



Bunbury City Council

Notice of Meeting and Agenda 2 September 2014



CITY OF BUNBURY
4 Stephen Street
Bunbury WA 6230
Western Australia

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Bunbury City Council Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, **2 September 2014** at 5.30pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 28/8/2014)

Agenda 2 September 2014

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

Council Members:

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

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

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

3. Announcements from the Presiding Member

4. Attendance

4.1 Apologies

4.2 Approved Leave of Absence

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.”*

Cr Cook declared an impartiality interest in Item 105.1 titled *“Bunbury War Memorial Restoration”* as he is an affiliate member of the Bunbury RSL Sub-Branch. Cr Cook will remain in the chamber for the discussion and vote on the matter.

Cr Jones declared an impartiality interest in Item 10.3.1 titled *“Proposed 2014/15 Community Funding Allocations”* as she is a Stirling Street Arts Centre board member. Cr Jones will remain in the chamber for the discussion and vote on the matter.

6. Public Question Time

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

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

6.1 Public Question Time

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 19 August 2014 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 19 August 2014 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 – Bunbury Region RoadWise Committee 6.8.14 Appendix MTBN-2 – Withers Advisory Committee 8.8.14 Appendix MTBN-3 – Community Access Committee 1.8.14 Appendix MTBN-4 – Policy Development Review Committee 14.8.14

Summary

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

1. Title: Bunbury Region RoadWise Committee Minutes 6.8.14
Author: Rachel Griffiths, Engineering Technical Officer
Appendix: MTBN-1
2. Title: Withers Advisory Committee Minutes 8.8.14
Author: Alison Baker, Executive Assistant Works and Services
Appendix: MTBN-2
3. Title: Community Access Committee Minutes 1.8.14
Author: Isabel Evans, Community Development Officer
Appendix: MTBN-3
4. Title: Policy Development Review Committee 14.8.14
Author: Leanne French, Senior Governance and Risk Officer
Appendix: MTBN-4

Council Committee Recommendation

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

1. Bunbury Region RoadWise Committee Minutes 6.8.14
2. Withers Advisory Committee Minutes 8.8.14
3. Community Access Committee Minutes 1.8.14
4. Policy Development Review Committee 14.8.14

8. Petitions, Presentations, Deputations and Delegations

8.1 *Petitions*

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

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

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 *Conference Delegates' Reports*

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Cultural Awareness

Applicant/Proponent:	Policy Review and Development Committee
Author:	Leanne French, Senior Governance and Risk Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-1: Implementing the Principles of Multiculturalism Locally – A planning guide for Western Australian local governments

Summary

The purpose of this report is to provide Council with information relating to the possible development of a policy/framework regarding cultural awareness.

A copy of “*Implementing the Principles of Multiculturalism Locally – A planning guide for Western Australian local governments*” is **attached** at Appendix RAC-1.

Policy Review and Development Committee Recommendation

That Council give consideration to the principles contained in the Department of Local Government - Office of Multicultural Interests “*Implementing the Principles of Multiculturalism Locally - A planning guide for Western Australian local governments*” during the next review of the City’s Strategic Community Plan.

Strategic Relevance

Goal 4 Social Enhancement
Objective 4.3 Celebrate and conserve our culture and heritage

Background

The Chief Executive Officer has requested that officers undertake research in relation to the possible development of a policy/framework regarding cultural awareness.

Council Policy Compliance

There is no Council policy consideration impacting on this report.

Legislative Compliance

There is no legislative compliance consideration impacting on this report.

Officer Comments

Research undertaken indicates that cultural awareness is very rarely, if ever, implemented in a stand-alone council policy, but achieved via a strategy or framework.

Whilst the City of Bunbury does not have a specific strategy or framework in relation to multiculturalism, it does have a draft Cultural Map (2012-2017). The draft Cultural Map outlines seven realistic focus areas that Council can support to further energise culture and the arts within the City of Bunbury, including the areas of cultural diversity and engagement.

Furthermore, in 2010 the Western Australian Department of Local Government – Office of Multicultural Interests (the Department) produced *“Implementing the Principles of Multiculturalism Locally – A planning guide for Western Australian local governments”* to assist local governments plan, provide services, and report in a way that is inclusive of the needs of residents from culturally and linguistically diverse backgrounds.

The foundation provided by the draft City of Bunbury Cultural Map, coupled with the guide produced by the Department will enable Council to identify and integrate relevant multicultural strategies within existing strategic plans.

Accordingly, it is suggested that Council give consideration to the principles contained within our own draft Cultural Map and the Department’s *“Implementing the Principles of Multiculturalism Locally”* report when next reviewing the Strategic Community Plan.

Analysis of Financial and Budget Implications

There are no financial or budget implications impacting on this report.

Community Consultation

There is no community consultation impacting on this report.

10.1.2 New Council Policy - Bushfire Inspection and Mitigation

Applicant/Proponent:	Policy Review and Development Committee
Author:	Chris Widmer ESM, Team Leader, Community Safety and Emergency Management
Executive:	Bob Karaszkewych, Director Planning and Development Services
Attachments:	Appendix RAC-2: Draft Council Policy Bushfire Inspection and Mitigation Appendix RAC-3: Draft Corporate Guideline Bushfire Inspection and Mitigation

Summary

The City of Bunbury has a statutory responsibility to manage the prevention of and preparedness for, Bush Fire Hazards (*Bush Fires Act: 1954*), and may impose enforceable standards to minimise risk (s33; *Bush Fires Act: 1954*). Community Safety and Emergency Management propose a new Council Policy, which represents a fundamental change in practice, to manage Bunbury's exposure to the risk of bush fire.

The City has previously had a Council Policy – Bush Fire Control which it used to underpin its bush fire risk reduction responsibilities, consistent with the *Bush Fires Act*. This was changed to become a 'Work Procedure/Instruction' in 1991. The operational content was informed by traditional State-wide treatments, for that time.

Enquiries across Australia into bush fire losses are questioning the efficacy of these traditional approaches to bush fire mitigation. This proposal seeks to change Bunbury's approach to a risk-based model, consistent with the recommendations of most of these enquiries.

Policy Review and Development Recommendation

That Council adopt the new Council Policy entitled *Bush Fire Inspection and Mitigation* and associated Corporate Guideline as **attached** at Appendix RAC-2 and RAC-3.

Strategic Relevance

Local Government is empowered through section 33 of the Bush Fires Act (1954), to establish local bush fire risk reduction regimes. The existing treatment strategies are well over-due for consideration, as they are traditional in their genesis and arguably, do little to reduce net risk to community. They are also expensive to administer in both time and resources and not clearly understood by community.

Further, a likely change in state government policy will see local governments required to accurately identify bush fire risk and report these assessments to the State. This reporting requirement would be enabled by the outcomes of this new risk based mitigation strategy, rather than becoming an added responsibility with associated effort and costs.

