



## City of Bunbury Council

### Minutes

22 August 2017



**CITY OF BUNBURY**

4 Stephen Street  
Bunbury WA 6230  
Western Australia

*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

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## Vision

Bunbury will continue to be recognised as the capital City of the South West region, with a strong and diverse economy offering a safe, friendly and vibrant lifestyle within an attractive natural and built environment.

## Core Values

The City of Bunbury aspires to act in accordance with the following values in all of its decisions and actions:

**Leadership:** empowering people to take responsibility for what they do and to strive to set an example for others to follow.

**Teamwork:** communicating and working co-operatively for the mutual benefit of all.

**Integrity:** establishing trust through openness and honesty.

**Accountability:** for our actions and performance.

**Respect:** for others by listening, understanding and responding appropriately.

**Innovation:** continually improving our services and processes through creative and progressive thinking and action.

## 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.

## City of Bunbury Council Minutes

Minutes of the Ordinary Meeting of the City of Bunbury Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 22 August 2017 at 5.30pm.

### Minutes

22 August 2017

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

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

#### **2. Disclaimer**

The City of Bunbury accepts no responsibility for any act, omission, statement or intimation that occurs during Council Briefings or Council Meetings. The City refuses liability for any loss caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Briefings or Council Meetings. Any person or legal entity acting or failing to act in reliance upon any statement, act or omission made during a Council Briefing or Council Meeting does so at their own risk.

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

Any statement or intimation of approval regarding any planning or development application made during a Council Briefing or Council Meeting is not to be taken as notice of approval from the City. The City advises that anyone who has an application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attached to the decision made by Council regarding the application.

#### **Copyright**

Any plans or documents contained within these Minutes and any associated Appendices are Copyright of the City of Bunbury. The content is protected by Australian and International copyright trademark. Content must not be modified or reproduced without written authorisation of the City of Bunbury.

### Recording and Webstreaming of Meetings

- All Ordinary and Special Council Meetings are electronically recorded except when Council resolves to go behind closed doors
- All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office
- The live stream can be accessed at <http://www.bunbury.wa.gov.au/Pages/Live-Stream.aspx>
- Recordings can be accessed at <http://www.bunbury.wa.gov.au/Pages/Council-Meeting-Videos-2017.aspx>
- Images of the public gallery are not included in the streaming, however the voices of people in attendance may be captured and streamed.
- If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance Officer on 9792 7273.

### 3. Announcements from the Presiding Member

The Mayor advised he spoke briefly with the Minister for Tourism at an event in Perth and the Minister plans to visit Bunbury in the near future. The visit would be organised by the Member for Bunbury.

The Mayor advised his personal expenses for the month were fuel - \$66.46 and tea bags \$11.00.

### 4. Attendance

*Present:*

<b>Council Members:</b>	
Presiding Member:	Mayor G Brennan
Deputy Presiding Member:	Deputy Mayor Councillor B Kelly
	Councillor S Morris
	Councillor M Cook
	Councillor K Steck
	Councillor W Giles
	Councillor J Miguel
	Councillor B McCleary
	Councillor J Hayward
	Councillor J McGuinness
	Councillor M Warnock
<b>Executive Leadership Team (Non-Voting)</b>	
Acting Chief Executive Officer	Mr M Osborne
Director Corporate and Community Services	Ms S Addison-Brown
Acting Director Planning and Development Services	Mrs F Anderson
<b>City of Bunbury Officers (Non-Voting)</b>	
Manager Finance	Mr D Ransom
Manager Corporate Governance	Mr G Golinski
Manager Information Communications and Technology	Mr M Roberts

Council Meeting Support Officer	Ms J Earl
<b>Others (Non-Voting)</b>	
Members of the Public	4
Members of the Press	2

#### **4.1 Apologies**

Nil.

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

Cr Jones is on approved leave of absence from all Council-related business from 28 July 2017 to 21 October 2017 inclusive.

#### 4.2.1 Request for Leave of Absence – Councillor Steele

<b>Applicant/Proponent:</b>	Cr Karen Steele
<b>Author:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Nil

##### Summary/Background

Councillor Steele requests leave of absence from all Council-related business on 22 August 2017.

