 1994. The land is comprised within Reserve 30601, (Lot 3001 on Deposited Plan 43554) and is held by the City of Bunbury under Management order 1902/1967 Crown Land Record Volume 3129 Folio 866 for the purpose of “Recreation” with the power to lease for a term not exceeding twenty-one (21) years.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands is to provide “in principle” approval for the proposal subject to formal approval being granted on receipt of the Lease document.

The City contributed \$49,107 to the resurfacing of the netball courts in 2013, with the Bunbury Netball Association Inc. and Department of Sport and Recreation contributing \$45,455 and \$54,696 respectively.

The current Lease expired on 30 June 2014 and the Applicant is in “Holding Over” until a new Lease is granted.



The applicant has complied with the provisions of the current Lease, including keeping the Demised Premises and its surrounds clean and tidy, to meet the reasonable requirements of the City.

Current Lease Details

Commencement:	1 July 2009
Term:	Five (5) years
Expiry Date:	30 June 2014
Rental:	\$1,600.00 + GST per annum
Rent Review:	CPI annually, Market Rent Review every third year
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$10 million

Proposed New Lease Details

Commencement:	1 July 2014
Term:	Five (5) years with a further five (5) year option
Expiry Date:	30 June 2019
Rental:	\$9,432.96 + GST per annum
Rent Review:	CPI annually, Market Rent Review every third year
Outgoings:	Responsibility of the Lessee
Insurance:	Lessee to maintain Public Risk and General Insurance cover over the premises with Public Liability to be set at \$10 million
Special Conditions:	Lessee responsible for maintaining and upkeep of the demised premises
Document preparation:	The Lessee to pay full cost of document preparation and advertising

An independent market rental value for the leased property has been obtained from LMW Hegney, National Property Valuers and Consultants, for \$27,744 per annum. A copy of this confidential report is **attached** at Appendix CRUSC-3. The City has discounted this valuation by 66%, from \$27,744 to \$9,432.96 to take into account the building condition, that the majority of maintenance is undertaken by the Association, the commercial gain or benefit from the operation of a kiosk, and that the Association matches the 'Healthy Club' characteristics.

**Legislative Compliance**

- Section 3.58 of the Local Government Act 1995

**Officer Comments**

The Applicant has satisfactorily fulfilled its obligations and responsibilities under the current Lease. The Applicant provides like-minded participation from local community members and visitors.

The Contracts and Property Department have prepared a Draft Council Policy – Rent Tier Matrix and a Corporate Guideline – Leasing Licensing which will be presented to the Policy Review and Development Committee on the 16 October 2014. This Policy will standardise the process for applying rentals to all Lessees/Licensees. The Draft Corporate Guideline explaining the Process of the Council Policy proposes as follows:-

**GUIDELINES:**

*Officers seeking to obtain endorsement of a reduction in the proposed rental to be charged to an organisation/club shall first assess:*

- *the type of property or facility to be leased or licensed;*
- *the current condition of the property or facility and any maintenance that may be required to be carried out thereto;*
- *previous market rental valuations obtained for the property or facility (if applicable);*
- *the current rental payable for the property or facility (if applicable);*
- *the organisation/clubs maintenance contribution towards the upkeep of the property or facility (if applicable);*
- *whether the organisation/club is a commercial, community, sporting, recreation, or Not for Profit entity; and*
- *the organisations/clubs commercial operations (if applicable).*

**PROCEDURE:**

*The process for variances to proposed rental is as follows:*

*Prior to leasing or licensing any land or property, an independent Market Rental Valuation (“the Valuation”) will be obtained by the City.*

*The valuation is assessed against the ‘Rent Tier Matrix’ (“the Matrix”), in order to determine whether a lease or license rental below the proposed market rental is applicable or justifiable.*

*Appropriate discounts are then applied on a sliding scale, based on the Valuation and the following considerations are taken into account:*

- *maintenance requirements to the property or facility;*
- *the current condition of the property or facility;*
- *whether the organisation/club endorses the characteristics of a ‘Healthy Club’, which may include:*
  - (i) Smoke Free*
  - (ii) Healthy food options encouraged and available*
  - (iii) Sun protection policy and practices in place and promoted*
  - (iv) Safe training/playing environment provided*
  - (v) Alcohol is not promoted, but if served is used in a responsible manner*
  - (vi) Use of illicit drugs and performance enhancing drugs is not permitted*
  - (vii) Access and equality is encouraged.*
- *whether the organisation/club operates a bar (a liquor licence being*

- required through the Department of Racing Gaming and Liquor), kiosk or similar; and*
- *whether the organisation/club provides a community service benefit.*

*Discounts will be applied in terms of the Matrix up to the following maximum percentages (with one or more of these gradings possibly applying to the organisation/club):-*

- (i) The current condition and requisite maintenance of the facility – 30%*
- (ii) Maintenance obligations to be carried out by the organisation/club 50%*
- (iii) Endorsement by the organisation/club of 'Healthy Club' characteristics 6%*
- (iv) Whether a Sporting/Community/Recreation/Not for Profit club or organisation acquires a commercial gain from a bar or a kiosk – 30%*
- (v) Whether the organisation/club provides a community benefit service/is a charitable organisation – 75%.*

*The following will also be considered in the determination of the proposed rental:*

- *the identity of the organisation/club;*
- *its funding sources and financial viability;*
- *whether the organisation/club generates an income from its lease or license of the premises;*
- *any maintenance costs to be incurred by the City;*
- *compliance by the organisation/club with the lease or license during any prior lease or license period (if applicable);*
- *the current demand for facilities by similar user groups; and*
- *any cash or 'in-kind' support provided by the organisation/club towards development of the facility.*

*Annual increases to reflect the movement in the Consumer Price Index and Market Rental Reviews will be provided for in the Lease/Licence Agreement, as required.*

*The City will thereafter (based on the valuation, application of the Matrix and current information pertaining to the organisation) negotiate an appropriate rental for the facility with the organisation/club.*

*Should special circumstances be deemed applicable, the organisation/club is to provide Council with a detailed application in writing, in substantiation of any further reduction in rentals to be taken into account in order to enable Council to properly assess the proposal.*

### **Community Consultation**

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

### **Councillor/Officer Consultation**

Comment was sought from the Development Coordination Unit.

Environmental Health have advised the kiosk is to comply with the requirements of the Food Act 2008, the Food Regulations 2009 and the Australian Food Safety Standards.

No other department having any objections to the proposed new Lease.

**Outcome – Council Meeting 16 September 2014**

Ms Trish Welsh addressed Council on behalf of the Bunbury Netball Association Inc.

In accordance with clause 5.3(5)(g) of the City of Bunbury's Standing Orders Local Law 2012, Cr Morris moved, Cr McCleary seconded the procedural motion "That Item 10.4.3 titled *Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc.* be deferred to the next Ordinary Council Meeting on the 30 September 2014 to allow time for staff to hold further discussions with the Bunbury Netball Association Inc Board regarding details of the lease".

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

**Council Decision 359/14**

***"That Item 10.4.3 titled Proposed Deed of Lease over Portion of Hay Park (Reserve 30601, Lot 3001 on Deposited Plan 43553 Parade Road, Bunbury) – Bunbury Netball Association Inc. be deferred to the next Ordinary Council Meeting on the 30 September 2014 to allow time for staff to hold further discussions with the Bunbury Netball Association Inc Board regarding details of the lease".***

CARRIED

10 votes "for" / 1 votes "against"

**10.8 Recommendation to the Bunbury Wellington Group of Councils (was listed as item 10.2.4 of the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	CRUSC-1 - Confidential Report Appendix CEO-2 – Previous BWGoC Council Decisions

**Summary**

The Bunbury Wellington Group of Councils (BWGoC) has been actively exploring the development of a Regional Waste Facility and in recent months, was successful in obtaining funding under the Council Local Government Funding to assist with the purchase of a site. Originally the BWGoC identified that the site known as Banksia Road in the Shire of Dardanup which is currently owned by the Dardanup Shire Council. Following discussions after the South West Zone meeting held Friday 23 August 2014, it was agreed that there may be a need for each Council to individually consider the previous position in relation to the Banksia Road site and the arrangements for the proposed purchase of a site for regional waste.

