



## Bunbury City Council

### Minutes

21 February 2017



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

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## Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## **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 on Tuesday, 21 February 2017 at 5.30pm.

### **Minutes**

21 February 2017

Note: These Minutes are subject to confirmation at the next Ordinary Meeting of Council

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

The meeting was declared open by the Mayor Mr Gary Brennan at 5:30pm.

#### **2. Disclaimer**

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

#### **3. Announcements from the Presiding Member**

The Mayor noted that on Sunday 19 February 2017 he and several councillors had been entertained by an afternoon of entertainment watching the Wenqin Art Troupe dancers from the University of Zhejiang perform. Following the performance they presented a gift to the City. This is another strong link between the City and Xia Xiang.

## 4. Attendance

*Present:*

<b>Council Members:</b>	
Presiding Member:	Mayor G Brennan
Deputy Presiding Member:	Deputy Mayor Councillor B Kelly
	Councillor S Morris
	Councillor J Jones
	Councillor J Hayward
	Councillor B McCleary
	Councillor J McGuinness
	Councillor M Cook
	Councillor J Miguel
	Councillor K Steck
	Councillor K Steele
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Works and Services	Mr G Harris
Director Corporate and Community Services	Ms S Addison-Brown
Director Planning and Development Services	Mr M Osborne
<b>Council Officers (Non-Voting)</b>	
Manager Finance	Mr D Ransom
Media and Communications Officer	Mr J Tatham
Manager Information Communications and Technology	Mr M Roberts
Manager Major Projects and Property	Ms F Anderson
Manager Sport and Recreation	Mr J Kowal
Manager Tourism and Wildlife Park	Ms K Knight
Council Meeting Support Officer	Ms L Allan
<b>Others (Non-Voting)</b>	
Members of the Public	19
Members of the Press	2

### 4.1 Apologies

### 4.2 Approved Leave of Absence

Cr Warnock is on approved leave of absence from all Council-related business from 14 February 2017 to 7 March 2017 inclusive.

Cr Giles is on approved leave of absence from all Council-related business from 21 February 2017 to 1 March 2017 inclusive.

### **4.3 Application for Leave of Absence**

#### **4.3.1 Application for Leave of Absence – Councillor Warnock**

<b>Applicant/Proponent:</b>	Cr Monique Warnock
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

Cr Warnock requests leave of absence from all Council-related business for the period 14 February 2017 to 7 March 2017 inclusive.

Section 2.25 of the *Local Government Act 1995*, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six (6) consecutive ordinary meetings of the Council.

#### **Executive Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Warnock is granted leave of absence from all Council-related business for the period 14 February 2017 to 7 March 2017 inclusive.

#### **Outcome – Council Meeting 21 February 2017**

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

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

#### **Council Decision 44/17**

***Pursuant to Section 2.25 of the Local Government Act 1995, Cr Warnock is granted leave of absence from all Council-related business for the period 14 February 2017 to 7 March 2017 inclusive.***

CARRIED

11 votes "for" / Nil votes "against"

#### 4.3.2 Application for Leave of Absence – Councillor Giles

<b>Applicant/Proponent:</b>	Cr Wendy Giles
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

Cr Giles requests leave of absence from all Council-related business for the period 17 February 2017 to 1 March 2017 inclusive.

Section 2.25 of the *Local Government Act 1995*, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six (6) consecutive ordinary meetings of the Council.

#### **Executive Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Giles is granted leave of absence from all Council-related business for the period 17 February 2017 to 1 March 2017 inclusive.

#### **Outcome – Council Meeting 21 February 2017**

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

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

#### **Council Decision 45/17**

***Pursuant to Section 2.25 of the Local Government Act 1995, Cr Giles is granted leave of absence from all Council-related business for the period 17 February 2017 to 1 March 2017 inclusive.***

CARRIED

11 votes "for" / Nil votes "against"



## 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 Morris declared a financial interest in item 10.3.2 of the agenda *“Service Review – Bunbury Visitor Centre”* as he is a financial member of the Bunbury Visitor Centre. Cr Morris will leave the chamber for the duration of the discussion and the vote on the matter.

Cr Cook declared an impartiality interest in 10.2.2 of the Agenda *“Review of Council Policy Leases and Licences”* as he is the Chairman of Morrissey Homestead and the Chairman of the SW Youth Drive Development Program both of which lease and sub-leases Council property. Cr Cook will remain in the chamber for the duration of the discussion and vote on the item.

## 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

Nil

**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 7 February 2017 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 7 February 2017 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 21 February 2017**

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

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

#### **Council Decision 47/17**

*The minutes of the Ordinary meeting of the Bunbury City Council held 7 February 2017 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**

Nil

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

### **8.1 *Petitions***

Nil

### **8.2 *Presentations***

Nil

### **8.3 *Deputations***

#### **Mr Murray Hawker, Moorabinda Croquet Club, Bunbury**

Mr Hawker requested to address item 10.2.2 titled *“Review of Council Policy Leases and Licences”*.

#### **Council Decision 48/16**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Hawker’s deputation request to address item 10.2.2 titled “Review of Council Policy Leases and Licences” and allows a period of up to 5 minutes to present to Council.***

CARRIED

11 votes “for” / Nil votes “against”

#### **Tom Busher, Bunbury Football Club, Payne Park, Bunbury**

Mr Busher requested to address item 10.2.2 titled *“Review of Council Policy Leases and Licences”*.

#### **Council Decision 49/16**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Busher’s deputation request to address item 10.2.2 titled “Review of Council Policy Leases and Licences” and allows a period of up to 5 minutes to present to Council.***

CARRIED

11 votes “for” / Nil votes “against”

**John Saunders, Couth West Touring Car Club, Bunbury**

Mr Saunders requested to address item 10.2.2 titled “*Review of Council Policy Leases and Licences*”.

**Council Decision 50/16**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Saunders’ deputation request to address item 10.2.2 titled “Review of Council Policy Leases and Licences” and allows a period of up to 5 minutes to present to Council.***

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

**Brian Rettinger, 39 Hakea Crescent, South Bunbury**

Mr Rettinger requested to address item 10.3.2 titled “*Service Review – Bunbury Visitor Centre*”.

**Council Decision 51/16**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Rettinger’s deputation request to address item 10.3.2 titled “Service Review – Bunbury Visitor Centre” and allows a period of up to 5 minutes to present to Council.***

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).

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.2.1, 10.3.1, 10.4.2, and 10.5.2.

Items 10.2.2, 10.3.2, 10.4.1 and 10.5.1 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

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

## 10. Reports

### 10.1 2017 Community Perception Survey (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

The purpose of this report is for Council to consider approving funds for PR-4288 *Undertake a community satisfaction and perception survey 2017/18* during the February budget review in lieu of 2017/18 budget deliberations.

#### Executive Recommendation

That Council consider approving funds for PR-4288 *Undertake a community satisfaction and perception survey 2017/18* as part of the February 2017 budget review.

