

Council (Standing) Committee

Notice of Meeting and Agenda 5 February 2013

Committee Terms of Reference *(last updated 18/11/11)*

1. To review reports and recommendations that are to be submitted to a meeting of the Council and (where appropriate) make alternative recommendations to those recommendations listed in the reports.
2. To request additional information necessary to assist the members of Council in making a decisions.
3. To make reference to appropriate legislation, Council's policies, local laws and the Strategic Plan when making Committee Recommendations to Council.

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, **5 February 2013** at 6.00pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 31/01/2013)

Agenda 5 February 2013

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Council Members

His Worship the Mayor, Mr D Smith – Presiding Member
Deputy Mayor Councillor Stephen Craddock
Councillor Murray Cook
Councillor Judy Jones
Councillor Brendan Kelly
Councillor Alfred Leigh
Councillor Neville McNeill
Councillor Sam Morris
Councillor David Prosser
Councillor Ross Slater
Councillor Michelle Steck
Councillor Karen Steele

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

NOTE: WHERE A RECORDING OR LIVE STREAMING OF A MEETING IS TO TAKE PLACE, THE PRESIDING MEMBER WILL ADVISE THOSE PRESENT THAT SUCH ACTION WILL BE OCCURRING.

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. From time to time the proceedings of this meeting may also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

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

6. Public Question Time

Members of the Public please note that:

- (1) Questions are to be brief, to the point and **MUST** relate to an item listed in this agenda;
- (2) A completed Question Form is to be filled out and left in the tray provided in the Council chambers. Forms can be found inside the chambers at the back of the public gallery or on the Council's website;
- (3) Form must include name and address of the person asking the question.
- (4) The person asking the question must be present at the meeting;
- (5) Only three (3) questions are to be asked;
- (6) 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
- (7) Only a 'summary' of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Responses to Public Questions Taken 'On Notice'

6.2 Public Question Time

7. Confirmation of Previous Minutes and Tabling of Notes of Briefings and other Meetings under Clause 19.1

7.1 Minutes

7.1.1 Council (Standing) Committee Meeting

The minutes of the Council (Standing) Committee meeting held 15 January 2013 have been circulated.

Recommendation

The minutes of the Council (Standing) Committee meeting held 15 January 2013 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 , MTBN-2

Recommendation

The following Advisory Committee Meeting Minutes listed in the report, be accepted and noted:

1. Title: Minutes – Bunbury-Setagaya Sister Cities Committee Meeting (29/11/2012)
Author: Jenni Brown, Administration Officer Setagaya
File: A05259
Appendix: [MTBN-1](#)
2. Title: Minutes – Community Environmental Reference Group Meeting (12/12/2012)
Author: Ben Deeley, Team Leader Sustainability and Integrated Land Use Planning
File: A05656
Appendix: [MTBN-2](#)

8. Presentations

8.1 *Petitions*

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 *Conference Delegates' Reports*

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Hosting the 2014 National Sister Cities Conference

File Ref:	A05259
Applicant/Proponent:	Committee Report
Author:	Jenni Brown, Administration Officer Setagaya
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix ADV-1 , ADV-2

Summary

That the City of Bunbury formally submit a nomination to Sister Cities Australia to host the Sister Cities Australia 2014 Annual Conference.

Executive Recommendation

That, the City of Bunbury formally submits a nomination to Sister Cities Australia to host the Sister Cities Australia 2014 Annual Conference.

Background

On return from the Sister Cities Australia 2012 Annual Conference, it was agreed by the Bunbury participants that this was an event with great opportunity for the City of Bunbury to host, which the City of Bunbury would be capable of hosting. Bunbury, jointly with Busselton, hosted the Sister Cities Australia conference in 2001, and subsequently, this event has not been held in Western Australia since. We have in principle support from the Shire of Broome, the City of Belmont, the City of Fremantle and the City of Busselton to host this event in Bunbury.

Participant numbers are down from 2001, and we would look at approximately 70 delegates attending, inclusive of the youth component from all over Australia with additional 5% international visitors.

Council Policy Compliance

Not Applicable

Legislative Compliance

Not Applicable

Officer Comments

Hosting this event is the ideal opportunity to showcase the City of Bunbury and our two (2) sister city relationships, Setagaya and Jiaying to more than 70 delegates from Australia and worldwide. The City of Bunbury currently has the expertise within the staffing structure to host this exciting conference, which is sure to be a success.