This policy would be directly related to the following strategic intentions from the 2030 Strategic Community Plan:

- Corporate Goal 4 -** Social Enhancement
- Objective 4.5 -** Improve community health and well-being

Strategy 4.5.4 - Develop, implement and monitor community safety and emergency management.

Background

The impending introduction to the '*State Planning Policy 3.7 – Planning for Bushfire Risk Management*', by the Western Australian Planning Commission (WAPC), will ultimately transfer bushfire risk management to local governments. As stated in the draft policy, the location of bushfire-prone areas may be identified in one of the following ways:

1. *When identified on a local government bushfire map,*
2. *When identified on the State bushfire-prone area map*
3. *In the absence of either local or State Government maps, any land within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare.*

Council endorsement of this new council policy, formalised through risk-based assessments, will put the City of Bunbury at an advantage. It will be well placed to manage the likely regimes imposed by the above State Planning Policy. We would be able to determine our own 'bushfire-prone' areas, as well as enabling effective local management of these areas.

Further, the current City bush fire mitigation regime requires all flammable materials to be removed or peripheral fire breaks to be installed, dependent upon the area of the lot. It has no vision of any external factors affecting the bushfire risk for that property, solely considering what is observed within the lot boundary.

The intention of this policy is to use Bush Fire Attack levels (BAL) (determined through processes from *AS 3959:2009 – Construction of Buildings in Bush Fire Prone Areas*) to focus mitigation efforts on the highest risks. The whole of the City would be at BAL Low as a minimum and would need to be protecting against the consequences of ember attack. For areas assessed as BAL 29 or greater, special bush fire protective measures would be enforced, with most of the effort being placed into areas with the greatest risk. The new First and Final Fire Notice and Requirements would have to be produced and circulated to reflect this new strategy and requirements.

Council Policy Compliance

- This report proposed the adoption of a new Council Policy. (Please note that a new submission to Council, to adopt BAL 29¹ as a benchmark risk level, is pending.)

Legislative Compliance

- *Bush Fires Act: 1954*
- *Draft State Planning Policy 3.7 – Planning for Bushfire Risk Management (Draft)*

¹ *AS 3959:2009 – Construction of Buildings in Bush Fire Prone Areas*

Officer Comments

Bush fire risk is as a result of both property condition and equally, the risks that surround that property. The current regime of inspecting a property for compliance to internal requirements, irrespective of external risk, is arguably ineffective and unpopular. It is blind to any measurable net risk reduction strategy.

Also, it is considered that much of the bush fire risk within the community is presented by bush land which is not formally assessed for risk and in many cases, not treated to reduce the risk it presents. Works traditionally undertaken by the City have been prioritised on intuitive assumptions of risk levels.

This proposal seeks to manage for all of these concerns, using rigorous risk-based assessments, to better enable working with community to lower our exposure to bush fire risk.

Analysis of Financial and Budget Implications

The City spends money on mitigating bush fire risk on lands for which it has vested responsibility. Currently, mitigation activity is completed on an ad hoc basis, without the benefit of a formal risk treatment schedule, devised through a formal risk assessment process. This responsibility consumes considerable resources (staff time and money) over the spring and summer, annually.

The additional burden of the annual fire break inspections to every property within Bunbury, irrespective of risk levels, equates to 0.5 FTE (approx. \$85 000) of Ranger's salary, with little demonstrable net risk reduction.

The proposed policy could reduce the significant costs absorbed by the City of Bunbury, placing the onus onto the property owner to mitigate their own risk to bush fire, while focussing on the mitigation to areas of highest need, as a priority.

Community Consultation

Part of the proposal is a global and a 'targeted' community engagement program, to advise community of the changes to policy and concurrently, work within identified high risk areas to educate land owners and occupiers on this risk, while encouraging demonstrable risk reduction strategies.

This would also include work with land owners whose properties present risk to external residents and assets. The intention would be to encourage these owners to accept and treat these risks. This would require the use of risk management standards (*IS 31000 - Risk Management – Principles and Guidelines*, plus *AS 3959:2009 - Construction of Buildings in Bush Fire Prone Areas*) to demonstrate the rationale for these determinations in the resultant consultation.

Councillor/Officer Consultation

This strategy was tabled at an ELT meeting in March. The ELT supported this proposal and recommended submission to Council, for endorsement. Discussions have also been had with City Rangers, Sustainability and Integrated Land Use Planning, Strategic Planning and the Manager- Civil and Open Space to discuss impacts on City staff. This report was also tabled at the last meeting of the Policy Review and Development Committee.

10.1.3 New Council Policy – Public Interest Disclosure

Applicant/Proponent:	Policy Review and Development Committee
Author:	Leanne French, Senior Governance and Risk Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix RAC-4: Draft Council Policy Public Interest Disclosure Appendix RAC-5: Draft Corporate Guideline Public Interest Disclosure

Summary

The purpose of this report is for Council to consider a new Council Policy relating to the City receiving disclosures of public interest information.

Policy Review and Development Committee Recommendation

That Council adopt Council Policy and Corporate Guideline entitled *Public Interest Disclosure* as **attached** at Appendix RAC-4 and RAC-5.

Strategic Relevance

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

Background

The Western Australian *Public Interest Disclosure Act 2003* (the PID Act) came into effect on 1 July 2003. Under the PID Act, people can make disclosures about certain types of wrong doing covered by the PID Act within the State public sector, local government, some boards and committees and public universities.

The PID Act only applies to disclosures of public interest information. Public interest information must:

- relate to a public authority, public officer or public sector contract (“a public body”);
- relate to the performance of a public function of the public body;
- tend to show that the public body is, has been or proposes to be, involved in improper conduct.

The PID Act protects those who make appropriate disclosures of public interest information.

The PID Act makes provision for proper authorities to receive disclosures about certain types of wrongdoing.

In accordance with the PID Act public authorities must prepare and publish internal procedures relating to their obligations under the PID Act.

Council Policy Compliance

This report proposes the adoption of a new Council Policy – Public Interest Disclosure.

Legislative Compliance

Pursuant to the provisions of the *Public Interest Disclosure Act 2003* public authorities are to prepare and publish internal procedures relating to their obligations under the PID Act.

Officer Comments

The Public Sector Commission has compiled guidelines to assist proper authorities fulfil their obligations under the PID Act. The proposed Council Policy and associated Corporate Guideline have been drafted using these guidelines and will enable the City to meet legislative requirements.

The Corporate Guideline outlines the City's internal procedures relating to our obligations under the PID Act. The Guideline also provides information on the rights and obligations of persons under the PID Act.

Any person may make a disclosure of public interest information. While public officers may make disclosures of public interest information, the PID Act also allows for members of the public to make these disclosures.

Analysis of Financial and Budget Implications

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

Community Consultation

Upon adoption the Council Policy and Corporate Guidelines will be made available via the City's website to members of the public.

Councillor/Officer Consultation

This draft Council Policy has been recommended by the Policy Review and Development Committee.