#### Strategic Relevance

Key Priority Area 5: Corporate  
Objective 5.1: Facilitate community and stakeholder participation in decision-making

#### Background

The City's Integrated Financial Plan contains a \$20,000 provision for PR-4288 *Undertake a community satisfaction and perception survey 2017/18* in the 2017/18 financial year.

#### Council Policy Compliance

Nil

#### Legislative Compliance

Not applicable

#### Officer Comments

In order to inform the review of the Strategic Community Plan that will take place in line with the 2017 City of Bunbury elections, it is considered beneficial to have the results of the City's 2017 community perception survey available for interpretation.

Previous satisfaction surveys have been undertaken using in-house resources, resulting in limited success, low response rates, and no demographic profiling to ensure appropriate representation from all areas of the community. Engaging the services of a specialised market research company to undertake the survey will result in:

- \* Measuring overall perceptions of the City of Bunbury;
- \* Evaluating community perceptions of selected services and facilities;
- \* Identifying community priorities;
- \* Evaluating views about key issues;
- \* Providing benchmarking against other local governments;
- \* Determining whether perceptions differ across the community (by selected geo-demographics such as age, gender and where they live); and whether these differences are statistically significant.

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

PR-4288 *Undertake a community satisfaction and perception survey 2017/18* is already contained in the City's Integrated Financial Plan. This report seeks to bring the approval of these funds forward.

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

This report is presented to Council for consideration.

#### **Outcome – Council Meeting 21 February 2017**

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

#### **Council Decision 52/17**

***That Council consider approving funds for PR-4288 Undertake a community satisfaction and perception survey 2017/18 as part of the February 2017 budget review.***

CARRIED

11 votes "for" / Nil votes "against"



**10.2. Management of Hay Park South Multi-Sports Pavilion** (was listed as item 10.3.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Gary Thompson, Sport and Recreation Liaison Officer
<b>Responsible Manager:</b>	John Kowal, Manager Sport and Recreation
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Appendix DCCS-1: Draft Fees and Charges Hay Park South Multi Sports Pavilion Confidential Appendix CRUSC-4: Complete Information

**Summary**

At the Ordinary Council Meeting held on 1 November 2016 Council decided (392/16) that a final Facility Management Plan (FMP) for the Hay Park South Multi Sports Pavilion (the facility) was to be agreed upon prior to Council entering into a lease agreement over the facility with the South West Sporting Association Inc.

The finalisation of the FMP has not been able to progress due to the South West Warriors Rugby League Club (SWWRLC) failing to communicate or attend meetings in relation to the FMP for the facility.

**Executive Recommendation**

That Council:

1. Resume management of the Hay Park South Multi-Sports Pavilion and request that the CEO manage and coordinate the hire and bookings for the facility for a period of up to 2 years.
2. Enter into an agreement with SWPFC for seasonal and periodic hire and use of the facility.
3. Request the CEO arrange and facilitate negotiations with interested clubs/groups to join the South West Sporting Association Inc. for the future management of the facility.

**Strategic Relevance**

Key Priority Area 1      Performance Measures  
Objective 1.4            Increase participation in sport and leisure activities.

**Background**

On 6 September 2016 Council Decision (330/16) acknowledged that the lease between the City of Bunbury and the SWWRLC was legally void due to failure to meet specific conditions of the lease.

Council Decision (362/16) on 4 October 2016 required that the SWWRLC and the SWPFC under the South West Sporting Association (SWSA) provide, by the 18 October 2016, a comprehensive proposal for the management of the facility to allow for further consideration for the leasing of the facility.

On 17 October 2016 the SWSA submitted a draft FMP and City officers have been assisting the SWSA with the further development of the FMP, which is now at final draft. Council Decision (392/16) on 1 November 2016 noted that a draft FMP was submitted by the SWSA and that a FMP was to be finalised and agreed prior to Council entering into a lease agreement over the facility.

The SWSA have failed to communicate or attend meetings in relation to the FMP for the facility in the last three (3) months and this has resulted in the inability to finalise FMP for presentation to Council. The other issue that has occurred and delayed the FMP is that the SWSA and SWPFC are both in arrears to the City of Bunbury for utilities i.e. water and electricity usage at the facility.

### **Council Policy Compliance**

Council Policy: Asset Management is applicable to this item and Policy Statement is as follows:

*The purpose of this policy is to provide clear direction in the management of all City assets, including land, buildings, parks and landscaping, natural environment and infrastructure assets to deliver best value outcomes for the community.*

Council Policy: Recreation Facilities is applicable to this item and Policy Statement is as follows:

*The purpose of this policy is to enhance the quality of life for visitors and residents of Bunbury through the provision of a diverse range of high quality and cost effective active and passive recreational activities and/or facilities.*

Council Policy: Lease and Licenses is applicable to this item and the Policy Statement is as follows:

*The purpose of this policy is to ensure Lease and License rentals are determined in a fair, equitable and transparent manner in accordance with the valuation provided by an independent market rental evaluation and are assessed according to the City's Rent Tier Matrix structure.*

### **Legislative Compliance**

Disposal of property including the leasing of property is dealt with under Section 3.58 of the *Local Government Act 1995* which states inter alia-

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
  - (a) it gives local public notice of the proposed disposition-
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

### **Officer Comments**

City officers have met with the SWSA on three (3) occasions to provide them with assistance in drafting and finalising the FMP with these meetings being held on the 17 October 2016, 7 November 2016 and 16 January 2017. A representative from the SWWRLC has only attended the meeting held on the 17 October 2016 and has failed to communicate on the reasons why they have not attended the other meetings.

The SWPFC have conducted the majority of the work in drafting of the FMP and it seems that they have received very little support from the SWWRLC. The SWWRLC have failed to provide their clubs required financial documentation for inclusion in the FMP for the facility, stating that they are unable to compile the requested financial records for the club and this has halted the process of finalising the FMP together with the lease agreement.

At this stage given the current circumstances with the SWWRLC failing to be involved in the development of the FMP, failure to communicate and engage with the City and the SWPFC, the current financial status of both clubs, progress cannot be made to establish a lease agreement for the facility with the SWSA.

It is considered that the best way forward is as per the Executive Recommendation which will allow SWPFC to still operate from the facility without the onus of being responsible for or for managing the entire facility. The other advantage is that the City will arrange and facilitate meetings with other parties who may be interested in joining the SWSA and/or using the facility.

The objective of this approach is to mentor and support all interested parties including the SWPFC to eventually be in the position to manage the facility independently of Council.

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

There may be budget implications should the City opt to take over the management of the facility including fit out of facility and all maintenance and part of the outgoings that are not a component of the agreement with the SWPFC. However, these costs could be recouped via hire charges for the use of the facility. The draft hire fees for the facility are **attached** at Appendix DCCS-1. The hire fees have been developed from benchmarking with other local governments and organisations that operate similar facilities.

### **Community Consultation**

There has been no broad community consultation in regard to the leasing or management of the facility. There have been several meetings, workshops and considerable correspondence with the clubs over the last three (3) years in regards to the management model for the facility.