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, Councillor Steele is granted leave of absence from all Council-related business on 22 August 2017.

##### Outcome – Council Meeting 22 August 2017

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

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

##### Council Decision 311/17

***Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Steele is granted leave of absence from all Council-related business on 22 August 2017.***

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.”*

Nil.

## 6. Public Question Time

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

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

### 6.1 Public Question Time

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 City of Bunbury Council held 8 August 2017 have been circulated.

##### **Recommendation**

The minutes of the Ordinary meeting of the City of Bunbury Council held 8 August 2017 be confirmed as a true and accurate record.

#### **7.1.2 Minutes – Special Council Meeting**

The minutes of the Special meeting of the City of Bunbury Council held 25 July 2017 have been circulated.

##### **Recommendation**

The minutes of the Special meeting of the City of Bunbury Council held 25 July 2017 be confirmed as a true and accurate record.

##### **Outcome – Council Meeting 22 August 2017**

The recommendation was moved Cr Cook, seconded Cr Giles.

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

##### **Council Decision 312/17**

***The minutes of the Ordinary meeting of the City of Bunbury Council held 8 August 2017 and the minutes of the Special meeting of the City of Bunbury Council held 25 July 2017 be confirmed as a true and accurate record.***

CARRIED

11 votes "for" / Nil votes "against"

#### **7.1.3 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***

Nil.

### **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 “ <i>adopted by exception</i> ” (i.e. without discussion) those recommendations listed for items 10.2.1 and 10.4.1.
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The items “*adopted by exception*” were moved Cr McGuinness, seconded Cr Cook.

## 10. Reports

### 10.1 Request for Contribution – Busselton Margaret River Regional Airport (BMRRA) Marketing Fund (was listed as item 10.2.1 on the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Executive:</b>	Mal Osborne, Acting Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: City of Busselton Request for Support

#### Summary

The City has received a request from the City of Busselton requesting the City of Bunbury support a financial contribution of \$50,000 over five years (\$10,000 per year) for a future Airport Marketing fund at the Busselton Margaret River Regional Airport (BMRRA). A copy of the correspondence is **attached** at Appendix CEO-1.

The Airport Marketing Fund will assist in the attraction and retention of Airlines to service the East Coast to South West route, the outcomes of which will provide direct benefits to all regional South West Local Governments.

Given the work undertaken to date in relation to the development of a regional Tourism Strategy and approach to regional marketing, it is considered appropriate for Council to consider and endorse a financial commitment to a future Airport Marketing fund.

#### Executive Recommendation

That Council:

1. Provides in-principle support for the City of Busselton request of \$10,000 per annum for five (5) years to commence in the 2018/19 budget for the Busselton Margaret River Regional Airport Marketing Fund, with the final determination of the matter to be included as part of the 2018/19 budget deliberations.
2. Authorise the Acting Chief Executive Officer to notify the City of Busselton of the in-principle support for their request, noting this is subject to Council Budget deliberations.

#### Background

The redeveloped BMRRA will see the airport capable of facilitating direct interstate and International flights into the South West.

It is anticipated that the BMRRA will create additional visitation to the region, bolstering the tourism industry, increasing occupancy and event attendance and providing an incentive to invest in the development of major tourism infrastructure. The ability of the City of Busselton to secure a national carrier with the assistance of an Airport Marketing Fund will only help to increase the profile of significantly important tourism projects such as the Revitalisation of the Bunbury Waterfront.

To assist in securing direct interstate and international flights into the South West region, the City of Busselton has committed \$3.5 million over five (5) years towards the Airline Marketing fund,

with the Margaret River Busselton Tourism Association (MRBTA) committing \$100,000 over two (2) years.

In addition, the City of Busselton in partnership with Tourism Western Australia, has engaged an Airline Engagement Consultant to assist in securing and retaining airlines to service the East Coast to South West route. These ongoing financial and in-kind commitments by stakeholders represent a significant commitment to the South West region and more importantly, to driving significant economic growth opportunities and expansive social benefits.

### **Council Policy Compliance**

There is no Council Policy relevant to this report.