A copy of a confidential briefing paper containing the recommendation for progressing is **attached** at CRUSC-1.

To enable Council representatives to progress with the Regional Waste Management Strategy, a number of decisions are required along with a direction from the Council in relation to the Country Local Government Funding allocation for the purchase of a regional waste site.

**Executive Recommendation**

That Council:

1. Support the position as outlined in confidential attachment CRUSC-1 in relation to the acquisition of a regional waste facility; and
2. Endorse the proposal for the appointment of a project officer/consultant generally in accordance with the draft terms of reference (CRUSC-1) including the allocation of appropriate funding in the next budget review;

**Background**

The issue of a regional approach to waste management has been under consideration for many years across the Bunbury-Wellington area and resulted in the decision to allocate the Country Local Government Funding Allocation to the purchase and upgrade of the Banksia Road site in the Shire of Dardanup.

Council has previously been provided with reports in relation to the decision of Dardanup Shire to advertise a business case and the subsequent decision to sell the site by public tender. Copies of the previous reports are **attached** at Appendix CEO-2 to this report to provide the context for the recommendations.

As a member of the Bunbury Wellington Group of Councils, and given the work undertaken to date in relation to the development of a regional approach to waste management, it is considered appropriate for Council to consider and accept the preferred way forward.

### **Council Policy Compliance**

Although not a Council Policy, contained with the South West Regional Blueprint is the following project:

*Sustainable energy supply - Ensure there is access to sustainable, affordable energy supplies to support a growing region. The region is able to expand its economic and population base through the provision of adequate energy supplies and reliable distribution networks, and makes best possible use of renewable energy and provides an alternative source of fuel to coal as coal stocks deplete.*

*The South West has secure and sustainable energy supplies for a population of 500,000. All waste is recycled into energy production or alternative.*

*Regional waste - Build subregional waste facilities capable of recycling and managing waste to a forecast regional population of 500,000. All waste is recycled into energy production or alternative.*

### **Legislative Compliance**

Not Applicable

### **Officer Comments**

Following the previous decisions of the Bunbury-Wellington Group of Councils, the Chief Executive Officers met with the Chief Executive Officers from the City of Busselton, the Shire of Augusta Margaret River and the South West Development Commission. As an outcome of this meeting a briefing paper was prepared and considered following the last South West Zone meeting. A copy of this briefing paper is attached.

Whilst the group only informally considered the option paper, it was agreed that each local government would need to formally consider their position in relation to the way forward. Following this decision, a meeting was held with officers from the Department of Regional Development to discuss the current progress of the project as it relates to the milestones contained in the funding agreement along with options going forward.

The options that were discussed were as follows:

1. Continue to work towards the acquisition of the Banskia Road site, noting that the timeframes would need to be extended given the timeframes for the tender process by the Shire of Dardanup;
2. Seek an amendment to the funding agreement timetable to allow the identification of an alternative site;
3. Put the funding allocation on hold pending the undertaking of further studies focused on a broader regional approach (incorporating City of Busselton and Shire of Augusta Margaret River)
4. Return the funding to the Royalties program

5. Identify alternative regional projects and seek to reallocate the funds

Also discussed at the informal meeting was the position of the Bunbury-Wellington Group as it related to the decision of the Shire of Dardanup to go to tender for the Banksia Road site. Individual Councils will still need to give consideration to this matter, and if appropriate each Council needs to resolve their position. Detailed discussion in relation to this matter is contained in the confidential attachment to this report.

On Tuesday 26 August 2014, the CEO met with representatives from the Department of Regional Development and discussed the options that are available to progress the matter and any restrictions associated with the Country Local Government Funding linked to the project. As a result of these discussions, a draft letter for consideration by the group was prepared to seek an extension of time for the milestones in the funding agreement.

The new timeframes requested were based around the calling and assessment of the tender by the Shire of Dardanup. The Dardanup Shire advised the contract of sale and Expression of Interest documentation will be finalised by Friday the 5 September 2014. Expression of Interest will then be advertised with a period of 21 days for submissions. Should the proposed advertised periods be met, it is anticipated that submission will close 4.00pm Monday 6 October 2014 with all submissions to be submitted to the Shire of Dardanup Council Meeting of 15 October 2014.

As there are numerous matters with the identification and acquisition of sites, the development of governance and operating frameworks, the priorities outlined in the draft South West Regional Blueprint and the requirements of the Country Local Government Grant there is a need for the group to consider how regional waste will be progressed.

**Analysis of Financial and Budget Implications**

In the event that the group of Councils is unsuccessful in securing a regional waste site, the short term implications will be the requirement to negotiate a commercial arrangement with a private provider or another local government. Whilst these costs can be met in the short to medium term, the lack of control over pricing in the longer term would be outside of the control of Council.

**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. Prior to referral to the other local government in the BWGoC.

**Outcome – Council Meeting 16 September 2014**

In accordance with clause 11.1 (g) of the City of Bunbury's Standing Orders Local Law 2012, Cr Jones moved, Cr McNeill seconded the procedural motion "that the meeting be closed to the public" to enable the confidential attachment to be discussed.

The Deputy Mayor put the procedural motion to the vote and it was carried 9 votes "for" 2 votes "against". The meeting was closed to the public and the press at 5:46pm.

In accordance with clause 17.1 of the City of Bunbury's Standing Orders Local Law 2012, Cr Steck moved, Cr McNeill seconded a procedural motion to suspend Council's Standing Orders during discussion on the matter. The Deputy Mayor put the procedural motion to the vote and the vote was LOST 4 votes "for" 7 votes "against".

While behind closed doors, Cr McNeill moved an amendment to increase the maximum tender price stated in confidential attachment CRUSC-1 by 12% and was seconded Cr Steck. The Deputy Mayor put the amendment to the vote and the vote was CARRIED 10 votes "for" 1 vote "against".

The Executive Recommendation (as printed) was moved Cr McCleary, seconded Cr Miguel.

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

Cr Cook moved, Cr McCleary seconded that the meeting be reopened to the public and press. The Deputy Mayor put the motion to the vote and it was CARRIED 11 votes "for" / Nil votes "against".

The meeting was reopened to the public and press at 6.01pm and the Deputy Mayor read out Council's Decision on the matter to those in attendance.

**Council Decision 360/14**

***That Council:***

- 1. Support the position as outlined in confidential attachment CRUSC-1 in relation to the acquisition of a regional waste facility; and***
- 2. Endorse the proposal for the appointment of a project officer/consultant generally in accordance with the draft terms of reference (CRUSC-1) including the allocation of appropriate funding in the next budget review.***

CARRIED

11 votes "for" / Nil votes "against"



**10.9 Proposed Deed of Lease – Longshore Investments Pty Ltd over portion of Reserve 43260, being portion of Lot 757 Ocean Drive, Bunbury trading as NooVoh. (was listed as item 10.4.4 of the Council Agenda)**

<b>File Ref:</b>	L57
<b>Applicant/Proponent:</b>	Longshore Investments Pty Ltd
<b>Author:</b>	Massimo Andreone, Manager Contracts and Property
<b>Executive:</b>	David Ransom, Acting Director Corporate Services
<b>Attachments:</b>	Appendix DCS-4 Noovoh Location Map Appendix CRUSC-2 Confidential Lease Arrangements

### Summary

- The City of Bunbury was approached by the Department of Lands requesting the Lease with Longshore Investments Pty Ltd (the “Applicant”) be registered against the Certificate of Title.
- The previous Lessee Prospero Corporation Pty Ltd (“Prospero”) are currently registered on the Certificate of Title; however, they are no longer in operation and cannot be removed from the Title unless the City enters into a new Deed of Lease with the applicant, who is the current Lessee at the premises referred to in the ‘Executive Recommendation’.
- At present the Applicants Lease expires in November 2015 with a further option of twenty-one (21) years.
- A location plan is **attached** at Appendix DCS-4
- A copy of the Confidential Lease is **attached** at Appendix CRUSC-2
- The total lease area is 1000m<sup>2</sup>, as approved by Council under the Original Deed of Lease concluded with Roy and Christine Palmer, which commenced on 1 December 1994.