Various clubs were advised of the potential for the facility to be leased, however, no expressions were ever received.

Council officers have met with the representatives of the SWPFC on several occasions to draft the Facility Management Plan and have also met to discuss the most appropriate way forward for the future management of the facility and the establishment of the South West Sporting Association Inc.

Council Officers met with Mr Guy Italiano, President of the SWPFC on Thursday 9<sup>th</sup> February 2017 to discuss the proposal that Council resumes management of the facility, enters into an agreement with the SWPFC for the management and use of the facility whilst Council staff work with the SWPFC and other interested parties to re-establish and grow the South West Sporting Association Inc so as to ensure the future management, use and maintenance of the facility. Mr Italiano was supportive of this approach as long as the SWPFC could continue to use the facility.

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

In relation to the lease and management of the facility, the Mayor and Councillors have been kept informed as matters progressed with the last report provided to Council on 1 November 2016.

Relevant staff and the Executive have been engaged and involved with the majority of matters relating to the leasing and management of the facility.

Council were briefed on this matter on 14 February 2017.

#### **Outcome – Council Meeting 21 February 2017**

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

#### **Council Decision 53/17**

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

- 1. Resume management of the Hay Park South Multi-Sports Pavilion and request that the CEO manage and coordinate the hire and bookings for the facility for a period of up to 2 years.***
- 2. Enter into an agreement with SWPFC for seasonal and periodic hire and use of the facility.***
- 3. Request the CEO arrange and facilitate negotiations with interested clubs/groups to join the South West Sporting Association Inc. for the future management of the facility.***

CARRIED

11 votes "for" / Nil votes "against"

### **10.3 Bunbury Outer Harbour** *(was listed as item 10.4.2 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects & Property
<b>Executive:</b>	Mal Osborne, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1: Waterfront Development Stages Appendix DPDS-2: Location Plan Confidential Appendix CRUSC-1: Stakeholder Positions

#### **Summary**

Recent discussion at the Transforming Bunbury’s Waterfront Committee meeting indicated that Southern Ports Authority (SPA) is progressing the Outer Harbour Relocation Plan. With their lease expiring in 2018, this raises the question of future tenure/ownership as well as potential uses of the site and how these may impact on any of the City’s future plans.

#### **Executive Recommendation**

That Council request CEO continue liaising with State Government agencies and key stakeholders and subsequently prepare a report to Council on the potential uses and ownership options for the land and remaining infrastructure at the Outer Harbour.

#### **Strategic Relevance**

Key Priority Area 2 Objective 2.2	Transport and Infrastructure Maintain a high standard of recreational open space and facilities
Key Priority Area 2 Objective 2.3	Transport and Infrastructure Maintain a high standard of community infrastructure
Key Priority Area 3 Objective 3.4	Natural and Built Environment Facilitate urban design, diversity of land uses and enabling infrastructure
Key Priority Area 4 Objective 4.2	Regional Economy Create an environment that will attract new business.
Key Priority Area 4 Objective 4.3	Regional Economy Promote Bunbury as a place that supports commercial, residential and social development.

#### **Background**

Transforming Bunbury’s Waterfront is a significant project for the City of Bunbury. The Waterfront Development stages are identified at appendix DPDS-1. The City is one of a number of key agencies working together to achieve specific outcomes. These agencies include The South West Development Commission (SWDC), Department of Lands (DoL), Southern Ports Authority (SPA), Department of Transport (DoT) and LandCorp.

Given the SPA lease is due to expire in 2018, this raises a number of matters that need consideration such as the future tenure or ownership of the Outer Harbour and in-situ

infrastructure, as well as the future potential uses of the site, and how these may impact upon existing and future plans. The existing Outer Harbour area is adjacent to stage 3a of the proposed Waterfront Development (location plan **attached** at appendix DPDS-2).

**Council Policy Compliance**

Not applicable for this item.

**Legislative Compliance**

Not applicable for this item

**Officer Comments**

The Bunbury Outer Harbour is a strategic location for the ongoing progression of the Bunbury Waterfront Redevelopment.

Given the work being undertaken on the preliminary stages of the redevelopment plan, the consideration of how the Berth 1 and 2 precinct will integrate into the overall plan is considered important.

**Analysis of Financial and Budget Implications**

There are no financial implications in relation to this item. Existing resources would be utilised by the CEO in preparing a report to Council.

Future reports will detail any financial, budget and asset management implications, dependent upon recommendations relating to the City's involvement.

**Community Consultation**

There has been no Community Consultation in relation to this item. The relevant agencies being SWDC, DoL, SPA, DoT and LandCorp have all provided their current position relating to the Outer Harbour as **attached** at Confidential Appendix CRUSC-1.

**Councillor/Officer Consultation**

The Executive and relevant Officers have been consulted and this item seeks to inform Council.

**Outcome – Council Meeting 21 February 2017**

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

**Council Decision 54/17**

***That Council request CEO continue liaising with State Government agencies and key stakeholders and subsequently prepare a report to Council on the potential uses and ownership options for the land and remaining infrastructure at the Outer Harbour.***

CARRIED

11 votes “for” / Nil votes “against”

**10.4 Petition Report: Request for Pedestrian Crossing** (was listed as item 10.5.2 of the Council Agenda)

<b>File Ref:</b>	A05990
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Shaun Millen, Manager Engineering and Civil Operations
<b>Executive:</b>	Gavin Harris, Director Works and Services
<b>Attachments:</b>	Nil

**Summary**

At the Council Meeting held 24 January 2017, Council resolved as follows (refer decision 3/17):

*Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, that Council receive the petition entitled “Petition in Relation to the need for a pedestrian crossing linking Dr Foster and Associates and the Chemmart Chemist in Spencer Street, South Bunbury” and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.*

This report addresses the request for a pedestrian crossing on Spencer Street, linking Dr Foster and Associates and the Chemmart Chemist.

**Executive Recommendation**

That Council request the Chief Executive Officer advise the signatories to the petition that the installation of pedestrian refuges on Spencer Street linking Dr Foster and Associates and the Chemmart Chemist is included in Council’s Integrated Financial Plan in 2017/18, subject to Council adoption and Regional Road Group funding.

**Strategic Relevance**

Key Priority Area 2      Transport and Infrastructure  
Objective 1              Maintain transport infrastructure at levels consistent with community expectations.

**Background**

Cr James Hayward presented a petition to Council that contained 606 signatures requesting a pedestrian crossing linking Dr Foster and Associates and the Chemmart Chemist in Spencer Street Bunbury.

**Council Policy Compliance**

Not Applicable

**Legislative Compliance**

Not Applicable



### **Officer Comments**

Following a request from Cr Murray Cook for additional pedestrian crossings in Spencer Street due to the number of medical facilities in the area, an associated project was created and included in the City's Integrated Financial Plan. Officers have investigated the need for the pedestrian crossing and the investigation confirmed the need for the pedestrian refuges. Three locations have been nominated:

1. Near the Forrest Family Medical Centre.
2. Near 138/140 Spencer.
3. Link Dr Foster and Associates with the Chemist across the road.

