

Special Meeting of Electors

Meeting Minutes 20 October 2010

Pursuant to Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors has been called to discuss planning matters.

Meeting advertised for public information, as follows:

- Bunbury Herald 'General News'
Tuesday, 5 October 2010
- Bunbury Mail 'General News' and 'City Focus Column'
Wednesday, 6 October 2010
- Notices posted on notice boards in the City's Customer Service Centre, libraries and internet website.



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Table of Contents

Item No	Subject	Page
1.	Welcome by the Mayor or Deputy Mayor	1
2.	Record of Attendance, Apologies and Leave of Absence	1
3.	Conduct of the Meeting.....	2
4.	Purpose of the Meeting.....	2
5.	Motions or Questions of Which Prior Notice Has Been Received.....	3
6.	Motions from the Floor	7

City of Bunbury Special Meeting of Electors

Minutes of a Special Meeting of Electors called pursuant to Section 5.28 of the *Local Government Act 1995* in the Municipal Chambers Building, 2 Stephens Street, Bunbury on Thursday, 20 October 2010.

MINUTES 20 October 2010

1. Welcome by the Mayor or Deputy Mayor

The Presiding Member, His Worship the Mayor – Mr. David Smith, declared the meeting open at 5.35pm and welcomed those in attendance.

2. Record of Attendance, Apologies and Leave of Absence

PRESENT

Bunbury City Council Representatives:
Mayor – Mr. Mayor David Smith (**Presiding**)
Deputy Mayor – Councillor Brendan Kelly
Councillor Judy Jones
Councillor Stephen Craddock
Councillor Helen Punch
Councillor Michelle Steck
Councillor Derek Spencer
Councillor Wayne Major
Councillor Ross Slater
Councillor Karen Steele
Councillor Juliet Harrop
Councillor Alfred Leigh

Bunbury Electors (49 electors – refer to list at Appendix 1)

City of Bunbury Representatives (non-voting):
Geoff Klem, Acting Chief Executive Officer
Jack Dyson, Senior Administration Officer
Narissa Hribar, Administration Officer
Briana Mell, Administration Officer
Lois Morris, Administration Officer Building

3. Conduct of the Meeting

The Mayor advised that the meeting had been convened in response to a petition containing over 100 signatures of electors that had been received under Section 5.28 of the *Local Government Act 1995*. He also confirmed that the meeting will be run pursuant to Sections 5.30 and 5.31 of the Act and generally in accordance with the Standing Orders for meetings of the Council.

Pursuant to Sections 5.32 and 5.33 of the Local Government Act 1995, any motions passed by electors at the meeting will be referred (in the form of recommendations) to the next meeting of the Bunbury City Council or if this is not practicable, to the subsequent meeting of the Council.

4. Purpose of the Meeting

The meeting has been requested by City of Bunbury electors under Section 5.28 of the Local Government Act 1995, to address the following:

1. Council shall form a specific Council Committee to oversee planning administration for the City of Bunbury.
2. Council shall manage its planning budget within the total fees collected through the published, planning charge rates allowable to process planning applications.
3. Council shall provide a commitment to the development industry of professional conduct and to process planning applications within the following times:

- Change of use	2 weeks
- Planning Applications	3 weeks
- With Advertising	additional 4 weeks to the above
- Building Licence	3 weeks
4. Council shall cease developing policies under TPS No. 7 and commence a new Town Planning Scheme (TPS No. 8) with a strong emphasis on clear objectives for the future and simple administrative assessment of applications.

5. Motions or Questions of Which Prior Notice Has Been Received

1. Council shall form a specific Council Committee to oversee planning administration for the City of Bunbury.

The motion was moved **Mr. Rob Nicholson, seconded Mr. Steve Prosser** and was carried by those present to become a formal recommendation from the electors of Bunbury to the Bunbury City Council.

A summary of the discussion of the motion is as follows;

Mr. Rob Nicholson - The formation of a smaller Committee would allow more control over Staff and the monitoring of the progress of planning issues. The current meetings go too long and Council knows there is a problem as the current Committee is not working. Planning Policies should remain consistent and unchanged.

Mr. Steve Prosser – Stated there used to be four (4) Committees and believed that this system worked better. People do not understand the role of the current Committee. The formation of smaller Committee's would allow Councillors to understand what goes on in those Committee's therefore there would be better outcomes dealing with smaller groups.

Recommendation 1

Council shall form a specific Council Committee to oversee planning administration for the City of Bunbury.

CARRIED

2. Council shall manage its planning budget within the total fees collected through the published, planning charge rates allowable to process planning applications.

The motion was moved **Mr. Rob Nicholson, seconded Mr. Alan Summers** and was carried by those present to become a formal recommendation from the electors of Bunbury to the Bunbury City Council.

A summary of the discussion of the motion is as follows;

Mr. Rob Nicholson – The figures are indicative and vary from year to year. People are puzzled as to why the planning department do not have time sheets and Council can save money by outsourcing to reduce Staff costs. The current Planning Policies should be checked for legal correctness. If the application complies with the Policies it should be approved. Council should discourage Special Use sites and instead make them commercial, residential etc. Keep the cost of planning relevant to the building industry.