### Executive Recommendation

Council agrees to grant a new Lease to the Applicant under identical terms as the current Lease for a term of twenty-one (21) years to commence on 1 December 2015 over portion of Reserve 43260, being portion of Lot 757 Ocean Drive, Bunbury, subject to the terms and conditions as specified in the report, and the following:

1. The new Lease to contain identical terms and conditions as under the current Lease, which expires on 30 November 2015, but without any further right of renewal.
2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.
3. The approval of the Minister for Lands.

### Background

The Department of Lands have requested that the Lease with the Applicant be registered on the Certificate of Title Volume 3093 Folio 102.

The Original Deed of Lease concluded with Roy Palmer and Christine Palmer which was for an initial term of 21 years with an option of a further term of 21 years, was assigned to Roy Palmer solely by Christine Palmer, on 14 April 1999, and subsequently by Roy Palmer to Prospero Corporation in 2004, who traded under the name “Extensions”.

Prospero Corporation subsequently assigned the Lease to Crooked Billet Investments Pty Ltd trading as “Extensions” on 4 October 2011 (as endorsed under Council Decision 222/11). As Prospero Corporation trading as ‘Extensions’ was no longer trading, and upon legal advice being obtained by the Applicant, the Applicant applied for a new trading name to Longshore Investments Pty Ltd. This name change was to ensure protection for the Applicant from any legal issues that may have arisen as a result of the “Extensions” name.

A Deed of Variation of Lease for the name change from Crooked Billet Investments Pty Ltd to Longshore Investments Pty Ltd which trades as “NooVoh” dated 17 September 2012 was signed under delegated authority by the Chief Executive Officer for the remaining term of three (3) years with the *further option of twenty-one (21) years*. The further term is at the sole discretion of the Lessee as to whether they invoke the option or not. Refer to the Confidential Report distributed under separate cover which attaches copies of all the pertinent Deeds.

#### **Council Policy Compliance**

Not Applicable.

#### **Legislative Compliance**

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

#### **Officer Comments**

It is recommended that a new Lease be granted to the Applicant to assist in the registering of the Lease on the Certificate of Title as requested by the Department of Lands, and to enable Prospero Corporation to be removed from the Title.

The Applicant’s current Lease has the option of a further term of twenty-one (21) years. Upon the City seeking legal advice, it has been recommended that the further option is not invoked, but rather that a new Lease be granted by the City for the further term, in order to have the necessary endorsement formally registered against the Title.

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands “in principle” approval will be sought for the proposal, subject to formal approval being granted by the Minister on receipt of the Lease document, once executed.

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

Annual lease rental per annum \$46,498.32 + GST.

Yearly Rental:-

- Original Lease (21 years)  
Consumer Price Index – annually.  
Market Rent Review – at 15 years then every 3 years until expiry in 2015.

- Further Option (21 years)  
Consumer Price Index – annually.  
Market Rent Review – every 3 years from 2015.

The Applicant also pays to the City a reimbursement of money the City is obliged to pay to the Department of Lands for the Lease to the City of Bunbury Lot 757, which rental at the Date of Commencement was “one peppercorn”. The current Crown Lease Rental reimbursement is \$30,384.96 per annum excluding GST.

### **Community Consultation**

Notice of the proposed lease will be advertised in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

### **Councillor/Officer Consultation**

The Contracts and Property Department have sought advice from Slee Anderson and Pidgeon, Lawyers, Bunbury.

### **General**

Under Council Decision 345/14, this item was deferred to a future meeting of Council in order to have Council provided with additional information on the lettable area and details of the Lease.

The lease term of 21 years is fixed and determined as per the terms of the Original Deed of Lease.

### **Outcome – Council Meeting 16 September 2014**

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

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

### **Council Decision 361/14**

***Council agrees to grant a new Lease to the Applicant under identical terms as the current Lease for a term of twenty-one (21) years to commence on 1 December 2015 over portion of Reserve 43260, being portion of Lot 757 Ocean Drive, Bunbury, subject to the terms and conditions as specified in the report, and the following:***

- 1. The new Lease to contain identical terms and conditions as under the current Lease, which expires on 30 November 2015, but without any further right of renewal.***
- 2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***
- 3. The approval of the Minister for Lands.***

CARRIED

10 votes “for” / 1 vote “against”

Cr Steck requested that her vote “against” be recorded.

All other Councillors and the Deputy Mayor voted “for” the motion.

**10.10 Peron Naturaliste Partnership – Incorporation** *(was listed as item 10.5.2 of the Council Agenda)*

<b>File Ref:</b>	A05110
<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Bob Karaszekwych, Director Planning and Development Services
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development Services
<b>Attachments:</b>	Nil

**Summary**

The Peron Naturaliste Partnership (PNP) region has representation of all nine (9) local governments between Cape Peron and Cape Naturaliste identified as being one of the more vulnerable areas in Australia to the impacts of coastal climate change and the need for adaptation measures.

The region has low lying sandy coastal and shallow estuarine environments and has high residential, commercial, recreational and ecological significance. The regional partnership of local governments have been identified by all levels of governments, academia and in research as the preferred and most effective approach to adapting to climate change.

The PNP has achieved a great deal of science-based research and analysis since its inception in 2011, and is recognised as a leading coastal alliance at a State and national scale.

The PNP, as an ‘incorporated’ entity will ensure that as an independent organisation, the PNP is well placed and established to deal with current coastal climate change matters and the expected escalation in climate change issues, in the future.

**Executive Recommendation**

That Council

1. Endorse the incorporation of the Peron Naturaliste Partnership (PNP).
2. Acknowledge that the PNP will, on inception, consist of a Board, Secretariat, Coastal Planning Committee and Coastal Management Committee.
3. Authorise the Chief Executive Officer to work with the other PNP member local governments to finalise the ‘constitution and structure’ and to facilitate the establishment of the PNP as an ‘Incorporated Body’.
4. Acknowledge the City’s indicative financial contribution in 2015/16 and 2016/17 of \$20,000 for each financial year, which is subject to Council’s normal budgetary procedures.
5. Appoints Councillor \_\_\_\_\_ to the Board of the Peron Naturaliste Partnership, following incorporation.

*\*Absolute Majority Vote required*

**Background**

The PNP includes the local governments of Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham and Waroona. Those parties entered into a Memorandum of Understanding (MoU) in March 2011, and re-signed the MoU (2013 – 2015) in February 2013, to work collaboratively to build a resilient regional community to reduce risks and optimise opportunities presented by climate change and climate variability.

The PNP project: *Developing Flexible Adaptation Pathways for the Peron Naturaliste Coastal Region of Western Australia* assessed potential adaptation strategies to respond to coastal hazards arising from climate-change-induced sea level rise in the region. The regional results provided an indication of the potential extent of coastal hazards and associated risks across the region. In summary, the Project identified that to 2110, in the Peron Naturaliste Region:

- Erosion is a far more pervasive issue than flooding
- Approximately 800 hectares of urban and commercial land may be subject to an increase in flooding risk.
- Approximately 200 metre wide strip is at risk from erosion along the majority of the coastline.
- The value at risk of the affected assets along this section of coastline is approximately \$1.2 billion which includes an indicative value for parks, recreational and conservation areas and beaches of \$81.5 million.
- Approximately \$1.1 billion of assets can be saved, at a cost of around \$120 million.

The primary objective of the PNP is to provide a regional mechanism to facilitate effective and timely adaptation responses to climate change. Specific objectives to achieve the vision and primary objective are to:

- Demonstrate regional leadership to support effective advocacy at all levels of government;
- Facilitate access to data and information relevant to the Peron Naturaliste coastal including estuarine areas.
- To adopt a regional approach to the preparation of applications for grants and other submissions to support timely adaptation responses to climate change.
- To promote consistent information to coastal communities and decision-makers about vulnerability and risk and adaptation strategies.
- To share local knowledge and experience to support and inform effective, innovative adaptation responses.
- To collaborate over the management implications of the risk to life and property caused by climate change.
- To identify and address current and potential coastal including estuarine hazards through research and project development.