The estimated project cost for the three crossings is \$135,000. An application was submitted to the Regional Road Group for 2/3 funding for the 2017/18 financial year. The Regional Road Group have advised that the project has been recommended for funding and it is now subject to Main Roads approval.

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

PR-1817 Install pedestrian refuges Spencer Street (Beach Road to Clarke Street) is listed in Council's Integrated Financial Plan for 2017/2018. This project is subject to 2/3 funding from Regional Road Group.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

Nil

### **Outcome – Council Meeting 21 February 2017**

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

#### **Council Decision 55/17**

***That Council request the Chief Executive Officer advise the signatories to the petition that the installation of pedestrian refuges on Spencer Street linking Dr Foster and Associates and the Chemmart Chemist is included in Council's Integrated Financial Plan in 2017/18, subject to Council adoption and Regional Road Group funding.***

CARRIED

11 votes "for" / Nil votes "against"

**10.5 Review of Council Policy Leases and Licences** (was listed as item 10.2.2 of the Council Agenda)

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

**Summary**

Council recognises that community, sporting and some not for profit organisations are limited in their ability to cover the full costs of leasing publicly owned community buildings and sporting facilities.

As such Council has requested that the recently adopted Policy on Leases and Licenses be further reviewed.

In order to give effect to the new policy it is proposed that the matter be brought direct to Council rather than a further review through the Policy Committee.

**Executive Recommendation**

That Council:

1. Request the CEO prepare a report on each of the community leases due for review in 2017 or currently in holding over provision and provide to Council by March 2017.
2. Agree that the status quo continues to apply pending the review
3. Request the CEO advise all affected clubs and groups of the Council decision
4. Agree that the report will take into account the current policy and appeals process requirements.
5. Note that the report will take into consideration the establishment of appropriate financial arrangements including the arrangement for establishment of a reserve for accounting for the lease contributions.

**Background**

This matter has been subject of several Council reports and prior resolutions. A copy of the resolutions are detailed below:

Council Decision 419/14

That Council:

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

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

Council Decision 11/15

*That the Policy Review and Development Committee recommend that Council adopt the amended Council Policy entitled Leases and Licences as presented at appendix RAC-5.*

Council Decision 58/16

*That Council:*

1. *Note the summary report and workshop feedback;*
2. *Continue to apply the Rent Tier Matrix as is (Status Quo) until 30 June 2016; and*
3. *Request the CEO to provide a revised model for consideration by the Committee prior to 30 June 2016.*

Council Decision 238/16

*That Council:*

1. *Note the report and workshop feedback;*
2. *Adopt the proposed revised:*
  - Leases and Licenses Policy (attached at Appendix RAC-1)*
  - Executive Recommended priced fee and charges structure (attached at Appendix RAC-3)*
  - Leases and Licenses Guidelines (attached at Appendix RAC-2)*
3. *Request the Chief Executive Officer provide a subsequent report to the Committee with a view to formalising Council's position in respect to "peppercorn" leases.*
4. *Request the Chief Executive Officer develop an appropriate communication and stakeholder management plan to support the implementation of this policy*

**Council Policy Compliance**

Council Policy – Leases and Licences

**Legislative Compliance**

Disposal of assets (including land through a lease) is covered under s3.58 of the *Local Government Act 1995*

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* covers dispositions of property excluded from the Act.

### Officer Comments

Over the past two (2) years significant work has been undertaken by officers to move towards a user pays framework for community and sporting groups based on the directions by Council. This process included extensive discussions with sporting and community groups and resulted in the adoption of the amended bandwidth fees by Council in July 2016.

Following consideration by the Policy Committee, an appeals process was also developed to allow groups to appeal to Council if there were additional circumstances that needed to be considered outside of the fee structure bandwidth and for Council to be able to discount the amount payable on a case by case basis.

Following adoption of the Policy by Council in December 2016, letters were sent out to the groups that have been in holding over provisions or with leases about to expire to advise of the new amounts payable.

Given that some of the groups have subsequently seen substantial increases imposed to cover the true costs of leases there have been further concerns expressed by some of these groups and a number of options were considered.

A number of options have been explored and are outlined below:

Option	Key Issues
1. Status Quo	This option involves maintaining the current policy in adopted in December 2016 and having each club complete the assessment process to determine whether exemptions or reductions in lease or licence fees should be considered. While this is the current Policy, this does place some burden on the clubs to complete the relevant paperwork and submit it to Council. Each application is then considered by Council on its merits and a decision is made by Council. This sees user pays principles applied and where clubs contribute to the upkeep and improvements of the facilities the overall amount payable would be reduced. The ability of the groups to share facilities and off-set costs is also factored into this current arrangement. The disadvantage of the current Policy is that clubs are forced to justify why the payments should be reduced and this creates additional burden on the volunteers who run the various groups.
2. Cost Recovery	This option would see the clubs pay full cost recovery for the establishment of a new lease or licence and then simply pay an annual fee set by Council. A cost estimate for the initial establishment is around the \$2500 mark including all staff time, legal costs with development and lodgement of lease or licence and other associated time for registration etc. The annual fee would then be set by Council based on the facility and the type of use (i.e. exclusive use or shared use). This would be a relatively simple process and would be tied to CPI to ensure that clubs were aware of what changes would be imposed through the lease or licence period.
3. Fees and Charges	This option would see a set fee or charge developed for each existing facility based on type of use and then this would be adopted by Council on an annual basis. The amount payable would be set by Council as part of the annual budget process, however once a lease or licence was entered into the annual increases would be linked to CPI increases. This would enable

Option	Key Issues
	the groups to effectively budget for the future and would again be tied to the type of use being requested. Again, this would be a relatively simple process to establish and would simplify the process going forward.
4. Self-Assessment	This option would see the current work undertaken by the officers through the bandwidth fee structure be used as the starting point for writing to the clubs to outline the true costs of the facility. The clubs would then be requested to complete a self-assessment process to determine what they believed to be a reasonable annual fee based on the factors such as memberships, turnover, use of facility, bar/canteen takings etc. This would then be presented to Council to consider and adopt a fee on a case by case basis.

In order to resolve the issues raised by affected groups Council needs to provide a clear direction in relation to the way forward with community and sporting leases. To help progress this, a meeting was held with representatives of a small number of the group which was facilitated by the Mayor to enable the groups to express their views and look at options going forward. The outcome of the meeting was that the process was appropriate, however there was still some need for further consideration based on input and involvement from the clubs.

Based on the options considered and the extensive work undertaken by officers previously, it is considered appropriate to remain with Option One with some amendments going forward.

In discussions with the Mayor this report has been prepared to help facilitate a change to the implementation of the current Policy. The main changes to the process are summarised as follows:

- 1) The revenue raised from the leases would put into a reserve for each of the specific sites to allow for this funding to be drawn upon when capital improvements are required or when grant funding can be leveraged to get a better outcome for the club.
- 2) The review that was to be undertaken by the clubs as part of the reduction process will now be facilitated by Council staff and then presented to Council for consideration.
- 3) Establishment of Reserve Accounts for each of the facilities to be established and reported annually.