### **Legislative Compliance**

There is no Legislative Compliance relevant to this report.

### **Officer Comments**

The City of Busselton has also approached the surrounding local governments including Collie, Capel, Dardanup, Donnybrook-Balingup and Harvey for a financial contribution over the five (5) year period. The current tourism marketing undertaken by the City of Bunbury already incorporates the attractions and diversity of the surrounding shires.

Commitment to the new Airport Marketing fund will increase this arrangement and ensure commitment to tourism by the rest of the region which is currently ad hoc in its spend and priorities.

It is considered that the new Airport Marketing Fund will provide a coordinated approach to the development of tourism and marketing of the region and the pooling of resources will increase reach and effectiveness of tourism marketing campaigns.

The funding will also provide for an increased involvement by industry in marketing and tourism development initiatives with the ability to secure funding for agreed tourism development priorities.

It is foreseen that the BMMRA will also have wider regional benefits during its development including a construction workforce of 126 positions, 94 new direct and indirect ongoing jobs over a 30 year period; \$95.5M in Gross Value Add to the South West Region over a 30 year period; \$55M in additional income and \$220M in additional economic output.

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

The City's contribution of \$50,000 over five (5) years to the Airport Marketing fund would need to be funded through the creation of a new project in the Long Term Financial Plan and be included for the 5 years of the programme.

There is no available funding through the existing operating budget for destination marketing.

The City currently has the largest spend on tourism out of the participating local governments and a financial commitment will have positive impact on the reach and effectiveness of any marketing undertaken.

### **Community Consultation**

There is no requirement for community consultation to be undertaken, but given the potential benefits to the Bunbury Geographe Community, it is felt that there would be little opposition to such a contribution. This assumption has been made due to the significant opportunity for air freight cargo as the region is renowned as a producer of high calibre horticultural and agricultural produce and is a substantial contributor to Western Australia's export figures. The BMMRA may see the exporting of the current airfreight from Perth Airport. It is estimated at present that over half of all airfreight out of Perth Airport comes from the South West region and the South West region.

In addition, the prospect of residing in the South West region and maintaining a desirable work life balance presents opportunities for the entire South West region to diversify its current workforce and attract new residents. This may be achieved from increased FIFO services out of the BMMRA as recent news indicates the amount of FIFO workers in Western Australia is expected to expand through newly commissioned projects and expansion of existing activities.

It may be argued that a significant portion of this additional workforce demand may be met by skilled labour from towns in regional WA, presenting opportunities for the entire South West region to diversify its current workforce and attract new residents to Bunbury due to the close proximity to the City of Busselton.

### **Councillor/Officer Consultation**

The Acting Chief Executive Officer has raised the City of Busselton's request with the Mayor. This agenda item serves to bring the matter to Elected Members attention for determination.

### **Outcome – Council Meeting 22 August 2017**

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

#### **Council Decision 313/17**

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

- 1. Provides in-principle support for the City of Busselton request of \$10,000 per annum for five (5) years to commence in the 2018/19 budget for the Busselton Margaret River Regional Airport Marketing Fund, with the final determination of the matter to be included as part of the 2018/19 budget deliberations.***
- 2. Authorise the Acting Chief Executive Officer to notify the City of Busselton of the in-principle support for their request, noting this is subject to Council Budget deliberations.***

CARRIED

11 votes "for" / Nil votes "against"

## **10.2 Petition – Rocky Point Beach Access (was listed as item 10.4.1 on the Council Agenda)**

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Sarah Upton, Manager Environmental Health
<b>Responsible Manager:</b>	Sarah Upton, Manager Environmental Health
<b>Executive:</b>	Felicity Anderson, Acting Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1: Dog Exercise Map

### **Summary**

A petition was presented to Council on 27 June 2017 requesting dog access at Rocky Point, near Clifton Street. In accordance with the Third Schedule of the City of Bunbury Local Laws relating to dogs, this area is already designated as a dog exercise area and the existing signs have now been relocated to reflect this petition request.

### **Executive Recommendation**

That Council receive and note this report.

### **Strategic Relevance**

Key Priority Area 2: Transport and Infrastructure  
Objective 2.2: Maintain a high standard of recreational open space and facilities.