The 'strategic direction' of the PNP is currently provided by the partners group that comprises of Mayors, Shire Presidents and delegated Councillors from all participating local governments in the region. The Senior Officers Group is responsible for the management and operational matters of the partnership and comprises of Executive/ Senior Management level staff or delegated Officers. Two (2) Project Officers have the primary role of implementing the activities of the PNP, as directed by the Senior Officer Group. Those positions are hosted and managed by the City of Mandurah on temporary part-time (0.5 FTE) contracts ending 30 June 2014.

A Coastal Management Working Group has recently been established. The focus of the group is to share knowledge and provide input on current coastal zone (including estuarine) management practices across the Peron Naturaliste Region.

The vision, objectives and scope of activities are outlined in the Business Plan 2013-2015. Under this plan, sits an Action Plan that clearly defines the key priority actions of the group. The other key document of the partnership is the Communication Strategy 2013 – 2015 that ensures that the PNP has a coordinated approach to information sharing and engaging with the community and stakeholders.

The PNP has achieved a great deal in its short history. The key achievements to date include:

- Completed Coastal Adaptation Decision Making Pathways Project 2011 – 2012.
- Completed Pilot Community Awareness to Coastal Adaptation City of Busselton Project 2012 – 2013.
- Received Coastal Management Plan Assistance Program funding to undertake a Coastal Hazard Risk Management and Adaptation Plan Case Study in the Shire of Harvey in 2014 – 2015.
- Attracted funding totalling \$544,000.
- Influenced State Government policy including SPP 20.6 and WA Climate Change Strategy.
- Featured in best-practice case studies including:
  - National Climate Change Adaptation Research Facility (NCCARF) Adaptation Good Practice Fact Sheet and Video on Developing Flexible Adaptation Pathways for the PNP Region of Western Australia.
- Design and Manage Communication Tools including PNP Region Brochure, Website and Members Page.
- Presented at national and state conferences and forums including:
  - Australian Coast to Coast Conference 2013, WA State Coastal Conference 2013, Indian Ocean Climate Initiative Forum 2012, Curtin University Coastal Management Workshop 2013, CSIRO Climate Change WA Workshop 2013 and Gin Gin/ Dandaragan Coastal Risk Workshop July 2013.
- Identified as leading partnership by governments and research institutions and advice sought in development of:
  - NCCARF Policy Guidance Brief – Challenges of adaptation for local governments.
  - NCCARF Leading adaptation practices and support strategies (LAPS2) – Coastal settlements and infrastructure (ANU).
- Established PNP Regional Coastal Management Working Group.
- Hosting Coastal Adaptation Community Information Sessions in Bunbury, Waroona and Mandurah.

Partnerships and collaborations:

- Australian Government – Department of Environment.
- State Government – Departments of Planning, Transport, Water and Environment and Regulation.
- University of NSW, University of Sydney, University of Canberra, Curtin University (Coastal Collaboration Cluster), Australian National University, CSIRO and NCCARF.
- WALGA Climate Change Senior Officers Group.
- CoastSWaP, South West Catchment Council, Peel Harvey Catchment Council, Geocatch, Busselton Dunsborough Environment Centre and Mandurah Coastcare Advisory Group.
- State-wide Coast Adaptation Coordinators Network including Cockburn Sound Coastal Alliance and Northern Agricultural Catchment Council/ Gin Gin and Dandaragan Partnership.

Grant applications:

- Coastal Management Plan Assistance Program.
- Coastal Adaptation Protection Grant.
- Coastwest Grant.
- Australian Government Coastal Adaptation and Protection Grant.

Regional partnerships of local governments and collaborations between all levels of government has been identified as the preferred and most effective approach to adapting to climate change. The Australian Governments' *Climate Adaptation Outlook: A Proposed National Adaptation Assessment Framework* states that governments need to cooperate in the coastal zone as coastal processes operate on spatial scales that cross local (and often state) government boundaries. The framework states that:

*“At a smaller scale, regional governance arrangements, where adjacent local councils collaborate on coastal management, can use resources more efficiently, facilitate technical assessment of hazards, and provide regional consistency for businesses and communities.”*

The *National Coasts and Climate Change Inquiry (House of Representatives 2009)* outlined some of the benefits of taking a more regional approach that could consider issues that cross jurisdictional boundaries. For example, the Committee recommended that the Australian Government ‘*encourage regional applications from local councils whenever possible*’.

Furthermore the *WA Climate Change Strategy* states that:

*“State and local governments have a large role to play in adaptation. Adaptation measures are also best coordinated and implemented at the State and local level because the impacts of climate change are primarily dependent on a number of local and regional factors, including geography, local climate and local characteristics. Local knowledge is also an important element in developing adaptation responses. Effective and efficient adaptation will require cooperation between all levels of government, businesses and industry, individuals and communities.”*

Lastly, the *Barriers to effective Climate Change Adaptation Productivity Commission Inquiry Report 2012* noted the capacity constraints of local governments is constrained by shortages of professional and technical expertise and financial constraints. The report states that:

*“Coordination and collaboration among local governments can address some of the capacity constraints they face. This may occur through the establishment of regional organisations of councils, or alliances, to undertake common activities, or joint activities such as resource sharing.”*

The report goes further stating that local governments, on their own, may not be the most appropriate level of government to undertake adaptation actions where there are adaptation issues of regional significance, and in those instances, regional approaches may be preferable. A regional approach reduces costs for councils and minimises inconsistency in regulations, such as land use planning.

Priority actions noted in this report for local governments include, improving the communication of climate change information to local communities and incorporating new land use planning instruments into planning systems.

The PNP has been successful meeting those challenges highlighted above and attracting funding, improved information sharing, identified shared hazards and potential adaptation options and provided technical expertise. Given that climate change and associated impacts are currently occurring in our coastal areas and will continue to increase in the future it makes sense for the PNP to continue and grows in order to deal with those matters.

### **Council Policy Compliance**

There is no Council policy applicable to this matter.

### **Legislative Compliance**

There is no Legislative compliance applicable to this matter.

### **Officer Comments**

PNP Officers have researched and consulted with similar regional partnerships and identified successful models, such as the Sydney Coastal Councils Group, and South East Councils Climate Change Alliance, in Victoria that provide good models for the PNP to emulate in terms of structure, processes and outcomes.

As discussed at the last two (2) PNP Partners meetings held on 17 May 2013 and 11 April 2014, 'incorporation' is seen as the next step in the growth and maturity of the PNP. In regards to the management and operations (including a relatively modest financial commitment by each local government) of the PNP, there have been no identified significant changes noted between the current arrangement under the MoU, and becoming an incorporated body. The key points of incorporation of the PNP are as follows:

- The Board of Governors (Board) will be responsible for strategic direction, policy management. See Figure 1.
- A member local government will be represented on the PNP Board by one delegate appointed by that member local government. The delegate shall be the Mayor/ President or delegated Councillor and Chief Executive Officers or delegated Officer, as determined by the individual local government.
- The Board shall include a Chairperson and Vice Chairperson. The Chairperson shall be the spokesperson for the PNP.
- Secretariat is comprised of host local government, currently Mandurah PNP Coordinator and PNP Project Officer responsible for secretarial, clerical, administrative matters, hosting of employees and activities in the Business Plan, technical input, implementation of actions and functions as directed by the Board.
- The new host local government is to be nominated at the AGM, for a two-year (2) term, for the purpose of employing and accommodating staff and operational support.
- At the end of the two-year (2) term, the host local government will be reviewed and nominations again sought for a host local government.
- Funding for host local government for accommodation and other operational support (e.g. finances, banking, engaging employees, etc.) will be provided in-kind. This is currently what occurs with Mandurah City Council as the host local government. The current arrangements have been successful.
- The host local government is to establish trust fund or bank account in name of PNP for purposes (yet to be outlined) in the constitution.