It was agreed that whilst this process was underway that the status quo would remain until the process was completed.

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

The financial implication will not be fully quantifiable until the review of the individual assessment has been completed. The establishment of reserves and diversion of lease payments from general revenue will result in a reduction of approximately \$100,000 per annum from general revenue.

### **Community Consultation**

There has been extensive consultation with clubs and user groups in relation to the rent-tier matrix, the draft policy and guidelines for leases and licences, however there has not been any further consultation in relation to this latest proposed amendment.

### **Councillor/Officer Consultation**

Consultation has occurred between the Mayor, Chief Executive Officer and relevant staff to develop the amended draft policy for consideration.

### **Outcome – Council Meeting 21 February 2017**

Cr Cook declared and impartiality interest in the item. He remained in the chamber for the duration of the discussion and vote on the item.

Murray Hawker, on behalf of the Moorabinda Croquet Club, addressed the Council, speaking against the Executive Recommendation.

Tom Busher, on behalf of the Bunbury Football Club, addressed the Council, speaking for the Executive Recommendation.

John Saunders, on behalf of the Bunbury Chamber of Commerce, addressed the Council.

The Mayor noted that Part 1 of the Executive Recommendation should read:

1. *Request the CEO prepare a report on each of the community leases due for review in 2017 or currently in holding over provision and provide to Council by ~~March~~ April 2017.*

The motion was moved Cr Kelly, seconded Cr Hayward.

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

### **Council Decision 56/17**

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

1. *Request the CEO prepare a report on each of the community leases due for review in 2017 or currently in holding over provision and provide to Council by April 2017.*
2. *Agree that the status quo continues to apply pending the review*
3. *Request the CEO advise all affected clubs and groups of the Council decision*
4. *Agree that the report will take into account the current policy and appeals process requirements.*
5. *Note that the report will take into consideration the establishment of appropriate financial arrangements including the arrangement for establishment of a reserve for accounting for the lease contributions.*

CARRIED

9 votes "for" / 2 votes "against"

Cr Steck and Cr Jones asked that their votes "against" be recorded.

All other Councillors, including the Mayor voted "for" the recommendation.

**10.6 Service Review – Bunbury Visitor Centre** (was listed as item 10.3.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Lucy Wiseman, A/Manager Tourism, Events, Wildlife Park
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Confidential Appendix CRUSC-3-1: Visitor Servicing Review Report Confidential Appendix CRUSC-3-2: BREC Visitor Centre Proposal 2017 Confidential Appendix CRUSC-3-3: Dolphin Discovery Centre Visitor Centre Proposal 2017 Confidential Appendix CRUSC-3-4: Industry Stakeholder Consultation Confidential Appendix CRUSC-3-5: Overview

**Summary**

In December 2014 the City of Bunbury conducted a service review of the Bunbury Visitor Centre which explored a number of options for its location in an effort to reduce the cost burden to Council in the face of declining revenue and increasing costs. At the time the decision was made for the Visitor Centre to remain in its current location with a review to be undertaken in a further two years' time.

At its meeting on 13 December 2016, Council requested the CEO undertake final consultation with industry stakeholders in regard to any proposed relocation (Council Decision 448/16). The purpose of this report is to present the results to Council for their final determination.

**Executive Recommendation**

That:

1. Council note the Visitor Servicing Review Report **attached** at Confidential Appendix CRUSC-3-1;
2. Council note the proposals from the Dolphin Discovery Centre and Bunbury Regional Entertainment Centre for the provision of Visitor Servicing **attached** at Confidential Appendices CRUSC-3-2 and CRUSC-3-3;
3. Council note the feedback received through the industry stakeholder consultation **attached** at Confidential Appendix CRUSC-3-4;
4. Based on assessment of the proposals and feedback from industry consultation, that Council do not progress with either option and maintain the Visitor Centre in its current location; and
5. Findings of both reviews and recommendations be provided to the Regional Tourism Marketing and Development Manager for information and consideration as part of the role out of the Regional approach to tourism.

### **Strategic Relevance**

Key Priority Area 4	Regional Economy
Objective 4.1	Maintain support for local business
Objective 4.3	Promote Bunbury as a place that supports commercial, residential and social development.
Key Priority Area 5	Corporate
Objective 5.6	Improve local, regional, state and national perceptions of Bunbury.

### **Background**

The City of Bunbury operates the accredited Bunbury Visitor Centre (VC) which is located in the Old Railway Station on Carmody Place and operates 7 days a week.

The trend to book accommodation and tours on line has caused a decline in commission income and bookings through the VC. However, overall commission income has been higher than forecast since the introduction of South West Coach Lines and TransWa ticketing sales. Patron numbers also remain high with total foot traffic of 60,175 people in 2015/16 up from 55,899 in 2014/15.

A 2014 report on the future of visitor centres in WA conducted by Haeberlin Consulting and commissioned by Tourism WA found that despite the rapid growth of digital media outlets, visitor centres play an important role in providing information about local areas and tourism. The study found that although only 10% of domestic travellers use a visitor centre, those who do visit stay more than twice as long as those who don't.

It is vital to review the service to ensure it continues to meet the changing needs of visitors and does not pose an increasing financial burden on Council. In addition to the cost to Council, the area in which the VC is located is prone to antisocial behaviour resulting in a risk to employees and the need for higher staffing levels.

In 2014, the Bunbury City Council undertook a review of the Bunbury Visitor Centre. A number of options were considered including maintaining the status quo; co-location with another City of Bunbury owned facility; a new building adjacent to the proposed water playground; co-location with the Dolphin Discovery centre and operated by the City of Bunbury; and co-location and operated by the Dolphin Discovery centre.

On 9 December 2014, Council decided (Council Decision 451/14):

*That Council:*

1. *Maintain the Bunbury Visitor Centre at its existing location.*
2. *Review this decision in two (2) years.*

At the Council meeting on 13 December 2016 Council requested the CEO undertake final consultation with industry stakeholders (448/16):



*That Council:*

1. *Note the Visitor Servicing Review report attached at Confidential Appendix CRUSC-5;*
2. *Request the CEO undertake final consultation with industry stakeholders in regard to any proposed relocation, and that the results be brought back to Council within three (3) months for final determination.*

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

Not applicable

**Officer Comments**

A number of options were considered being:

- \* Status Quo
- \* Co-location with Bunbury Regional Art Galleries (BRAG)
- \* Co-location with Bunbury Museum and Heritage Centre
- \* Co-location with City of Bunbury Customer Service
- \* Co-location with City of Bunbury Library
- \* Co-location with Bunbury Wildlife Park
- \* Leasing Commercial Space at Bunbury Forum
- \* Located at Lot 500 Stephen Street, Bunbury (Old Post Office)
- \* Co-location with Department of Parks and Wildlife
- \* Fee-for-service agreement with Dolphin Discovery Centre (DDC)
- \* Fee-for-service agreement with Bunbury Regional Entertainment Centre (BREC)
- \* Digital only

A detailed analysis of the options is available in the Visitor Servicing Report at confidential attachment CRUSC-3-5. Based on this analysis and the stakeholder consultation, the most preferred options are to maintain the status quo; fee-for-service at the Dolphin Discovery Centre; or fee for service with Bunbury Regional Entertainment Centre.