Upon adoption the information in the Council Policy and Corporate Guidelines will be distributed to City employees and included in induction information for new employees.

10.1.4 New Council Policy – Town Planning Appeal Applications for Review

Applicant/Proponent:	Policy Review and Development Committee
Author:	Bob Karaszewych, Planning and Development Services
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix RAC-6: Draft Council Policy Town Planning Appeal Applications for Review

Summary

Where the Council makes a decision substantially at variance to the Executive recommendation (professional officer's assessment), the Council is required to provide reasons for its decision. Council's decision is appealable to the State Administrative Tribunal (the SAT).

The draft policy articulates an approach the Council may support in relation to all planning matters referred to the SAT for its decision as the responsible authority for determining planning appeals.

The draft Council Policy Town Planning Appeal Applications for Review has been considered by the Policy Review and Development Committee and therefore is submitted to Council for its consideration.

Policy Review and Development Recommendation

That Council adopt draft new Council Policy entitled *Town Planning Appeal Applications for Review* as **attached** at appendix RAC-6.

Background

The origin of the draft policy is founded on the State Administrative Tribunal (the SAT) directions that the Council is required to consider if it wishes to defend its decision; appoint an independent planner; and locality witnesses (Councillors and residents) to defend Council's resolution of 4 February 2014, whereby Council upheld its decision to refuse planning approval for construction of eleven (11) serviced apartments at Lot 517 Epacris Elbow, Bunbury. Council reiterated its resolve on 18 March 2014, with the following decision:

10.5.4 Epacris Elbow Bunbury - State Administrative Tribunal

Moved Cr Steele, Seconded Cr McCleary

"That Council:

- 1. Resolves to formally defend its decision by way of using an independent planning consultant; and continue to use the services of its legal adviser (McLeod and Associates) to finalise the matter through the State Administrative Tribunal.*
- 2. Appoints Mayor Brennan and Cr Jones to the SAT hearing(s) at 11.00am on Friday 9 May 2014, Ocean Room City of Bunbury Civic Centre to represent the Council relating to issues, facts and contentions and associated evidence in respect of the matter.*
- 3. Refers Policy #: Town Planning Appeal Applications for Review Procedures, to the Council Policy Review Committee for consideration and recommendation."*

Council Policy Compliance

This report proposes the adoption of a new Council Policy.

Legislative Compliance

The State Administrative Tribunal established in 2005, as an independent body that makes and reviews a range of administrative decisions. Decisions on planning applications made by the City of Bunbury are subject to the State Administrative Tribunal Act 2004, and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act).

Officer Comments

Officers have researched other local government methods of dealing with such circumstances. The draft policy (attachment 2) articulates a practical approach the Committee may wish to support.

The procedures deal with categories of decisions relating to SAT appeals:

1. Decisions made under delegation.
2. Decision made by Council aligned with the Administration recommendation.
3. Decisions made by Council which are contrary to the Executive recommendation.

The latter category is representative of the Council resolution to defend its decision in the Epacris Elbow matter.

Analysis of Financial and Budget Implications

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

Community Consultation

There is no community consultation impacting on this report.

10.1.5 Review of Policy – Minute Taker to record reason(s) the Committee or Council rejected a recommendation

Applicant/Proponent:	Policy Review and Development Committee
Author:	Leanne French, Senior Governance and Risk Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix RAC-7: Council Policy Minute Taker to Record Reason(s) the Committee or Council Rejected a Recommendation

Summary

The purpose of this report is for Council to consider revoking the current Council Policy entitled *Minute Taker to Record Reason(s) the Committee or Council Rejected a Recommendation*.

Policy Review and Development Committee Recommendation

That Council revoke the Council Policy *Minute Taker to Record Reason(s) the Committee or Council Rejected a Recommendation*.

Strategic Relevance

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

Background

A Council or committee decision is typically based on background information and an Executive recommendation provided by officers.

The *City of Bunbury Standing Orders Local Law 2012 clause 14.2* references regulation 11 of the *Local Government (Administration) Regulations 1996*.

Regulation 11 (da) states:

- 11 *Minutes, content of*
The content of minutes of a meeting of a council or a committee is to include –
 - (da) *written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration) and;*

Pursuant to regulation 11, Council has a statutory obligation to provide an explanation whenever a change is made to an Executive or committee recommendation, which is to be recorded in the minutes.

Council Policy Compliance

This report proposes the recession of an existing Council Policy.

Legislative Compliance

Regulation 11(da) of the *Local Government (Administration) Regulations 1996* applies.

Officer Comments

The Policy Review and Development Committee recently reviewed the Council Policy *Minute Taker to Record Reason(s) the Committee or Council Rejected a Recommendation*. A copy of the current Policy is **attached** at Appendix RAC-6.

It is apparent that the Policy duplicates that which is written in regulation 11(da) of the *Local Government (Administration) Regulations 1996*, effectively making the Policy redundant. It is therefore recommended that this Policy be revoked as the content therein is covered by legislation.

Analysis of Financial and Budget Implications

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

Community Consultation

There is no community consultation impacting on this report.

10.1.6 Revised Council Policy – Elected Member Requests

Applicant/Proponent:	Policy Review and Development Committee
Author:	Sharon Chapman, Manager Information Libraries and Customer Support
Executive:	Stephanie Addison-Brown, Director Community Services
Attachments:	Appendix RAC-8: Revised Council Policy Elected Member Requests

Summary

The purpose of this report is for Council to consider a revised Policy relating to the process in which elected members submit enquiries and requests to the City of Bunbury in relation to strategic and operational issues.

Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy entitled *Elected Member Requests*, as **attached** at Appendix RAC-8.

Strategic Relevance

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

Background

The purpose of implementing an Elected Members Request Policy is to ensure the City provides guidance to all Elected Members so that they may submit enquiries and requests to the City of Bunbury in relation to strategic and operational issues

The current Councillor Help Desk Policy has previously been reviewed or amended as follows:

- 7 December 1999 – Adopted by Council (Resolution 639/99)
- 28 May 2002 - Amended
- 18 November 2003 - Reviewed
- 22 February 2005 - Reviewed
- 2 July 2007 - Reviewed
- 29 June 2010 – Adopted by Council (Resolution 121/10)

It was noted during the Policy Review and Development Committee meeting held 2 July 2013 that the Councillor Help Desk Policy may need to be reviewed in conjunction with new software development and electronic document management systems that could potentially impact on the overall process. In the last eighteen months, the City has developed a Request Management System (RMS) and an electronic document management system (MyDocs). These systems manage numerous types of documents and requests that are submitted to the City by Elected Members and our customers. The RMS system alone has managed over three hundred and fifty (350) Elected Member requests since its implementation in November 2013.

With the introduction of new technology and revised elected members request procedure it is considered that this Policy now requires further revision.

Council Policy Compliance

This report proposes a revision to an existing Council Policy *Councillor Help Desk*.