- Financial contributions, by each member local government, shall be apportioned by an annual membership fee, covering funding of officers wages (1.0 FTE) and administration costs. A supplementary contribution for project funding may also be sought if and when required. The financial contributions and process does not change from the current arrangements.
- Each local government commits to seek membership fees for two (2) years, although it is acknowledged that local governments cannot confirm financial contributions beyond financial years.
- Coastal Planning Committee is comprised of relevant officers from each local government responsible for planning matters related to the coast. Responsible for planning matters on the coast and implementation of actions and functions as directed by the Board and assists in determining strategic direction, policy making and management.
- Coastal Management Committee is comprised of relevant coastal managers from each member. Responsible for day to day management of the coast, technical input, implementation of actions and functions as directed by the Board and assists in determining strategic direction, policy making and management.
- Other Working Groups can be created as required as directed by the Board.
- In addition to a 'constitution' there could be a MoU between the PNP and each local government in relation to an ongoing commitment to participation in the PNP.

As an Incorporated Body, the PNP will require a 'constitution'. A draft is currently in preparation.

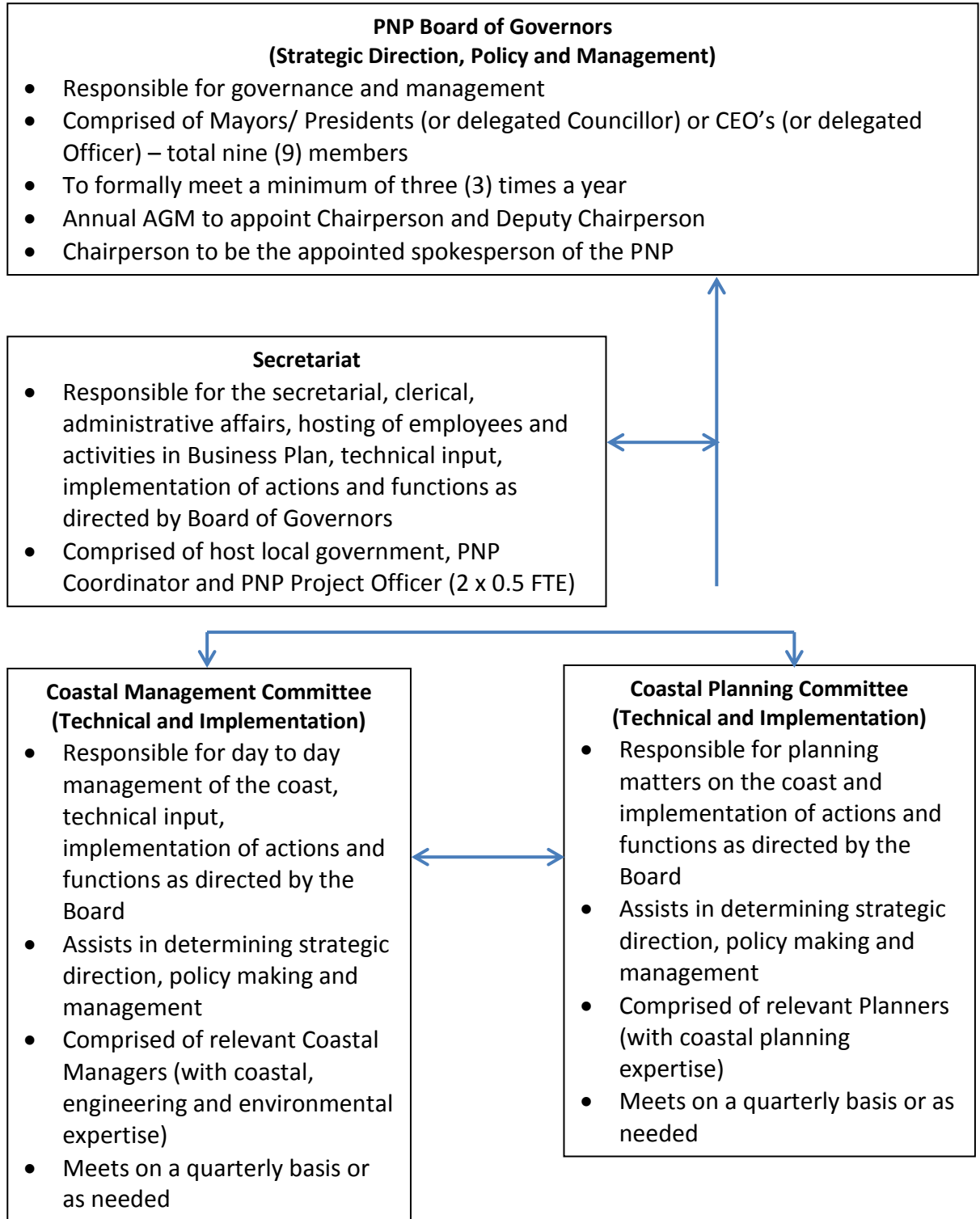
The City of Mandurah has indicated that it is prepared to remain as the host local government in the interest of 'business continuity'. In the event that a number of local governments did not support the move to incorporation, the option exists for the model to continue under the MoU.

**Table 1: Advantages and disadvantages of incorporation versus the current MoU and hosting arrangement**

<b>Advantages</b>	<b>Disadvantages</b>
PNP will own any information and material produced	More formalities required
Better funding (external) prospects	Perceived greater commitment from local governments
Can directly obtain goods and services	Perceived higher exposure to risk for some local governments
Increase autonomy and growth of partnership	
Potential for increased community and political credibility and increased opportunity for advocacy	
Chairperson to be spokesperson – increased promotion of PNP and opportunity to engage stakeholders more directly	
Improved delivery of outcomes – can make decisions without each local government having to take back to Council for their consideration	
Independent identity – development of organisation identity / brand	
Greater commitment to sharing and outcomes	
No identified direct additional costs	
Easier to become totally independent (e.g. no	

host local government) when and if required and sustainable	
-------------------------------------------------------------	--

*Recommended Structure – Start Up*



**Figure 1: Indicative PNP Structure**

The start-up structure provides clear independence from the City of Bunbury and other PNP local governments enabling the establishment of an independent identity. The structure is and should be flexible to allow for changes to occur as required.

#### Financial Contributions

**Table 2: Member local government contributions for 2015/16 to 2016/17 for wages (including superannuation, leave loading and workers compensation) and administration costs (\$25,000/year)**

<b>Local government contributions 2015/16 to 2016/17</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Total</b>
<b>Shire of Harvey</b>	\$16,929.62	\$17,333.48	\$34,263.41
<b>Shire of Capel</b>	\$10,474.68	\$10,724.36	\$21,199.04
<b>City of Busselton</b>	\$21,529.35	\$22,042.55	\$43,571.90
<b>City of Bunbury</b>	\$14,431.02	\$14,775.01	\$29,206.03
<b>Shire of Waroona</b>	\$5,891.02	\$6,031.44	\$11,922.46
<b>Shire of Murray</b>	\$3,736.42	\$3,825.48	\$7,561.90
<b>Shire of Dardanup</b>	\$2,735.95	\$2,801.17	\$5,537.12
<b>City of Rockingham</b>	\$26,427.57	\$27,057.52	\$53,485.10
<b>City of Mandurah</b>	\$31,706.15	\$32,461.92	\$64,168.07
<b>TOTAL</b>	<b>\$133,862.08</b>	<b>\$137,052.95</b>	<b>\$270,915.03</b>

The indicative budget above is calculated using a formula of average rate revenue (from 2013 WALGA Directory) and coastline length and includes amounts for wages (1.0 FTE) and an administration budget of \$25,000 per year. This is the same calculation process that has occurred in previous years. As is stated earlier in this report, incorporation does not present any additional costs to local governments. It is worth noting that any unspent funds remaining in the administration budget will be rolled over and can be used to support project funding. For example, unspent funds of \$10,000 from the 2013/14 administration budget were put in a Department of Transport grant as matching funding for a Regional Monitoring Program.

As has occurred in the past with the CAPS Project and Coastal Hazard Risk Management and Adaptation Plan Case Study in the Shire of Harvey, larger projects will require seed funding with the contributions coming from local governments based on the same formula noted above.