Maintaining the status quo was the most preferred option among industry stakeholders with a vast majority in favour of this. Arguments for maintaining the status quo among workshop participants was that it maintains operation by the City; is easily accessible and visible; and accommodation, restaurants, and some tourist attractions are within walking distance. Feedback also indicated that the VC staff are highly valued by stakeholders.

The option to move to BREC on a fee-for-service basis should be discounted due to the significant impact this would have on existing staff. With this option staff would not be guaranteed employment, so their only option would be redundancy without another position to go to, or being absorbed into other areas of the City which would be a burden on the overall salaries budget. The potential long-term saving would not justify the impact this would have on staff. In addition, the cost to redevelop and fit out the space required at BREC is unknown and is likely to be significant given the relocation of services required.

The most compelling argument for the DDC is its location within the new tourism precinct which is expected to be a high-traffic and highly visible area. The location would be an opportunity to capture their foot traffic and promote other tourist attractions in the region thereby increasing visitor stay and economic benefit. The main issue with the DDC is that being an operator themselves they are not impartial and there is a perceived conflict of interest among stakeholders who feel they may be disadvantaged in favour of DDC-based operations; and a concern about the impact on traffic into the CBD. There would also be a significant impact on current staff who would cease employment with the City should suitable internal deployments not be found. DDC have guaranteed they will be offered employment but this would be under their enterprise agreement which is at a lower hourly rate and without penalties.

Consultation revealed a preference for a future regional visitors centre on the Forrest Highway. In light of the Bunbury Wellington and Boyup Brook Regional Tourism Strategy that is soon to commence implementation, the findings of this report and consultation should be forwarded to the Regional Tourism and Development Manager for their consideration.

Based on the industry consultation and short to medium term financial impact on outsourcing the operations of the VC to DDC or BREC, it is recommended that the Visitor Centre maintain its current location and operation by the City of Bunbury.

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

There is long-term cost saving potential for both fee-for-service options, with the DDC offering the most competitive proposal. In the long-term Council could see an annual saving of about \$120,000 with the fee-for-service model at the DDC, and an annual saving of about \$100,000 with the fee-for-service model at the BREC. This takes into consideration the expected rental income of the existing VC building of \$34,000 per annum.

In the short and medium term, however, the cost to Council will be higher than currently forecast when taking into consideration initial set-up costs as well as the costs associated with paying staff redundancies. Should Council prefer to absorb the existing VC staff into other operational areas there will be a significant impact on the overall salaries budget bottom line, with annual VC salary and on cost expenditure being \$337,442.

The report **attached** at Confidential Appendix CRUSC-3-1 includes a detailed financial analysis and cost break-down for each of the options considered as well as the costs associated with staff redundancies should this occur.

### **Community Consultation**

#### 2014 Review Consultation

External stakeholder consultation was undertaken as part of the initial service review between October and November 2014. The consultation revealed the community's overwhelming preference for the Visitors Centre to remain at the Old Railway Station with either increased or the same financial commitment by Council. 74% of these responses were from visitors to the Centre, and presumably the people that use their services the most. This option also ranked the highest with industry members.

Industry members were divided in their support of co-location at the Dolphin Discovery Centre, with a combined 24% preferring it to be located there either operated by DDC or the City. Over half

said they would not support the Visitors Centre if it were managed by the DDC under a service level agreement with the City of Bunbury, indicating this could be detrimental to its future support by the industry members that it represents. Interestingly only 7% of community members preferred this as a location.

### 2017 Review Consultation

Consultation was again undertaken with industry stakeholders in February 2017. VC members and business stakeholders were invited to have their say on the future location of the VC through a short online survey, by attending a workshop, or in writing. A total of 16 stakeholders attended the workshop; 56 surveys were completed; two written submission were received plus an unofficial petition with 144 signatures in favour of maintaining the status quo.

33.9% of survey respondents favoured maintaining the status quo, receiving nearly twice as many votes as the second favoured option being located within and operated by DDC which attracted 17.8% of votes. BREC was the third most popular option with 14.29% preferring it to be located here. This was mirrored in the workshop results with discussion revealing the most support for maintaining the status quo and the ballot results saw 70% of respondents selecting this as their number one preference. Consultation also revealed that relocating the VC would have a significant impact on the Old Station Coffee Lounge that is located in the Old Railway Station and who relies on business from tourists.

The outcome from both the workshop and survey revealed very little industry support for co-location with BRAG, BMHC, Customer Service, Library or the BWP. While most of these options are within the CBD, they were considered to be not central or visible enough and therefore unsuitable. The option of the Bunbury Forum lease was also put forward as an additional option at the workshop, however this was generally considered unsuitable due to it not being a 'tourist' spot, out of the CBD, and not being visible from the road.

The option of a regional visitor centre located on Forrest Hwy prior to the Eelup Roundabout was a point of discussion with stakeholders who believe this to be the best option for enticing people to visit the Bunbury Geographe region. This suggestion and the report findings should therefore be provided to the Regional Tourism Marketing Manager for consideration as part of their implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Strategy.

### **Councillor/Officer Consultation**

Councillors Morris, Cook and Giles attended the workshop held at the Visitor Centre on 6 November 2014 as part of the initial consultation process. Councillor Morris, Councillor McCleary and Bunbury Mayor Gary Brennan attended the industry workshop on 6 February 2017 in addition to staff members CEO Andrew Brien, Director Corporate and Community Services Stephanie Addison-Brown, A/Manager Tourism and Events Lucy Wiseman, and Senior Visitor Centre Officer Dee Tucker.

**Outcome – Council Meeting 21 February 2017**

Cr Morris declared a financial interest in the item and left the chamber at 5:58pm for the duration of the discussion and the vote on the matter.

Mr Brian Rettinger addressed Council on the item.

The recommendation (as printed) was moved Cr Kelly, 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 57/17**

***That:***

- 1. Council note the Visitor Servicing Review Report attached at Confidential Appendix CRUSC-3-1;***
- 2. Council note the proposals from the Dolphin Discovery Centre and Bunbury Regional Entertainment Centre for the provision of Visitor Servicing attached at Confidential Appendices CRUSC-3-2 and CRUSC-3-3;***
- 3. Council note the feedback received through the industry stakeholder consultation attached at Confidential Appendix CRUSC-3-4;***
- 4. Based on assessment of the proposals and feedback from industry consultation, that Council do not progress with either option and maintain the Visitor Centre in its current location; and***
- 5. Findings of both reviews and recommendations be provided to the Regional Tourism Marketing and Development Manager for information and consideration as part of the role out of the Regional approach to tourism.***

CARRIED

10 votes "for" / Nil votes "against"

Cr Morris returned to the chamber at 6:06pm.