Legislative Compliance

Regulation 10(1)(a) of the *Local Government (Rules of Conduct Regulation 2007)* applies.

- http://www.austlii.edu.au/au/legis/wa/consol_reg/lgocr2007453/s10.html

The State Records Commission of Western Australia released a Policy in October 2013 on Local Government Elected Members' Records.

- <http://www.sro.wa.gov.au/state-recordkeeping/principles-policies-and-standards/local-government-elected-members-records> .

The City of Bunbury Code of Conduct outlines information on relationships between Elected Members and staff.

Officer Comments

The City currently has a policy entitled Councillor Help Desk, which the Policy Review and Development Committee has reviewed and is now presented to Council for consideration.

Analysis of Financial and Budget Implications

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

Community Consultation

There is no community consultation impacting on this report.

10.1.7 Revised Council Policy – Hiring of City of Bunbury Billboards

Applicant/Proponent:	Policy Review and Development Committee
Author:	Dee Smith, Team Leader Events
Executive:	Stephanie Addison-Brown, Director Community Development
Attachments:	Appendix RAC-9: Council Policy for Hiring of City of Bunbury Billboards

Summary

The purpose of this report is for Council to consider a revised Policy relating to the content in which can be promoted on City of Bunbury billboards.

Policy Review and Development Committee Recommendation

That Council adopt the revised Council Policy entitled *Hiring of City of Bunbury Billboards*, as **attached** at Appendix RAC-9.

Strategic Relevance

- | | |
|---------------|--|
| Goal 4 | Social Enhancement |
| Objective 4.2 | Increase participation in sport and leisure activities |
| Objective 4.4 | Enhance our sense of place, pride and participation in our community |

Background

The Bunbury Event Coordination Group (BECG) was established as a result of a Council decision made in February 2014 following a review of events undertaken by the City of Bunbury. The event review indicated that the community wanted the City of Bunbury to deliver fewer events themselves, however offer more support to the community to help facilitate and support events through funding and accessing in-kind services. The BECG also provides strategic direction to Council in relation to events and works to establish a quality and diverse annual events calendar for Bunbury.

At the Bunbury Event Coordination Group meeting on the 16th April 2014, the following recommendation was made –

“That the City of Bunbury billboard policy be updated to allow events to be promoted through all of the following City of Bunbury billboards:

- *Picton Road billboard (located on the north west bound side, east of Forrest Ave and opposite Henley Drive)*
- *Australind Bypass rest area billboard (located on the south bound side of Australind Bypass north of the Petrol Station) and Bussell Highway rest area billboard (located on the north bound lane just south of the Hospital complex)*
- *Koombana Drive billboard (south side of Koombana Drive and opposite Dolphin Centre) and Bussell Highway billboard (north bound side of Bussell Highway, just north of the Parade Road intersection and next to St Johns ambulance site)”*

Council Policy Compliance

This report proposes a revision to an existing Council Policy *Hiring of City of Bunbury Billboards*.

Legislative Compliance

There is no legislative compliance impacting on this report.

Officer Comments

This policy has not been reviewed for several years and no longer reflects either Council or community use requirements.

There is a clear need to maximise the use of the City of Bunbury billboards and this revised policy will allow for corporate, Bunbury tourism, event promotions and community groups messages to be marketed and promoted within Bunbury.

Analysis of Financial and Budget Implications

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

Community Consultation

There is no community consultation impacting on this report.

10.1.8 Revocation of Council Policy – Townscape Improvement Projects Funding Arrangements

Applicant/Proponent:	Policy Review and Development Committee
Author:	Mike Stewart, Senior Projects Officer
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix RAC-10: Council Policy Townscape Improvement Projects Funding Arrangements

Summary

Council's current Policy relating to townscape improvement funding is effectively redundant and it has not been applied for a number of years. The policy objective was to *"...establish principles for funding contributions from adjoining landowners for Townscape improvement projects."*

While there is merit to this policy objective, the Policy has proven difficult to apply as Townscape Improvement projects vary significantly. This has resulted in criticisms that inconsistent application of the Policy and has led to unfair outcomes for CBD ratepayers.

The purpose of this report is for Council to therefore consider the revocation of this Council Policy as **attached** at Appendix RAC-10.

Policy Review and Development Committee Recommendation

That Council revoke its current Policy entitled "Townscape Improvement Projects Funding Arrangements".

Strategic Relevance

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

Background

The Policy Review and Development Committee considered the proposed revocation of this Policy at its meeting held on 19 June 2014, and recommended to Council that public comment be sought in the first instance.

Council subsequently endorsed the Committee's recommendation (Council Decision 237/14).

Public comment was undertaken for a period of 14 days with advertising on the City's website and in the City Focus weekly column of the Bunbury Mail. No submissions or comments were received.

This Policy came into existence in 2002 when Council was preparing to undertake a number of Townscape Improvement projects throughout the CBD, including:

1. Stirling St – from Spencer St to Victoria St;
2. Highway Corner – Spencer St, Forrest Ave, and Beach Rd intersection; and
3. Stephen St – Victoria St to Wittenoom St.

It was anticipated that these projects would improve the overall appearance and amenity of the project areas, directly benefitting nearby property owners by attracting tenants, customers and increasing property values. Given the high cost of the proposed Townscape Improvement Projects, it was considered appropriate that adjoining landowners contribute to the funding of these projects.

The Policy defines Townscape projects as those that “...may include new kerbing, footpath treatments, paving, structures, landscaping and tree planting, reticulation of landscaping and pedestrian road crossing facilities.”

However, the Policy also states that “Road works adjacent to or associated with townscape projects including pavement resealing, line marking, traffic safety measures and drainage works will be undertaken by the City.”

The Policy states that adjoining landowners will be requested to contribute 50% of the cost associate with Townscape Improvement, but City of Bunbury will fund 100% of associated works regarded as maintenance as outlined above. The cost breakdown of these works has proven difficult to quantify for qualifying projects which has resulted in a loose and inconsistent application of the policy.

The Policy does not state that adjoining landowners are required to contribute 50% of a project’s Townscape Improvement costs, only that they will be requested to do so. This has resulted in landowners adjoining prospective Townscape Improvement projects rejecting City of Bunbury’s request to contribute to a project’s costs and the City of Bunbury proceeding with the works anyway (and funding 100% of the costs). A recent example of this is the upgrade to the Victoria Street Cappuccino Strip.

CBD ratepayers who have previously agreed to contribute 50% of a Townscape Improvement project’s costs are claiming that the policy has been applied inconsistently and resulted in unfair outcomes.

Council Policy Compliance

This report relates to an existing Council Policy.

Legislative Compliance

There is no legislative compliance impacting on this report.

Officer Comments

The Policy only requests a 50% contribution from adjoining landowners; the landowners are not required to contribute in order for a project to proceed. The laxity of this principle effectively renders the policy redundant currently, especially as there are precedents for Council proceeding with a project despite adjoining landowners rejecting a request to contribute.