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

The Executive Recommendation “4” refers to a requested \$20,000 allocation for 2015/16 and 2016/17. This amount marginally exceeds the actual contribution of \$14,431.02 and \$14,775.01 for those years, respectively. This, because the City of Bunbury is the regional host of all PNP meetings and those funds are required for incidental refreshments and materials to host meetings.

#### **Council Decision 199/10**

That Council resolves to participate in the Peron Naturaliste Partnership with the view to exploring opportunities for collaborative work with the surrounding local governments in respect to Climate Change.

CARRIED

12 votes “for” / Nil votes “against”

### **Community Consultation**

The following local governments were consulted:

- Shire of Murray
- Shire of Harvey
- Shire of Capel
- Shire of Dardanup
- Shire of Waroona
- City of Busselton
- City of Mandurah
- City of Rockingham

### **Councillor/Officer Consultation**

The Executive Leadership Team has been consulted.

### **Economic, Social, Environmental and Heritage Issues**

#### Economic

There are no changes to the financial implications of the PNP becoming incorporated when compared to the current MoU and hosting arrangements. There is potential to seek funding from State Government (Coastwest Grant) to assist regional coastal management groups to meet on a regular basis and facilitate information dissemination regarding the group's activities to local communities.

#### Environmental

Section 1.3(3) of the Local Government Act 1995, states: *"In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity"*.

In order to meet the needs of current and future generations, local government must address climate change impacts on its community. Climate change poses a growing threat to the community and to local government, environmentally, socially and economically, and a range of mitigation and adaptation strategies must be applied to ensure that both social and legal obligations are met and risks and future costs are reduced.

### **Outcome – Council Meeting 16 September 2014**

Cr Steck nominated Cr Cook as Council's representative on the Board of the Peron Naturaliste Partnership, and Cr Cook accepted the nomination.

The Deputy Mayor suggested that a proxy also be appointed in times where Council's representative is unavailable to attend.

Cr Giles nominated Deputy Mayor Cr Kelly as the proxy Council representative, and the Deputy Mayor accepted the nomination.

The recommendation was amended to include Cr Cook as Council's representative, with Deputy Mayor Cr Brendan Kelly as proxy. The recommendation was moved Cr Jones, seconded Cr McNeill.

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

**Council Decision 362/14**

***That Council***

- 1. Endorse the incorporation of the Peron Naturaliste Partnership (PNP).***
- 2. Acknowledge that the PNP will, on inception, consist of a Board, Secretariat, Coastal Planning Committee and Coastal Management Committee.***
- 3. Authorise the Chief Executive Officer to work with the other PNP member local governments to finalise the 'constitution and structure' and to facilitate the establishment of the PNP as an 'Incorporated Body'.***
- 4. Acknowledge the City's indicative financial contribution in 2015/16 and 2016/17 of \$20,000 for each financial year, which is subject to Council's normal budgetary procedures.***
- 5. Appoints Councillor Cook to the Board of the Peron Naturaliste Partnership, following incorporation, and appoints Deputy Mayor Cr Brendan Kelly as proxy.***

CARRIED

11 votes "for" / Nil votes "against"

\*Absolute majority obtained

**10.11 Proposed New Signage (Dan Murphy's Liquor Store) – LOT: 888 DP: 67110 #1 Forrest Avenue BUNBURY** (was listed as item 10.5.3 of the Council Agenda)

<b>File Ref:</b>	P08804
<b>Applicant/Proponent:</b>	MGA Town Planners
<b>Author:</b>	Ms D J Harmer – Planning Officer
<b>Executive:</b>	Bob Karaszkewych, Director of Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1 Proposed Signage Appendix DPDS-2 Site Plan Appendix DPDS-3 Impact Statement from Applicant

**Summary**

Development Approval is sought to replace seven (7) signs and install three (3) new “Wall Signs” to the Dan Murphy’s building which is located in a Mixed Business Zone (see **attached** Appendix DPDS-1).

The proposal includes a relatively minor variation to the maximum sign face area permitted for both the primary and secondary frontages, in accordance with the *Local Planning Policy: Signage and Advertising Devices*. The individual dimensions of the proposed wall signs meet the design requirements specified for “Wall Signs” (Table 2 of the Policy).

The original proposal of over 111m<sup>2</sup> of sign on the primary street frontage was advertised in accordance with section 9.4 of the Scheme. Four (4) submissions were received, with one objection. In response to the objection, revised plans have been received reducing the primary street sign face area to 56.6m<sup>2</sup>, in doing so reducing the variance from the Policy’s deemed-to-comply requirements.

The proposed “Wall Signs” are not considered to adversely affect the visual amenity of the locality due all “Wall Signs” being contained within the building outline, of simple consistent design and being sufficiently separated from the heritage building also located on the site.

**Executive Recommendation**

That Council, pursuant to the provisions of the *Planning and Development Act 2005* (as amended), hereby resolves to grant planning approval for the erection of Advertising Devices (Wall Signs) at #1 Forrest Avenue, Bunbury, subject to the conditions set out below:

**Signage Requirements:**

1. This Planning Approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
2. The Wall Signs are to be located in accordance with the approved drawings and are not to exceed the dimensions as indicated on the application without written approval from the City of Bunbury.
3. The Wall Signs shall be professionally made and kept clean and maintained free of dilapidation at all times.

4. All illuminated signage shall:
  - a. not to flash or pulsate,
  - b. have a maximum an illumination level of 500cd/m<sup>2</sup> and that is suitable to off-street ambient lighting, and
  - c. be switched off between 11:00pm and sunrise on the following day.
5. The Wall Signs shall bear on its face(s) in clearly legible figures the reference number of the approval under which it is erected or displayed.
6. Any alteration to the Wall Signs or its location will render this approval void. In such an event the sign shall be subject to a new approval.

### Background

The subject lot is zoned Mixed Business and is located at the intersection of Spencer Street and Forrest Avenue, backing onto Blair Street (site plan **attached** at Appendix DPDS-2). The Highway Hotel (former Federal Hotel) is also situated on the subject site and listed on the Town Planning Scheme Heritage List.

The permitted sign face area in accordance with the deemed-to-comply requirements of the Policy allows for 47.05m<sup>2</sup> facing the primary frontage (length of Spencer Street lot boundary) and 21.3m<sup>2</sup> facing the secondary frontage (George Street). The proposal that was advertised included 111.7m<sup>2</sup> of sign face area on the Spencer Street Frontage, in response to the objection the applicant provided amended plans reducing the variation as follow:

Street Frontage	Maximum Sign Face Area	Original Proposal – Sign Face Area	Revised Proposal – Sign Face Area
Primary (Spencer Street)	<b>47.046 m<sup>2</sup></b>	111.7 m <sup>2</sup> (Signs Ax2, B, C, D, E, F & H) <b>plus</b> existing signage on Highway Hotel – 7.6m <sup>2</sup> Total 119.3m <sup>2</sup>	56.6 m <sup>2</sup> (Signs Ax2, B, C, D, E, F) <b>plus</b> existing signage on Highway Hotel - 7.6m <sup>2</sup> <b>Total 64.2m<sup>2</sup></b>
Secondary Street (George Street)	<b>21.3 m<sup>2</sup></b>	30.6 m <sup>2</sup> (Signs A, B, C & F)	<b>22.5 m<sup>2</sup></b> (Signs A, C & F)
Internal Signage	N/A	Sign C, G and I	Sign C, G and I

The proposed signs meet all of the deemed-to-comply requirements of “Wall Signs” in the Policy as outlined in Table 2: Standard Design Requirements for Signs and Advertisements.

The City granted a sign licence, No. 4.2011.117.1, on 30/08/2011 for the existing signage on the Premises (see comparison included in Appendix DPDS-1).

### Council Policy Compliance

The proposal has been assessed in accordance with the *Local Planning Policy: Signage and Advertising Devices*.

The proposal meets the standard design requirements for “Wall Signs” as outlined in Table 2.

The proposal includes a relatively minor variation to the maximum sign face area, as outlined in *Section 9.4 Maximum Sign Face Area* of the Policy. This is addressed in the officer's comments. The applicant has provided an impact statement addressing the criteria outlined in the Policy (**attached** at Appendix DPDS-3).