A major component of this event will be to combine with the City of Bunbury tourism team to put together a range of tourism experiences for delegates to enjoy while in Bunbury. This includes conference packages encouraging delegates to participate in pre/post touring and will value add to the overall conference.

The tourism team work with 109 tourism members, who we would want to involve in this event.

The Bunbury Setagaya Sister Cities Committee have shown full support for hosting this event, and have indicated that they will volunteer their help and assistance wherever possible to make this event a success.

The Bunbury Setagaya Sister Cities Committee first term of reference is “to publicise and educate the Bunbury community on its Sister City relationship with the City of Setagaya through active promotional programs and liaison with community, educational and commercial organisations.” Hosting the Sister Cities Australia Conference would meet this objective by actively promoting our Sister City relationship with Setagaya to the residents, schools and businesses in Bunbury. In addition there will be a range of sponsorship opportunities for businesses, school contributions and attendees at the Youth Conference and general media recognition within the community.

If the City of Bunbury is successful with the bid, a formal invitation will be sent to the Mayors of Setagaya and Jiaying to encourage delegate attendance and participation in our event. The invitation will include the tourism packages available.

Registration fees for the Sister Cities Australia 2012 Annual Conference were:

SCA Members	Early Bird Registration	\$800
	Standard Registration	\$900
Accompanying Member		\$300
Non Members	Early Bird Registration	\$900
	Standard Registration	\$990
Youth Fees		\$300

Individual day registrations were also available

Accommodation was payable on top of the registration fee.

Please note the tourism team will assist in developing conference rates/packages for delegates.

Should the City of Bunbury be successful, grant opportunities will commence immediately through sources such as Events Corp, Royalties of Regions, South West Development Commission and other cultural grants to assist with the delivery of this event.

Should the City of Bunbury be successful in the bidding process, the conference proposed dates 12 to 14 November 2014, being a 3 day conference.

Analysis of Financial and Budget Implications

This project (PR-3177) has been input into Sycle for the 2013/14 budget deliberations.

Internal staff costs will be absorbed and external costs will be budgeted for in 2014/15. A copy of the estimated budget for the project is **attached** at Appendix [ADV-1](#).

A copy of the Sister Cities Australia 2012 Annual Conference Income and Expenditure is **attached** at Appendix [ADV-2](#). The Devonport City Council estimated \$160,000 was injected directly into the region through each conference delegate spending \$2,000 during their visit.

Community Consultation

Not Applicable

Councillor/Officer Consultation

Not Applicable

10.1.2 Renaming of Music Room at the Bunbury Regional Art Gallery

File Ref:	A00168
Applicant/Proponent:	Art Collection Management Committee
Author:	Caroline Lunel, Arts Registrar/Curator
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Nil

Summary

The City of Bunbury Art Collection Committee would like to recognise the contributions made by Ron Middleton, who used to be a member of the Art Collection Committee by renaming the Bunbury Regional Art Galleries Music Room to the Ron Middleton Gallery.

Advisory Committee Recommendation

That Council support the renaming of the Music Room to the Ron Middleton Gallery.

Background

Ron Middleton was a member of the City of Bunbury Art Collection Committee for many years and as a volunteer and honorary treasurer he has made a large contribution to the Committee.

Mr. Middleton is a long time Bunbury resident and has been named Bunbury Citizen of the year. His dedication and longstanding support has helped shape and enhance the City of Bunbury Art Collection.

Mr. Middleton resigned from the Committee due to an illness later in life. The City of Bunbury Art Collection Committee has agreed and recommends renaming the Music Room gallery to the Ron Middleton Gallery to honour his services as a volunteer.

The City of Bunbury Heritage Officer has been consulted and there are no heritage issues in regards to the renaming.

Council Policy Compliance

There is no Council policy relevant to this item.

Legislative Compliance

There is no Legislative compliance relevant to this item.

Officer Comments

As the Arts Registrar/Curator for the City of Bunbury Art Collection and a member of the Art Collection Committee, I support the decision to rename the Music Room.

Councillor/Officer Consultation

Consultation was undertaken with the Councillor Representatives of the Art Collection Management Committee at their meeting on 12 Dec 2012 who voted to support the above changes to rename the Music Room to the Ron Middleton Gallery.