Officially repealing the Policy will change little in the way the City of Bunbury currently operates as adjoining landowners can still be requested to contribute to projects that will directly benefit them. The size of the contribution can be negotiated on a case by case basis.

Analysis of Financial and Budget Implications

The budget implications of revoking this Policy are nil, as adjoining landowners can still be requested to contribute to Townscape Improvement projects in the future.

Community Consultation

Following Council Decision 237/14 public comment was sought for a period of 14 days. The information regarding the policy change was placed on the City's website from 22 July through to 6 August. The information also appeared in the City Focus weekly column of the Bunbury Mail on 23 July and 30 July. No submissions were received.

10.2 Chief Executive Officer Reports

Nil

DRAFT
For review at the Council
Briefing Session
26 August 2014

10.3 Director Community Development

10.3.1 Proposed 2014/15 Community Funding Allocations

Applicant/Proponent:	Internal
Author:	Liz Allan, Grants Coordination Officer
Executive:	Stephanie Addison-Brown, Director Community and Customer Service
Attachments:	Appendix DCD-1: Council Funding Policy Appendix DCD-2: Community Funding Guidelines Appendix CRUSC-1: Confidential Report on Recommended Allocations

Summary

The purpose of this report is for Council to consider the allocation of funds under Council Policy: Council Funding. A copy of the Policy is **attached** at Appendix DCD-1.

The outcomes of the Assessment Group meeting held 14 August 2014, containing recommendations for each proposed allocation is **attached** at Confidential Report CRUSC-2 and submitted to Council for endorsement of the proposed funding allocations.

Executive Recommendation

That Council

- 1) In accordance with the Community Funding Policy, Council approve the distribution of \$78,417.50 from the 14/15 Community Funding allocation to the recipients as outlined in the attached schedule; and
- 2) Council approve a Small Grants Round to be called in January 2015 for one-off small grants, as outlined in the Community Funding Guidelines as **attached** at Appendix DCD-2, available only to applicants who have received no funding through Council, Community Funding or Events Funding in the 12 months preceding the application with the funding for this round to be capped at \$21,582.50

Background

In April 2012 a report was presented to Council, based on comprehensive research into Local Government Funding policies, to adopt a revised Community Policy. At this time, Policy CEO-10 was amended to provide an annual process to assess the community funding requests. Four categories have been identified and capped values allocated to ensure consistency and a maximum allocation of \$100,000.

At its meeting held 27 May 2014 Council considered a report on the Bunbury Event Coordination Group Terms of Reference and Event Funding Process. Council Decision 171/14 endorsed the Bunbury Event Coordination Group Terms of Reference, the updated Policy, the Corporate Guideline Event Funding Program and the Event Funding Application Form for 2014/15.

On 29 May 2014, both the Community Funding round and the Events Funding round opened with a closing date for both of 21 July 2014.

The introduction of Events Funding lessened the strain on Community Funding. Total applications under community funding in 2013/14 was \$383,422 and Council approved under Council Decision 285/13 an additional \$16,583 to bring the total available community funding pool to \$116,583 to cover what was considered to be the bare minimum of projects with community benefit. In 2014/15 a total of \$184,121 was requested through the Community Funding Round as many of the applications which would have been considered through this round were considered by the Bunbury Events Coordination Group.

Under the Council Policy: Council Funding, and the Community Funding Guidelines, assessment of applications received through Community Funding must be undertaken in accordance with the following criteria:

Applications will be assessed by an Assessment Group comprising three (3) Elected Members and two (2) Council Officers and recommendations brought to Council for endorsement.

Applications will be scored based on the following weighting system:

- i. The benefits the project will bring to the City of Bunbury community (/40);
- ii. Support of the project by the City of Bunbury community. The provision of letters of support and project evaluation reports are recommended (/20);
- iii. The ability of the project to reach and increase access and participation of the City of Bunbury's priority target groups which include families with children, youth, seniors, Indigenous and culturally diverse backgrounds, people with disabilities and people of low socio economic background (/20);
- iv. Accountability as evidenced by the provision of quotes, financial statements, and appropriate insurances (/10);
- iv. Organisational sustainability as demonstrated by support from other funding sources (/10).

The Guidelines also advise:

What the City of Bunbury WILL Fund

- i. Capital Purchases;
- ii. Programs and Services.

and

What the City of Bunbury WILL NOT Fund

- i. Recurrent operational costs including salaries, vehicle costs, supplies and utilities; office
- ii. Deficit or retrospective funding;
- iii. Multi-year or ongoing requests;
- iv. Requests received outside of the advertised application period;
- v. Incomplete applications;
- vi. Organisation's with overdue acquittals for previous funding rounds.

The Policy requires the assessment of the applications be undertaken against a set of criteria by an Assessment Group comprising three (3) elected members and two (2) Council Officers and recommendations be brought to Council for endorsement.

At its meeting held 24 June 2014, Council Decided (221/14):

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

1. *Cr McCleary*
2. *Cr Steele*
3. *Cr Jones”*

The Assessment Group met on Thursday 14 August 2014 comprising: Cr McCleary; Cr Steele; Cr Jones; Helena Sahm – Team Leader, Arts and Culture; and Deana Sullivan – Team Leader, Community Development. Also in attendance for advice and support were Stephanie Addison-Brown – Director Community and Customer Service; Julian Bowron – Manager Arts and Culture; and Liz Allan – Grants Coordination Officer.

Members of the Group had been provided with: the guidelines; copies of all applications, and a matrix document in accordance with the Guidelines.

Council Policy Compliance

The process undertaken complies with Council Policy: Council Funding (previously known as CEO-10 Community Funding).

Legislative Compliance

Nil.

Officer Comments

There were 25 applications received for a total of \$184,121 comprising \$168,914 cash and \$15,207 in-kind.

A number of applications received were duplications of Cultural Facilities applications through the 2014/15 Budget process. These applications were submitted as the budget process was not due to conclude until after the closing of the community funding round. Some of these applicants received funding through the budget process.

Some of the applications did not meet the criteria under the Community Funding Guidelines.

In 2012/13 a Community Funding Workshop was held at the Lighthouse Beach Resort to encourage more active communities.

In 2013/14 a Funding Workshop was held in the Council Function Room to provide not only funding information but to also reinforce what is required by funding providers when making application, upon receiving funding and at acquittal time.

In October 2014/15 a workshop will be held by the Office of Multicultural Interests and the City of Bunbury to provide funding information, grants advice and the opportunity to meet with various grant providers.

Analysis of Financial and Budget Implications

A total funding pool of \$100,000 is available in the 2014/15.

The Group have allotted \$78,417.50 of the Community Funding allocation through the current round.

It is the Group's intention to allow a Small Grants Round to be called in January 2015 for one-off small grants, as outlined in the Community Funding Guidelines available only to applicants who have received no funding through Council, Community Funding or Events Funding in the 12 months preceding the application

Community Consultation

The Community Funding round was advertised in the City Update, information was distributed through the SWAP network, and information was posted on the City's website.