### **Legislative Compliance**

The application has been assessed against the City of Bunbury Town Planning Scheme N<sup>o</sup> 7. The proposal is in accordance with the aims of the Scheme (Section 1.6); Zone objectives (Section 4.2); and matters to be considered by Council (Section 10.2).

### **Heritage Compliance**

The site is listed in the local Heritage List due to the heritage values of the Highway Hotel. This required the proposal to be referred to the City's Regional Heritage Advisor for comment.

The comments received state that the proposed signage, whilst large, did not significantly increase the impact on the heritage building compared to the existing signage. Although the proposed signs do extend closer to the Highway Hotel on the Spencer Street frontage, it still has a 12m separation from the heritage building, which is considered acceptable.

### **Officer Comments**

The proposal includes a variation to the Policy's deemed-to-comply requirements of maximum sign face area per street frontage..

The proposal is 17.15m<sup>2</sup> over the maximum sign face for the Spencer Street frontage (primary), however the proposal meets all of the other performance criteria and deemed-to-comply requirements of the Policy, addressed below and in the applicants impact statement.

The proposed signage on the George Street (secondary) frontage is 1.2m<sup>2</sup> over the deemed-to-comply requirements of the Policy, but meets all the other requirements and is set back an average of 60m from the property boundary and is considered to have minimal impact on the amenity of the area.

Assessment of proposal against performance criteria of the Policy:

#### Public Safety

The proposal includes only "wall signs" that do not impact pedestrian or vehicle movements or road and/or path maintenance. The proposal does not include any windows signs and would change the existing levels of passive/natural surveillance.

#### Amenity

The proposed signs are visible, simple and legible. The proposal is considered compatible with the area and consistent with the scale and bulk of the building.

#### Maximum sign face Area

While the proposed maximum sign face area exceeds the deemed-to-comply requirements, it is considered to be in compliance with the performance criteria as follows:

- Advertising is complementary to the building design, scale and style.



- Clearly identifies the business being promoted
- Reasonable setback and separation has been given between the signage and the heritage building on site (Highway Hotel)

#### Streetscape and Building Façade

The proposed sign is fully contained within the building outline and doesn't extend beyond or above the buildings edges. Consideration has been given to the structural form of the building facades and the wall signs are located in a manner that complement the form and are designed as an integral part of the façade.

#### Illumination

All signs in a mixed business zone are limited to a luminescence level of 500cd/m<sup>2</sup>, identified to be appropriate to the level of off-street ambient lighting in the Policy. There are no residential properties adjoining the subject site that would be affected by the luminance levels.

Additionally, the illumination will be conditioned to:

- not flash or pulsate; and
- be switched off between 11pm and sunrise the following day.

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

There are no financial or budget implications applicable to this matter.

#### **Community Consultation**

The proposal required to be advertised under Section 12 of the Policy, and in accordance with Section 9.4 of the Scheme, due to the extent of the variation.

The 14 day advertising period consisted of on-site signs, writing to the adjoining and potentially affected land owners, notice published in the local newspaper and inclusion on the City of Bunbury website's notice board.

The City has received one objection to the proposal on the grounds that the site already has good signage. At the time of writing there have been no further submissions received to the draft LPP.

#### **Councillor/Officer Consultation**

Not Applicable.

#### **Outcome – Council Meeting 16 September 2014**

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

Cr Cook foreshadowed the following motion: *“That Council, pursuant to the provisions of the Planning and Development Act 2005 (as amended), hereby resolves to refuse planning approval for the erection of Advertising Devices (Wall Signs) at #1 Forrest Avenue, Bunbury.”*

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

**Council Decision 363/14**

***That Council, pursuant to the provisions of the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval for the erection of Advertising Devices (Wall Signs) at #1 Forrest Avenue, Bunbury, subject to the conditions set out below:***

***Signage Requirements:***

- 1. This Planning Approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.***
- 2. The Wall Signs are to be located in accordance with the approved drawings and are not to exceed the dimensions as indicated on the application without written approval from the City of Bunbury.***
- 3. The Wall Signs shall be professionally made and kept clean and maintained free of dilapidation at all times.***
- 4. All illuminated signage shall:***
  - a. not to flash or pulsate,***
  - b. have a maximum an illumination level of 500cd/m<sup>2</sup> and that is suitable to off-street ambient lighting, and***
  - c. be switched off between 11:00pm and sunrise on the following day.***
- 5. The Wall Signs shall bear on its face(s) in clearly legible figures the reference number of the approval under which it is erected or displayed.***
- 6. Any alteration to the Wall Signs or its location will render this approval void. In such an event the sign shall be subject to a new approval.***

CARRIED

9 votes "for" / 2 votes "against"

**10.12 Lot 70 Winthrop Ave, College Grove – Contaminated Site Investigations** *(was listed as item 10.5.4 of the Council Agenda)*

<b>File Ref:</b>	A06018
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Ben Deeley, Team Leader Sustainability
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development Services

**Summary**

It is proposed that funds available under the 2014 /15 Budget and College Grove Subdivision Amended Joint Venture Reserve be used to progress contaminated site investigations at Lot 70 Winthrop Ave, College Grove, in support of current planning for the disposal of the site primarily for housing development under the new joint venture with the WA Department of Lands (DoL).

**Executive Recommendation**

That Council endorse the transfer of \$60,000 from the College Grove Subdivision Amended Joint Venture Reserve to PR-3595 “Prepare Lot 70 Winthrop Ave, College Grove Joint Venture for disposal”, in order to complement \$80,000 allocated to PR-3595 under the 2014/15 Budget in supporting contaminated site investigations at Lot 70 Winthrop Ave, College Grove.

*\*Absolute majority vote required*

**Background**

The City of Bunbury is planning for the disposal of Lot 70 Winthrop Avenue, College Grove, as part of the new joint venture with the DoL. Lot 70 is owned freehold by the City and is currently zoned “Urban” and “Residential” under the Greater Bunbury Region Scheme and City of Bunbury Town Planning Scheme No.7, respectively.

Lot 70 is thought to have been historically used for land fill, and as a pistol club. Those activities have previously been identified by the Department of Environment Regulation as potentially contaminating land uses. In view of this, Lot 70 was reported to the department as a suspected contaminated site in 2007 as part of the City’s statutory responsibilities under the WA *Contaminated Sites Act 2003*.

The department subsequently classified the site as “Possibly Contaminated – Investigation Required”. This places a legal responsibility on the City to undertake site investigations in order to determine the nature and extent of contamination, if any. No statutory timeframe has been imposed for the completion of the investigations, to date, as the department’s typical approach is to require proponents to resolve their contaminated site issues when changes in land use and/or development are proposed. As such, it is expected that investigations will need to be undertaken, prior to any development of the site occurring.

The first stage of investigations involving a desk-top study, a site walk and the preparation of a sampling plan was recently completed by AECOM Pty. Ltd. The study concluded that there is currently insufficient information based on available records to accurately determine whether contamination is present onsite and as such, a second stage of investigations involving the implementation of the sampling plan is required. AECOM Pty. Ltd also recommended that the City appoint a contaminated sites ‘auditor’ to supervise the implementation of the sampling plan and

review the resultant report, in view of the high probability of the Department of Environment Regulation imposing this requirement during the Development Application process. This recommendation is consistent with previous advice received from the department regarding the Jaycee Park project.

The second stage of investigations involving the appointment of a consultant to implement the sampling plan and the appointment of a contaminated sites 'auditor', is estimated to require six (6) to eight (8) months to complete at a cost of \$100,000 - \$170,000. Those costs, along with the \$23,000 in actual and committed expenses associated with the existing contract with AECOM Pty. Ltd, place the total estimated cost for the first and second stages of contaminated site investigations at Lot 70 between \$123,000 and \$193,000.

Depending upon the results of the second stage of investigations, it is possible that further investigations and/or site works may be needed in resolving any contamination issue.

A total of \$80,000 has been allocated to PR-3595 "Prepare Lot 70 Winthrop Ave, College Grove Joint Venture for disposal" under the 2014/15 Budget, of which \$30,000 was notionally set aside for contaminated site investigations and \$50,000 for the preparation of a structure plan. The current approach being explored is to sell Lot 70 unimproved, presuming that the suspected contamination issue can be feasibly resolved, and to place responsibility for the completion of the structure plan with the purchaser of the site. This approach will render the full \$80,000 under PR-3595 available for the contaminated site investigations.