Alan Summers – I refer to Council's 5 Year Financial Plan 2010-2015. States that development assessment is to consider all applications in the City of Bunbury. This indicates that the process is fairly simple. 2014 activity estimated that \$1.8 million subsidy comes from general purpose rates so the figures show that the residents are subsidising \$1.8 million to planning approvals. The planning fees should be increased or conducted in a fashion not to rely on general purpose rates. Over the last 5 years 5 submissions have been made to Council in relation to cost, Council has ignored all 5 submissions.

The Mayor – The fees are set by the State Government and Council can only change to what the State Government allows.

Mr. Geoff Klem – The fees are set by regulation and you would need to speak to the State Government to change that. All Staff in the Planning department fill out timesheets on a fortnightly basis. Legal costs for 2007/08 were \$41,000, for 2008/09 were \$65,000. One (1) proponent was the reason for 62% of the legal costs which relate to development approvals. The City of Bunbury employs 4.2 Statutory Planning Officers and 3 Building Officers. The Planning Officers process 35 development approvals a month with an average 17.2 days turn around time. The Staff numbers that process development applications have not changed since 2002.

The City of Bunbury are on the same page as those wanting to review Town Planning Scheme No, 7 and are happy to work with developers to bring the Scheme up to standard.

The Mayor – People need to appreciate the cost of planning is for strategic plans, Policy reviews and Planning Schemes. Council does not collect fees for subdivisions as that is handled by the Western Australian Planning Commission. Council employs the appropriate number of people in both strategic and statutory planning to meet demand.

Mr. Steve Prosser – How many Planners does the City of Bunbury have?

Mr. Geoff Klem – There are 4.2 Planners for development applications, 3 Strategic Planners that work specifically on Policy reviews, Policy development, Scheme Amendments, Planning Strategies and Structure plans. There are also 3 Environmental Officers that do not have a planning function. There are 3 Building surveyors and 1 part time Heritage Officer that only deals with heritage matters.

Mr. Bob Morgan from Beach Road – Stated he has worked in Local Government and sees that it is consistent throughout the Country. He believes benchmarking is an important tool. Planning Officers should make sure they are on the same levels as other Councils. Relationships with developers is important through Developer Forums. City of Fremantle hold four (4) developer forums a year.

Mr. Geoff Klem – Recognises that forums need to be held on a more regular basis. The City of Bunbury already do benchmarking and approval timelines and efficiency compares very favourably with any comparable Local Government.

Recommendation

Council shall manage its planning budget within the total fees collected through the published, planning charge rates allowable to process planning applications.

CARRIED

3. Council shall provide a commitment to the development industry of professional conduct and to process planning applications within the following times:

- Change of use 2 weeks
- Planning Applications 3 weeks
- With Advertising additional 4 weeks to the above
- Building Licence 3 weeks

Mr. Geoff Prosser moved the motion with the following amendments, Mr. Bob Morgan seconded the motion and was carried by those present to become a formal recommendation from the electors of Bunbury to the Bunbury City Council.

Amendment

- 3.1 Council consider the establishment of a Committee under section 5.8, subdivision 2 of the Local Government Act; and
- 3.2 Council under Section 11.3.1 of Town Planning Scheme No. 7 resolves to give to the Committee delegated powers to exercise any of the powers or duties under the Scheme to that Committee.
- 3.3. The Committee to meet with the building and development community on a quarterly basis.

A summary of the discussion of the motion is as follows;

Mr. Geoff Prosser – This meeting is not a criticism of Planning Staff. Would like to narrow down to one (1) Committee that looks at planning matters with delegated authority to approve or reject applications and refer complicated matters to Council. Would like the Committee to meet on an informal basis quarterly and work with Council to get a quicker turnaround time. Would like better interaction with Staff when lodging plans rather than phoning Council and being directed to voicemail. Believes it would be beneficial to have sufficient handover with Staff when a Staff member is going on an RDO or annual leave so there is no backlog of applications.

The Mayor – Section 11.3.1 of the Town Planning Scheme No. 7 allows Council to form a Committee for applications to be delegated.

is a dynamic document. Council is more interested in reviewing current Policies rather than introducing new ones.

The Mayor – The State Government are making changes to their Policies and Local Governments will not have a say. There will be a creation of Development Approvals Panels, all developments over \$7 million will go to the planning panels not to Council. Developments over \$3 million the developer will be able to decide if it goes to the Planning Panels or to Council. The panel will consist of 3 experts plus 2 Local Government Representatives (not necessarily from the Local Government your lodging your application with).

Recommendation

Council shall cease developing policies under TPS No. 7 and commence a new Town Planning Scheme (TPS No. 8) with a strong emphasis on clear objectives for the future and simple administrative assessment of applications.

CARRIED

6. Motions from the Floor

The following motion was moved **Mr. Rob Nicholson**, seconded **Mr. Hugh Ravening** and was carried by those present:

Recommendation

That Mr. Vic Howes be heard on his planning issues.

CARRIED

Mr. Vic Howes – In 2005 submitted an application for a building licence which was not approved. Again in 2007 submitted the same application and received a letter from the Western Australian Planning Commission stating a modification to the Scheme required him to apply for planning approval. After applying for planning approval he was again denied approval.

Mr. Geoff Klem – If Mr. Howes provides the City of Bunbury with more information we will review the situation for him.

7. Close of Meeting

Before closing the meeting, the Mayor advised that the motions passed by electors at the meeting will be referred (in the form of recommendations) to the next available ordinary Council meeting of the Bunbury City Council.

There being no further business, the Mayor declared the meeting closed at 7.20pm.