The Grants Coordination Officer sent emails to all those on the funding request email database several times during the period, reminding people of the closing date and offering support.

Many of the applicants chose to come in and meet with the Grants Coordination Officer and the Team Leader Community Development to discuss their applications.

Applications for this round closed on Monday 21 July 2014 at 5:00pm.

Councillor/Officer Consultation

The Grants Coordinator met with all Council staff who attended the Group at least once prior to the Group convening. The process for matrixing the applications against the criteria was discussed and documentation provided.

On Thursday 14 August 2014 the applications were considered in detail by the Assessment Group.

Relevant Precedents

Community Funding has been allocated previously in the 2012/13 financial year and again in the 2013/14 financial year.

Whilst all funds were allocated in September 2013 for the 2013/14 round, in 2012/13 there was a Community Funding round and a Small Grants Round as is being discussed for 2014/15.

10.3.2 Youth Advisory Council Committee Nominations

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

Summary

The purpose of this item is for Council to consider approving the nominations received to fill two (2) vacant positions on the committee, as recommended by the Youth Advisory Council (YAC) committee at their meeting on 13 August 2014.

Youth Advisory Council Recommendation

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

- George Andrews
- Stephen May

**Absolute Majority Vote Required*

Background

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

As per protocol, an advertisement was placed in the City Focus section of the Bunbury Mail on the 17 and the 19 June 2014. As a result of this two nominations were received matching the number of positions vacant.

At the Youth Advisory Council committee meeting held Wednesday 13 August 2014 it was moved that the two nominations received to fill the vacant positions were noted and recommended that the nominations are referred to council to be endorsed as Youth Advisory Council committee members.

Council Policy Compliance

There is no Council policy applicable to this report.

Legislative Compliance

There are no legislative requirements applicable to this committee.

Officer Comments

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

Analysis of Financial and Budget Implications

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

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

10.4 Director Corporate Services Reports

10.4.1 Proposed Deed of Lease – Longshore Investments Pty Ltd over portion of Reserve 43260, being portion of Lot 757 Ocean Drive, Bunbury trading as NooVoh.

File Ref:	L57
Applicant/Proponent:	Longshore Investments Pty Ltd
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1 Location Plan Longshore Investments - NooVoh

Summary

The City of Bunbury was approached by the Department of Lands requesting the Lease with Longshore Investments Pty Ltd (the “Applicant”) be registered on the Certificate of Title. The previous Lessee Prospero Corporation are currently registered on the Certificate of Title however they are no longer in operation and cannot be removed unless the City enters into a new Deed of Lease with the current Lessee, Longshore Investments Pty Ltd. 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-1.

Executive Recommendation

Council agrees to grant a new Lease to the Applicant under identical terms and conditions as the current Lease and for a term of twenty-one (21) years 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.
2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

Background

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

Prospero Corporation assigned the Lease to Crooked Billet Investments Pty Ltd who were to be trading as Extensions on 4 October 2011 (Council Decision 222/11). Upon being endorsed in 2011 that the company Prospero Corporation t/as Extensions was no longer trading, legal advice was obtained by the Applicant recommending not to purchase the company known as Extensions, and the Applicant applied for a new trading name to Longshore Investments Pty Ltd. This name change was to ensure protection for Applicant from any legal issues that may have arisen under the Extensions name.

A Deed of Variation of Lease for the name change from Crooked Billet Investments Pty Ltd to Longshore Investments Pty Ltd dated 17 September 2012 was signed under delegated authority by the Chief Executive Officer for a remaining term of three (3) years and a further option of twenty-one (21) years.

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.

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.

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 on receipt of the Lease document.

Analysis of Financial and Budget Implications

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

Community Consultation

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

Councillor/Officer Consultation

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

10.4.2 Code of Conduct

Applicant/Proponent:	Internal Report
Author:	Leanne French, Senior Governance and Risk Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2: Revised Code of Conduct

Summary

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

Executive Recommendation

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

Strategic Relevance

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

Background

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

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

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

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

Council Policy Compliance

There is no policy compliance consideration impacting on this report.

Legislative Compliance

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

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

Officer Comments

The revised Code of Conduct has been prepared based on research involving other Western Australian local governments. The practice of having one encompassing code rather than individual codes for Elected/Committee Members and employees respectively has been identified as the preferred approach.

The Code sets out principles and standards of behaviour that Elected Members, Committee Members and employees must observe when performing their duties and is intended to promote accountability, ethical decision making, and encourage greater transparency and accountability in the City of Bunbury.

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

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

Analysis of Financial and Budget Implications

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

Community Consultation

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

Councillor/Officer Consultation

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

10.4.3 Financial Management Report for the Period Ending 31 July 2014

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-3 Statement of Comprehensive Income Appendix DCS-4 Statement of Financial Activity Appendix DCS-5 Statement of Net Current Assets Appendix DCS-6 Capital Works Expenditure Summary

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix DCS-3)
Actual Financial Performance to 31 July 2014
 - Actual income of \$38.86M is \$157K greater than the year-to-date budgeted income of \$38.71M.
 - Actual expenditure of \$3.84M is \$766K less than the year-to-date budgeted expenditure of \$4.61M (refer explanation on next page).
 - Actual operating surplus of \$35.01M is \$923K greater than the year-to-date budgeted operating surplus of \$34.09M.
2. Balance Sheet Year-to-date and Forecast balances are currently not available until the end of year audit for 2013/14 has been completed and the financial system rolled-over to 2014/15. A Balance Sheet report will be provided with the September 2014 Financial Statements.
3. Capital Works (**attached** at Appendix DCS-6)
 - Actual capital works of \$336K is \$1.31M less than the year-to-date budgeted capital works of \$1.64M, (refer explanation on next page).

Executive Recommendation

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix DCS-3)
- Statement of Financial Activity (**attached** at Appendix DCS-4)
- Statement of Net Current Assets (**attached** at Appendix DCS-5)
- Capital Works Expenditure Summary (**attached** at Appendix DCS-6)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix DCS-4) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	\$157,003
The Total Operating Income variance between actual and budget-to-date is a favourable variance of \$157,003. There are a number of income items had have a minor actual variance above or below budget-to-date due to the timing of the receipt of income.	
Operating Expenditure	\$766,448
The Total Operating Expenditure variance between actual and budget-to-date is a favourable variance of \$766,448. There are a number of expenditure items had have a minor actual variance above or below budget-to-date due to the timing of expenditure. Actual Employee Costs are \$155,575 above budget-to-date. This is due to payouts of employee annual leave and long service leave of \$49K which will not affect the end of year surplus as this expenditure has a matching provision in the balance sheet; and one day’s pay not included in the year-to-date budget figures. This will even out over the financial year and does not affect the end of year forecast for employee costs.	