The College Grove Subdivision Amended Joint Venture Reserve has a budgeted closing balance at 30 June 2015 of \$63,000. It is proposed that Council support the transfer \$60,000 of these funds to PR-3595 to complement the existing \$80,000 in order to make a total of \$140,000 available for the first and second stages of the contaminated site investigations.

Should it be determined through the quotation processes for the second stage of investigations that additional funds are required, the matter will be referred back to Council as part of the October Budget Review process.

#### **Council Policy Compliance**

The appointment of the 'contaminated site auditor' and a 'consultant' as part of the second stage of investigations will occur in accordance with Council's purchasing policy.

#### **Legislative Compliance**

The resolution of the contaminated site issue at Lot 70 is statutorily required under the WA *Contaminated Sites Act 2003*.

The allocation of \$60,000 from the College Grove Subdivision Amended Joint Venture Reserve to PR-3595 will require an absolute majority decision of Council.

#### **Officer Comments**

The City of Bunbury recently appointed a panel of 'contaminated sites auditors' to support the resolution of sites thought to be contaminated.

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

The Executive Recommendation will result in the expenditure of the \$80,000 currently available under PR-3595 along with a further \$60,000 from the College Grove Subdivision Amended Joint Venture Reserve (i.e. a total of \$140,000) on contaminated site investigations at Lot 70 Winthrop Ave, College Grove.

Any funding sourced from the College Grove Subdivision Amended Joint Venture Reserve not required to complete the investigation will be returned to the reserve.

#### **Community Consultation**

No public consultation has been conducted to date.

Public consultation may be statutorily required during later stages of the project, for example, if site remediation is necessary.

#### **Councillor/Officer Consultation**

Liaison has occurred with the Executive Leadership Team.

#### **Outcome – Council Meeting 16 September 2014**

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

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

#### **Council Decision 364/14**

***That Council endorse the transfer of \$60,000 from the College Grove Subdivision Amended Joint Venture Reserve to PR-3595 "Prepare Lot 70 Winthrop Ave, College Grove Joint Venture for disposal", in order to complement \$80,000 allocated to PR-3595 under the 2014/15 Budget in supporting contaminated site investigations at Lot 70 Winthrop Ave, College Grove.***

CARRIED

11 votes "for" / Nil votes "against"

\*Absolute majority obtained

## 11. Applications for Leave of Absence

Cr Steck has requested leave of absence from all Council-related business from 29th September to 10th October 2014 inclusive.

### Recommendation:

That Cr Steck be granted leave of absence from all Council-related business from 29th September to 10th October 2014 inclusive.

### Outcome – Council Meeting 16 September 2014

The recommendation (as printed) was moved Cr Jones, 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 365/14

***That Cr Steck be granted leave of absence from all Council-related business from 29th September to 10th October 2014 inclusive.***

CARRIED

11 votes "for" / Nil votes "against"

## 12. Motions on Notice

### 12.1.1 Motion on Notice – Planning Committee

<b>Applicant/Proponent:</b>	Councillor Michelle Steck
<b>Author:</b>	Councillor Michelle Steck
<b>Executive:</b>	<i>If adopted by Council refer to: Andrew Brien, Chief Executive Officer</i>
<b>Attachments:</b>	Appendix MON-1 Subiaco Development Services Committee Agenda Appendix MON-2 Stirling Planning & Development Committee Agenda

Cr Michelle Steck has submitted the following motion for the Council Meeting on 16 September 2014:

That Council endorse the establishment of a dedicated planning committee which will consist of a minimum of six councillors to undertake the duties of council governance and recommend motions to council on matters relating to;

1. Health issues (liquor licensing, noise, prosecutions)
2. Building licence requests (non-conforming)
3. Land matters (closure of public access ways, leases)
4. Planning matters (scheme amendments, group developments, policy development, planning studies, non-conforming applications).

Council accept the following six councillors as representatives of the City of Bunbury Planning Committee.

Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_

### Comments - Cr Steck

Many local governments in the state have dedicated planning committees of various types which attend to matters pertaining to planning, building, land matters and health issues. Recently there has been a continued need for the City of Bunbury to have a dedicated planning committee. Many planning issues are being subject to procedural motions to defer the matter until further information has been obtained or clarified. A dedicated planning committee could attend to the matters at a councillor level before making a recommendation to council. This should also reduce the number of circumstances of council being at odds with professional staff and therefore should reduce the number of decisions of council attending the State Administrative Tribunal.

Copies of the Subiaco Development Services Committee Agenda and Stirling Planning & Development Committee Agenda are **attached** at appendix MON-1 and MON-2.

### Executive Comments

The issue of establishment of Committees has been considered on several occasions over the past few years. There have been options considered previously in relation to the establishment of Planning Committee however this was not supported at the time. The decision to appoint a committee to deal with the matters outlined in Cr Steck's motion would require a more comprehensive review of the implications for matters which are currently dealt with either under delegation or via Council policy. As the matter has only been received on the day prior to cut off of the agenda this comprehensive review has not been able to be completed prior to the finalisation of the Agenda for the briefing session. It is considered that if there is support for the establishment of a committee to deal with these matters then a further report should be provided to Council with all the detailed information prior to a decision being made.

If there is support for this approach then the following alternative recommendation should be considered:

That:

- 1) Council request the Chief Executive Officer to prepare a report to progress the establishment of a Planning Committee including, but not limited to:
  - a. Terms of Reference
  - b. Proposed membership
  - c. Proposed delegations
  - d. Implications in terms of delegations and policy issues

- 2) The report be provided to Council no later than 30 September 2014.

### **Cr Stecks' Motion**

That Council endorse the establishment of a dedicated planning committee which will consist of a minimum of six councillors to undertake the duties of council governance and recommend motions to council on matters relating to;

1. Health issues (liquor licensing, noise, prosecutions)
2. Building licence requests (non-conforming)
3. Land matters (closure of public access ways, leases)
4. Planning matters (scheme amendments, group developments, policy development, planning studies, non-conforming applications).

Council accept the following six councillors as representatives of the City of Bunbury Planning Committee.

Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_  
Cr \_\_\_\_\_

### **Outcome – Council Meeting 16 September 2014**

Cr Steck's Motion on Notice (as printed) was moved Cr Steck, seconded Cr Cook.

Cr Prosser advised of his intention to foreshadow the alternative recommendation proposed by the Executive in the report.

The Deputy Mayor put Cr Steck's motion to the vote and the vote was LOST 2 votes "for" 9 votes "against".

Cr Prosser foreshadowed the following motion, and was seconded Cr McNeill:

*That:*

1. *Council request the Chief Executive Officer to prepare a report to progress the establishment of a Planning Committee including, but not limited to:*
  - a. Terms of Reference
  - b. Proposed membership
  - c. Proposed delegations
  - d. Implications in terms of delegations and policy issues
2. *The report be provided to Council no later than 30 September 2014.*

The Deputy Mayor advised that following discussions with the Acting Chief Executive Officer, the 30 September 2014 deadline was difficult to achieve, and proposed that the date be amended to read the 14 October 2014. This amendment was accepted by Cr Prosser and Cr McNeill.



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

**Council Decision 366/14**

***That:***

***1. Council request the Chief Executive Officer to prepare a report to progress the establishment of a Planning Committee including, but not limited to:***

- a. Terms of Reference***
- b. Proposed membership***
- c. Proposed delegations***
- d. Implications in terms of delegations and policy issues***

***2. The report be provided to Council no later than 14 October 2014.***

CARRIED

9 votes "for" / 2 votes "against"

**13. Questions on Notice**

Nil

**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**

Nil

**15. Meeting Closed to Public**

Nil

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

Nil

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

Nil

## **16. Closure**

The meeting was declared closed at 6:33pm.

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Confirmed this day 30 September 2014 to be a true and correct record of proceedings of the Bunbury City Council Meeting held 16 September 2014.

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