**10.7 Delegation – Disposal of Property** (was listed as item 10.4.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects & Property
<b>Executive:</b>	Mal Osborne, Director Planning and Development Services
<b>Attachments:</b>	Nil

**Summary**

The City has a number of less strategic and smaller freehold land holdings identified for disposal. This item seeks to enable the City to negotiate and progress potential disposal of these sites in a more timely and efficient manner in accordance with the *Local Government Act 1995*.

**Executive Recommendation**

That Council, in accordance with sections 5.42 and 5.43(d) of the Local Government Act 1995 delegates to the Chief Executive Officer the power to dispose of property (land) subject to the following conditions:

- (a) The property (land) is to be valued at \$500,000 or less;
- (b) The final consideration is to be greater than, or within 5% of the formal valuation; and
- (c) The disposal provisions of section 3.58 of the Local Government Act 1995 will continue to apply.

\* *Absolute Majority Required*

**Strategic Relevance**

Key Priority Area 3      Natural and Built Environment  
Objective 3.4            Facilitate urban design, diversity of land uses and enabling infrastructure

Key Priority Area 4      Regional Economy  
Objective 3.4            Promote Bunbury as a place that supports commercial, residential and social development.

**Background**

The City has a number of smaller and less strategic land holdings (freehold) that have been identified for disposal.

It is proposed that the Council delegate power to the CEO to negotiate and subsequently dispose of any land holdings identified for disposal valued at \$500,000 or less should an offer be made within 5% or greater than the formal valuation, subject to a number of conditions.

This would enable the City to contract the sale of land and deal with proposed purchasers in a more timely and efficient manner in that an Offer and Acceptance may be signed off immediately on the day of an appropriate offer.

Council would be kept informed of any such disposal through the weekly Executive Update to Council.

At the Ordinary Council meeting held 24 January 2017, two requests were received for late items being for Council to consider the disposal of two lots in Latrielle Road. Had the CEO been authorised as proposed these two matters would have progressed without the requirement to go through the formal Council process expediting the sale and return to Council in order to meet the conditions of the *Local Government Act 1995*.

In December 2016, Council agreed to accept an offer made for lot 83 Latrielle Road, however due to the timeframes to seek Council approval for the disposal in accordance with the *Local Government Act 1995*, the proposed purchasers reassessed and withdrew their offer the morning after the Council decision. This was before any formal Offer and Acceptance was signed. Had the CEO been authorised as proposed the City may have immediately entered into a formal Offer and Acceptance Agreement which would have seen the sale progress.

#### **Officer Comments**

In accordance with s3.58 of the *Local Government Act 1995*, following the advertising of the proposed disposal should there be any objections the matter will be bought back to Council for consideration. Should there be no objections then the disposal may proceed without returning to Council.

#### **Council Policy Compliance**

Council Policy: Land Rationalisation and Acquisitions

#### **Legislative Compliance**

Section 3.58 of the *Local Government Act 1995* relates to disposal of property.

Section 5.43(d) of the *Local Government Act 1995* enables to Council to delegate power to the CEO for the acquisition or disposal of property, where the value of the property does not exceed an amount determined by the Council for that purpose.

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

There is no financial impact other than the potential to expedite any disposal and settlement.

#### **Community Consultation**

Disposal of any land is advertised in accordance to Section 3.58 of the *Local Government Act 1995*.

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

This item is presented to Council for consideration.

#### **Outcome – Council Meeting 21 February 2017**

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

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

**Council Decision 58/17**

***That Council, in accordance with sections 5.42 and 5.43(d) of the Local Government Act 1995 delegates to the Chief Executive Officer the power to dispose of property (land) subject to the following conditions:***

- (a) The property (land) is to be valued at \$500,000 or less;***
- (b) The final consideration is to be greater than, or within 5% of the formal valuation; and***
- (c) The disposal provisions of section 3.58 of the Local Government Act 1995 will continue to apply.***

CARRIED

9 votes "for" / 2 votes "against"

ABSOLUTE MAJORITY ATTAINED

**10.8 Airport Road Names** (was listed as item 10.5.1 of the Council Agenda)

<b>File Ref:</b>	R00561-12
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Nigel Archibald, Team Leader Airport and Design
<b>Executive:</b>	Gavin Harris, Director Works and Services
<b>Attachments:</b>	Appendix DWS-1: Map of Airport Roads and Names Appendix DWS-2: Origins of Names for Airport Roads

**Summary**

This purpose of this report is for Council to formally name the internal roads at the Bunbury Airport

**Recommendation A**

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, that debate be resumed in relation to this item.

**Executive Recommendation B**

That Council

1. Endorse the investigation of the following names for the naming the internal roads at the Bunbury Airport:
  - \* Craddock
  - \* Eastman
  - \* Fisher
  - \* Inwood
  - \* Keough
  - \* Nowland
  
2. Endorse the following names for the naming the internal roads at the Bunbury Airport should the names at point 1 not be approved by Landgate
  - \* Hinkler Drive
  - \* Hawker Drive
  - \* Hargrave Place
  - \* Bonney Place
  - \* Wackett Drive (alternate)
  - \* McGinness Drive (alternate)

**Strategic Relevance**

Key Priority Area 2      Transport and Infrastructure  
Objective 2.3            Maintain a high level of community infrastructure



## **Background**

DFES has requested that the internal roads at the airport be formally named.

The naming of roads, whether on public or private land is the responsibility of Landgate under delegation from the Minister for Lands. These includes reviewing submissions, as well as identify, capture and maintain new place names, features, administrative boundaries, localities and roads within Western Australia and formally approve these actions on the Minister's behalf.

All approved road names are provided to Emergency Services and mapping companies. The delivery of emergency and other services to residents and businesses are often impeded when private road names are not officially recorded. It is proposed to name the roads at the airport after important aviators in Australia's history. Refer to the **attached** Map of the Bunbury Airport roads and names and Origins of names for Bunbury Airport roads (Appendix DWS-1 and DWS-2 respectively).

## **Council Policy Compliance**

Council Policy: Naming of Roads, Reserves, Bridges and Other Places

## **Legislative Compliance**

Land Administration Act 1997 Part 2 Division 3 Section 26A deals with the naming of roads.

## **Officer Comments**

The entrance to the Bunbury Airport is currently named Tom Talbot Drive as per Council Decision 73/13.

*The Airport Advisory Committee recommends that the City of Bunbury recognise and signpost the main entrance road into Bunbury Airport as 'Tom Talbot Drive'.*

The name is not approved by Landgate and would not be approved as it does not comply with the Policies and Standards for Geographical Naming in Western Australia (no double barrel names and there is not to be more than 15 uses of the name within Western Australia). It is proposed to discuss naming the Bunbury Aero Club viewing platform in honour of Mr Talbot.

DFES is currently using McKenzie Drive for the road name to their facility, however a check with Landgate has shown that this would not be approved as there are 15 or more road names McKenzie or derivatives in Western Australia.