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	\$157,003
See explanation above included in the Statement of Comprehensive Income variances.	
Operating Expenses	\$766,448
See explanation above included in the Statement of Comprehensive Income variances	
Capital Expenses	
Acquisition of Assets – Variance due to delay in progress of various projects. Refer to Capital Expenditure Report for project details.	\$1,308,757

Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

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

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

10.5 Director Planning and Development Services Reports

10.5.1 Bunbury War Memorial Restorations

File Ref:	PR-3391
Applicant/Proponent:	City of Bunbury
Author:	Dorothy Harmer, Planning Officer
Executive:	Bob Karaszkewych Director Planning & Development Services
Attachments:	Appendix DPDS-1: Restoration & Supervision Quote Appendix DPDS-2: Conservation Plan Policies Appendix DPDS-3: Schedule of Works Quote Appendix DPDS-4: RSL Letter of Support

Summary

The Council had resolved to undertake the full restoration of the Bunbury War Memorial in preparation for the centenary of ANZAC day, 25 April 2015. The conservation work proposed is in accordance with the ANZAC Park Conservation Plan (2011) adopted by the Council.

Given the passage of time since the resolution was made, the total cost of the project (PR-3391) is now estimated at \$50,000. The full restoration of the Memorial, including removal of the paint and repairs to the statue of a soldier, was previously quoted at \$45,000 including project supervision from a Heritage Architect (**attached** at Appendix DPDS-1). An additional \$4,200 is required to produce the documentation and 'test patches' that will be required for the application to the State Heritage Office.

The Council has committed \$15,000 towards the project (PR-3391) and the City has made two grant applications. Part funding of \$10,000 was recently awarded to the City by Lotterywest. The outcome of the second application for \$29,705 through the Federal ANZAC Centenary Local Grants Program is yet to be announced.

Without commitment of full funding and further delays may result in the project not being completed in time for the Centenary celebrations.

As a safety-net in case the City does not receive the federal funding additional funding of \$25,000 is requested as a budget variation.

Executive Recommendation

That Council endorses an additional \$25,000 for inclusion in the October Budget Review to complete the restoration of the Bunbury War Memorial (PR-3391) in the event that the City of Bunbury is not successful receiving the full amount applied for through the *Federal ANZAC Centenary Local Grants Program*.

Background

The project to undertake restoration and repairs to the Bunbury War Memorial (PR-3391) is in accordance with the ANZAC Park Conservation Plan (2011) (**attached** at Appendix DPDS-2) that has been adopted by the Council.

The full restoration of the memorial includes removal of the paint to expose the original materials which are Donnybrook Stone for the cenotaph and the soldier is sculpted from marble. The restoration also includes repairs to the statue soldier where there is damage, including the hat and nose. This work has been quoted at \$45,000

Both the park and the memorial are both listed on the State Register of Heritage Places and the restoration of the memorial will require referral to the State Heritage Office in accordance with the *Heritage Act of Western Australia 1990* as they are considered significant works. This referral process will require a schedule of works to be completed by the conservationist and submitted to the State Heritage Office for comment, a test patch will then be required before works commence. This work has been quoted at \$4,200 (**attached** at Appendix DPDS-3)

Works are currently being undertaken in the park to improve the landscaping, including reinstating the memorial hedge, relocating intrusive elements including the rubbish bin, improving plantings in the rose beds in accordance with conservation policies outlined in the Conservation Plan. In addition to this, the costs of replacing the red brick around the memorial with pavers to match the existing footpath, creating continuity around the memorial and enhance the area.

Two grants were applied for relating to this project. One through Lotterywest from which was announced recently and the City was awarded a part payment of \$10,000. The second application for \$29,705 from the Federal ANZAC Centenary Local Grants Program was applied for through Nola Marino's office and is expected to be announced at the end of August

Council Policy Compliance

All works are recommendation of the adopted ANZAC Park Conservation Plan (2011).

Legislative Compliance

The restoration works returning it to the original fabric is considered "significant" works will be referred to the State Heritage Office in accordance with the *Heritage Act of Western Australia 1990*.

Officer Comments

It is important for council to note in the event the grant funding is not received in full; any delays in the commencement of the project may result in the project not being completed in time for the ANZAC Centenary Celebrations.

There are multiple steps in the project that can only commence once funding is secured and the conservation work is engaged. The proposed works are required to be referred to the State Heritage Office in the format of a Schedule or Works, compiled by the conservationist, outlining the methods proposed for the restoration of the Memorial. If the State Heritage Office's comments are supportive a test patch will be required before the full works are undertaken. Extensive research is required to be undertaken in relation to the repairs of the statue and a number of permits and approvals required.

Analysis of Financial and Budget Implications

An additional \$25,000 will be required if the full grant funding is not received.

Community Consultation

While no public consultation has been undertaken, the matter has been discussed with the Heritage Advisory Group who supports the project.

The RSL have expressed ongoing interest, support and concern relating to the project and its completion in time for the ANZAC centenary celebrations (**attached** at Appendix DPDS-4).

Councillor/Officer Consultation

N/A

10.5.2 Proposed “Pylon Sign - large” – LOT: 34 #92 Blair Street BUNBURY

File Ref:	P00863
Applicant/Proponent:	Crestwood Corporation Pty Ltd T/A Southern Coromal
Author:	Mr Anthony Pick – Planning Officer
Executive:	Bob Karaszkewych, Director Planning and Development Services
Attachments:	DPDS-5: Proposed Large Pylon Sign Plans DPDS-6 Local Planning Policy Extract DPDS-7 Existing Signage on the Premises

Summary

Planning approval is sought by Crestwood Corporation Pty Ltd for an illuminated “Pylon Sign - Large” which would measure 6.20m above ground level and 2.74m at its widest point, with a face area of 13.7m² - see attached plans at Appendix DPDS-5.

The lot is zoned Mixed Business. It is considered that having regard to the height of the proposed sign, its design, siting and the commercial context of the area, the sign would not adversely affect the established level of visual amenity in the locality, or highway safety.

The sign is considered to be consistent with the objectives of the Local Planning Policy: Signage and Advertisements.

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 a “Pylon Sign - Large” at No. 92 Blair Street, Bunbury, subject to the conditions and advice notes set out below:

Use and Development

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 “Pylon Sign - Large” is to be located in accordance with the approved drawings and is not to exceed the dimensions as indicated on the application without written approval from the City of Bunbury.
3. The “Pylon Sign - Large” shall be sited 1.5m from the front lot boundary, as annotated on the approved plan.
4. Any illumination shall not flash or pulsate and shall have a maximum luminance of 300cd/m². The signage shall be switched off between 11.00pm and sunrise on the following day.
5. The signage shall be professionally made and kept clean and maintained free of dilapidation at all times.

6. Any alteration to the sign or its location will render this approval void. In such an event the sign shall be subject to a new approval.
7. Lines of sight shall be maintained for both vehicles and pedestrians to the satisfaction of the City.