### **Background**

During a review of the dog exercise areas in June 2015 and Council decision 201/15, an indicative map was developed to assist the community to understand the dog exercise areas and prohibited areas within the city. Following receipt of the petition on 27 June 2017, officers have reviewed the map and found a slight anomaly in the map that had resulted in the Rocky Point beach access area to be incorrectly included in the dog prohibited area. In response to the error, the sign has been relocated 100m to the south and the map showing the dog exercise areas at Rocky Point has been amended. A copy of the amended map is **attached** at Appendix DPDS-1.

The sign now designates the area north of the access point at Clifton Street to be 'Off-leash' and designates the area to the south of the access point as 'Prohibited 1 October – 30 April'. This will still allow dog access from the staircase to the beach and off-leash area throughout the year.

### **Council Policy Compliance**

Nil.

### **Legislative Compliance**

Nil.

**Officer Comments**

Officers have already relocated the sign opposite Clifton Street to allow dog access at the staircase at Rocky Point.

**Analysis of Financial and Budget Implications**

Nil from this report.

**Community Consultation**

The amended map will be uploaded to the City of Bunbury's website.

**Councillor/Officer Consultation**

Officers have discussed these amendments with City Rangers, Recreation staff, Governance and Media/Marketing staff.

**Outcome – Council Meeting 22 August 2017**

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

**Council Decision 314/17**

***That Council receive and note this report.***

CARRIED

11 votes "for" / Nil votes "against"



**11. Applications for Leave of Absence**

Nil.

**12. Motions on Notice**

Nil.

**13. Questions on Notice**

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

Nil

**13.2 *Questions from Members***

Nil.

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

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)(b) and (e) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (e) *a matter that if disclosed, would reveal —*
- (i) *a trade secret; or*
  - (ii) *information that has a commercial value to a person; or*
  - (iii) *information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government;*

#### **Recommendation**

In accordance with section 5.23(2)(e) 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 Tender – Traffic Management Services Panel"*

#### **Outcome – Council Meeting 22 August 2017**

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

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

#### **Council Decision 315/17**

***In accordance with section 5.23(2)(e) 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 Tender – Traffic Management Services Panel"***

CARRIED

11 votes "for" / Nil votes "against"

The meeting was closed to all members of the public and press at 5.33pm.

### 15.1.1 Tender – Traffic Management Services Panel

<b>File Ref:</b>	RFT1617-00018
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	David Russell, Senior Contracts and Procurement Officer
<b>Responsible Manager:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Gavin Harris, Director Works and Services
<b>Attachments:</b>	Confidential Report CRUSC-1

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

- (e) *a matter that if disclosed, would reveal –*
- (i) *a trade secret; or*
  - (ii) *information that has a commercial value to a person; or*
  - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government*

A confidential report and recommendation has been circulated to members under separate cover (Confidential Report CRUSC-1). The report is not for circulation.

#### **Outcome – Council Meeting 22 August 2017**

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

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

#### **Council Decision 316/17**

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

**1. *Accept the offers made by:***

- a) *CB Traffic Solutions; and***
- b) *Traffic Management South West (Traffic Force)***

***for the provision of Traffic Management Services .***

**2. *Authorise the Chief Executive Officer to enter into a contract with CB Traffic Solutions and Traffic Management South West (Traffic Force) for the provision of Traffic Management Services.***

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 317/17**

***Council resolves that the meeting be reopened to members of the public and press.***

CARRIED

11 votes "for" / Nil votes "against"

The meeting was reopened to the public and press at 5.34pm.

The Mayor read aloud Council Decision 316/17 for Item 15.1.1 "*Tender – Traffic Management Services Panel*".

*That Council:*

1. *Accept the offers made by:*
  - a) *CB Traffic Solutions; and*
  - b) *Traffic Management South West (Traffic Force)*

*for the provision of Traffic Management Services .*

2. *Authorise the Chief Executive Officer to enter into a contract with CB Traffic Solutions and Traffic Management South West (Traffic Force) for the provision of Traffic Management Services.*

## **16. Closure**

The meeting was declared closed at 5.34pm.