The listed names have passed the preliminary checks for suitability with Landgate, however it is recommended that alternate names be submitted in addition to the preferred names.

Cr Steck has supplied a list of aviators from Bunbury that served in World War 2 and requested that these names be submitted to the Geographic Names Committee for consideration for the internal roads at the Bunbury Airport. The names are:

- \* Craddock
- \* Eastman
- \* Fisher

- \* Inwood
- \* Keough
- \* Nowland

These names have not been submitted for preliminary checks with Landgate. The names will be subject to Policies and Standards for Geographical Naming in Western Australia, which includes deceased for more than 2 years, not an existing road name within the City of Bunbury, not more than 15 uses of the name within Western Australia, and written permission for a representative of the family.

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

New street signs are able to be funded utilising existing budgets.

#### **Community Consultation**

Nil

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

Nil

#### **Outcome – Council Meeting 21 February 2017**

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

An amendment was moved Cr Jones, seconded Cr Kelly:

That Council

1. Endorse the investigation of the following names for the naming the internal roads at the Bunbury Airport:
  - \* Craddock
  - \* Eastman
  - \* Fisher
  - \* Inwood
  - \* Keough
  - \* Nowland
  - \* **Dunn**
  - \* **Taylor**
  - \* **Redman**
  
2. Endorse the following names for the naming the internal roads at the Bunbury Airport should the names at point 1 not be approved by Landgate
  - \* Hinkler Drive
  - \* Hawker Drive
  - \* Hargrave Place
  - \* Bonney Place
  - \* Wackett Drive (alternate)
  - \* McGinness Drive (alternate)

**3. Note that the names Craddock, Eastman and Nowland are already in use in Bunbury.**

Cr Jones gave background on why the names Dunn, Taylor and Redman were appropriate at the Bunbury Airport.

The Mayor put the amendment to the vote and it was CARRIED 11 votes “FOR”, Nil votes “AGAINST”.

The amendment was then incorporated to become the substantive motion.

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

**Council Decision 59/17**

***That Council***

**1. *Endorse the investigation of the following names for the naming the internal roads at the Bunbury Airport:***

- \* ***Craddock***
- \* ***Eastman***
- \* ***Fisher***
- \* ***Inwood***
- \* ***Keough***
- \* ***Nowland***
- \* ***Dunn***
- \* ***Taylor***
- \* ***Redman***

**2. *Endorse the following names for the naming the internal roads at the Bunbury Airport should the names at point 1 not be approved by Landgate***

- \* ***Hinkler Drive***
- \* ***Hawker Drive***
- \* ***Hargrave Place***
- \* ***Bonney Place***
- \* ***Wackett Drive (alternate)***
- \* ***McGinness Drive (alternate)***

**3. *Note that the names Craddock, Eastman and Nowland are already in use in Bunbury.***

CARRIED

11 votes “for” / Nil votes “against”

**11. Applications for Leave of Absence**

Dealt with at 4.3 of the Agenda.

**12. Motions on Notice**

Nil

**13. Questions on Notice**

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

Nil

**13.2 *Questions from Members***

Nil

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

Nil

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

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

This report is confidential in accordance with section 5.23(2)(a) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

(a) *a matter affecting an employee or employees;*

#### **Recommendation**

In accordance with section 5.23(2)(a) of the *Local Government Act 1995* and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the item titled "*15.1.1 Draft CEO Employment Contract*".

#### **Outcome – Council Meeting 21 February 2017**

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

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

#### **Council Decision 60/17**

***In accordance with section 5.23(2)(a) of the Local Government Act 1995 and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the item titled "15.1.1 Draft CEO Employment Contract".***

CARRIED

11 votes "for" / Nil votes "against"

The meeting was closed to council officers, public and press at 6:13. All staff left the chambers with the exception of the Council Support Officer.

### 15.1.1 Draft CEO Employment Contract

<b>Applicant/Proponent:</b>	Council
<b>Responsible Officer:</b>	Gary Brennan, Mayor
<b>Executive:</b>	Gary Brennan, Mayor
<b>Attachments:</b>	Confidential Appendix CRUSC -2-1: Meeting minutes 24.01.2017 Confidential Appendix CRUSC-2-2: Meeting minutes 7.02.2017 Confidential Appendix CRUSC-2-3: Draft CEO Employment Contract Confidential Appendix CRUSC-2-4: KPI's

#### Summary

The CEO Performance Review Panel has met to review the Draft CEO Employment Contract for the City's Chief Executive Officer in accordance with Council Resolution 69/16.

#### CEO Performance Review Panel Recommendation

The CEO performance Panel recommends that Council resolves to endorse the draft contract and Key Performance Indicators as attached for the new contract commencing 1 March 2017, noting that the annual review of performance and remuneration will be maintained in accordance with the current timeframes.

#### Strategic Relevance

Key Priority Area 5: Corporate  
Objective 5.5: Ensure organisational capability

#### Background

At the Council Meeting dated 8 March 2016 it was decided by Council that the Chief Executive Officer be offered a contract renewal of three (3) years with an option to extend a further 12 months exercisable at his request. The new contract to commence on 1 March 2017 at the conclusion of his existing contract.

The CEO Performance Review Panel has met to review the Draft CEO Employment Contract for the City's Chief Executive Officer.

Two meetings took place, the first being on 24 January 2017 and the second on 7 February 2017 (Appendices CRUSC-1-1 and CRUSC-1-2 respectively).

#### Council Policy Compliance

No Council Policy applies in this instance

#### Legislative Compliance

Section 5.38 of the Local Government Act 1995 requires the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

### **CEO Performance Review Panel Comments**

The minutes and recommendation contained within the appendices is self-explanatory.

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

The financial implications of this report are contained within the appendices and there is no impact on the 2016-2017 budget.

### **Councillor/Officer Consultation**

This report is presented to Council by the CEO Performance Review Panel.

### **Outcome – Council Meeting 21 February 2017**

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

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

#### **Council Decision 61/17**

***The CEO performance Panel recommends that Council resolves to endorse the draft contract and Key Performance Indicators as attached for the new contract commencing 1 March 2017, noting that the annual review of performance and remuneration will be maintained in accordance with the current timeframes.***

CARRIED

11 votes "for" / Nil votes "against"

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

Cr Cook moved Cr McGuinness seconded that the meeting be reopened to the public and press.

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

### **Council Decision 62/17**

***Council resolves that the meeting be reopened to Council Officers, Members of the public and the press.***

CARRIED

11 votes "for" / Nil votes "against"

The meeting was reopened to the council officers, public and press at 6:15pm.

The Mayor read aloud Council Decision 61/17 for Item 15.1.1 "*Draft CEO Employment Contract*".

*The CEO performance Panel recommends that Council resolves to endorse the draft contract and Key Performance Indicators as attached for the new contract commencing 1 March 2017, noting that the annual review of performance and remuneration will be maintained in accordance with the current timeframes.*

## **16. Closure**

The meeting was declared closed at 6:16pm.