Advice Notes:

1. The development the subject of this approval is also regulated by the Building Code of Australia and a separate building permit must be granted before the development commences. The owner is advised to liaise further with the City of Bunbury's Building Certification department on (08) 9792 7000.
2. It is understood that, according to anecdotal reports, 92 Blair St was formerly used as a service station. Based on the Department of Environment and Regulation's Potentially Contaminating Activities, Industries and Land Uses Guideline, service stations may present site contamination issues associated with the leakage of petrol, diesel, oil and other chemicals which can present environmental and human health risks. It is possible that if contaminants are present at the site that they may be intercepted whilst digging the 2.5 m deep hole to installing the footings for the sign. This may present health risks for the sign installers.

The *Contaminated Sites Act 2003* provides the regulatory framework for the management of potentially contaminated sites and known contaminated sites in Western Australia. This Act is administered and regulated by the Department of Environment and Regulation. Prior to undertaking any development at the site the proponent is advised to review the Department of Environment Regulation's Contaminated Sites Fact Sheets which can be located on the Department's website at www.der.wa.gov.au/yourenvironment/contaminated-sites and contact the Department on 1300 762 982 for advice on how to manage any potential site contamination issues that may be present at the site.

3. The City notes that there may be a possibility of the existence of Acid Sulphate Soils (ASS) on the land concerned. At the time of construction the applicant is to ensure compliance with all relevant legislation and/or standards in this regard.
4. The City of Bunbury contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the *Aboriginal Heritage Act 1972* at an early stage of planning. Further information can be obtained from the Department of Aboriginal Affairs on 9235 8000 or at the following web site <http://www.daa.wa.gov.au/en/Heritage-and-Culture/>.

Background

The application now before Council is the same as Council previously determined at its meeting of 27 July 2014, when Council resolved to grant conditional planning approval – Council Decision 180/14. Council, in approving the application imposed an additional condition restricting the sign to be a maximum face area of 10m². The applicant has requested that Council reconsider the application against the Local Planning Policy: Signage and Advertisements category: "Pylon Sign – Large" – see officer comments for further explanation.

The land use comprises 'Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair (Caravan repair only). The business specialises in the retail sale of caravans and provides a caravan repair

facility. The lot is zoned Mixed Business and is located at the intersection of Blair St and Hayes St. To the east of the site (north side of Hayes St) is Special Use No.27 and (south side of Hayes St) Residential Development.

Council Policy Compliance

The City of Bunbury Local Planning Policy: Signage and Advertisements was adopted by Council on 10 June 2014 and came into force on 18 June 2014.

The assessment of compliance with the LPP is set out in the officer comments section.

Legislative Compliance

The application has been assessed in accordance with Town Planning Scheme No. 7 and the City's draft Local Planning Policy – Signage and Advertisements.

Officer Comments

Council considered the same signage proposal at its meeting of 27 May 2014. In resolving to issue Planning Approval Council imposed the following condition:

The "Large Pylon Sign" is to be located in accordance with the approved drawings approved drawings and is not to exceed a face dimension of 10m².

It would appear that there may have been some misunderstanding in how the decision was reached, with regards to clarification of the size limits applicable to a "Pylon Sign" and a "Pylon Sign – Large". Council resolved to approve the application with a condition limiting the face area to 10m², which would effectively bring the signage into the category of 'Pylon Sign'.

To clarify, there are two types of classification identified in Local Planning Policy: Signage and Advertisements with regards to pylons signs. The first is a 'Pylon Sign' which limits the maximum face area to 10m², for a maximum of two faces. The second type of pylon sign is a 'Pylon Sign – Large' which limits the maximum sign face area to 36m², for a maximum of two faces. See Appendix DPDS-6 **attached** for the applicable criteria.

The applicant has subsequently applied again planning approval and requests that the City determine the application with regards to the criteria for a 'Pylon Sign – Large'. The provision of a 'Pylon Sign – Large' is an 'A' use within the Mixed Business Zone. This means that the proposal is 'Impact assessable'. The City previously advertised the application in the form of notifying the adjoining landowners. The previous comments are referred to within this report.

The existing signage on the premises has an approved sign license – see **attached** appendix DPDS-7. This assessment therefore centres on whether the proposed pylon sign would have a detrimental impact on the established level of visual amenity of the locality. The applicant has submitted a photo montage to support the application. The height of the sign would be below the standard design requirements set out in the LPP. Furthermore, there are a number of pylon signs in the locality of a similar scale e.g. a 6.5m high sign was approved at the Scope premises, two lots to the south, on 25 July 2014. The Bunbury Mower Service Pylon sign, (sign license No.891) in 2004 had approval for a height of 9.9m. It is considered that in terms of height the proposed 6.2m would not be out of scale with similar pylon signs along Blair Street and would be below the permissible 6.5m as set out in the LPP. The height of the proposed signage is therefore considered acceptable.

The City previously received one letter of objection from the owners of the adjoining lot on the grounds that the existing signage is sufficient. The existing signage has a sign license approval and has been determined to be proportionate to the façade. The proposed pylon sign is required to be assessed on its merits having regard to the cumulative impact of signage on this lot.

It is considered that given the context of surrounding commercial uses and their signage, together with the separation (67m) from residential properties the proposed pylon sign would not be out of character in the street scene. As the site is within 100m of residential premises the illumination will be conditioned in accordance with the Policy.

Road Safety

The siting of the sign is proposed in close proximity to the traffic lights at the intersection of Blair Street and Hayes Street. In order to comply with the policy and at the request of the City's Engineer the siting of the sign is set back 1.5m from the lot boundary. The City Engineer is satisfied that the sign would not impact on highway safety so long as the setback requirement is complied with.

The application was referred to Main Roads WA under the previous application DA/2014/16/1. This proposal is the same as previously presented. Main Roads WA does not object to the proposed sign provided that:

- The type of sign and location complies fully with the relevant local law and Town Planning Scheme;
- The level of illumination is appropriate to the level of off-street ambient lighting;
- The illumination does not flash or pulse.

The illumination type and levels would be appropriately conditioned.

It is therefore considered that the proposal would comply with the objectives and provisions of the Local Planning Policy: Signage and Advertisements and as such is supported.

Analysis of Financial and Budget Implications

N/A

Community Consultation

The proposed pylon sign falls within the category "Pylon Sign – Large" as set out in the adopted Local Planning Policy: Signage and Advertisements. "Pylon Sign – Large" is identified as an 'A', which means that they are impact assessable. Such signage is not permitted unless the local government has exercised its discretion and has granted planning approval after giving notice in accordance with clause 9.4 of the Scheme. In this regard, consultation has consisted of writing to the landowner(s) of the adjoining lots.

The City received one objection to the original proposal on the grounds that the site already has "good signage"

10.6 Director Works and Services Reports

Nil

11. Applications for Leave of Absence

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

12. Motions on Notice

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

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.2 Public Reading of Resolutions that may be made Public

16. Closure