10.2 Director Corporate Services Reports

10.2.1 Financial Management Report for the Period Ending 31 December 2012

File Ref:	A02838
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Director:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1 , DCS-2 , DCS-3 , DCS-4 , DCS-5

Summary

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

- Statement of Comprehensive Income (**attached** at Appendix [DCS-1](#))
 Actual Financial Performance to 31 December 2012
 - Actual income of \$39.6M is \$201K less than the year-to-date budgeted income of \$39.8M. (refer explanation on next page).
 - Actual expenditure of \$18.8M is \$746K less than the year-to-date budgeted expenditure of \$19.6M, (refer explanation on next page).
 - Actual operating surplus of \$20.7M is \$545K more than the year-to-date budgeted operating surplus of \$20.2M.

- Balance Sheet (**attached** at Appendix [DCS-3](#))
 Council's Year-to-date and Forecast balances are as follows:

	<u>Year-to-date</u>	<u>Forecast</u>
- Current Assets of \$46.7M includes:		
* Cash and Investments	\$36.5M	\$14.4M
* Rates	\$ 9.4M	\$0.6M
* Other Current Assets	\$0.8M	\$1.2M
- Current Liabilities of \$5.9M includes:		
* Trade and Other Payables	\$2.3M	\$4.7M
Annual Leave and LSL Provisions	\$2.5M	\$2.9M
- Working Capital (Current Assets less Current Liabilities)	\$40.8M	\$7.0M
- Equity (Total Assets less Total Liabilities)	\$247.6M	\$229.3M

- Capital Works (**attached** at Appendix [DCS-5](#))
 - Actual capital works of \$9.1M is \$5.3M less than the year-to-date budgeted capital works of \$14.4M, (refer explanation on next page).

Executive Recommendation

The Financial Management Report for the period ending 31 December 2012 be received.

Background

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix [DCS-2](#)) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Councillors have also been provided with the following summaries in addition to the Statement of Financial Activity required under the Regulations:

- Statement of Comprehensive Income (**attached** at Appendix [DCS-1](#))
- Balance Sheet (**attached** at Appendix [DCS-3](#))
- Statement of Net Current Assets (**attached** at Appendix [DCS-4](#))
- Capital Works Expenditure Summary (**attached** at Appendix [DCS-5](#))

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

The following is an explanation of significant Operating and Capital variances:

	Actual to Budget Variance
Operating Income	
Grants and Subsidies – Budget year-to-date variation due to timing of receipt of grant revenue for the following projects: \$56,000 Plan and Deliver Club Development Program \$48,675 Deliver Natural Disaster Resilience Program \$100,000 Upgrade Street Lighting – Picton Road \$26,667 Upgrade Street Lighting - Blair Street	(\$242,963)
Operating Expenditure	
Materials and Contracts – Favourable variance mainly due to timing of receipt of invoices.	\$764,043
Other Expense - Favourable variance mainly due to timing of receipt of invoices.	\$186,115
Capital Income	
Grants and Contributions for the Development of Assets – Project milestones yet to be reached to enable claiming of grant funds: \$200,000 Renew Sykes Boat Ramp and Jetty \$120,000 Reconstruct Section of Parade Road \$120,000 Upgrade Parade Road \$240,000 Construct Median Separation and Turning Lanes Picton Road \$708,414 Construct Hay Park South Multisports Pavillion	(\$1,387,537)
Interest Received on Capital Grants – Favourable variance due to higher than expected investment funds held as at 31 December 2012.	\$42,354
Proceeds on Disposal of Assets – Favourable variance	\$143,700

due to timing of vehicle disposals.	
Capital Expenditure	
Acquisition of Assets – Variance due to timing variances of commencement and the progress of capital works projects than was originally forecast. To be adjusted as part of the February budget review.	\$5,253,149

10.2.2 Proposed Deed of Lease – Bunbury-Harvey Regional Council – Lease over Landfill Site, Lot 45 Stanley Road, Leschenault

File Ref:	F00075
Applicant/Proponent:	Bunbury-Harvey Regional Council
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-6

Summary

The Bunbury-Harvey Regional Council (“BHRC”) seeks approval from the City of Bunbury and Shire of Harvey, for a new Lease over the Stanley Road Landfill Facility located at Lot 45 Stanley Road in Leschenault. The lease over the land expired on 30 November 2012. A location plan is **attached** at Appendix [DCS-6](#).

Executive Recommendation

Council agrees to grant a new Deed of Lease Bunbury-Harvey Regional Council over Lot 45 Stanley Road, Leschenault for use as a Landfill site for a period of five (5) years, subject to the terms and conditions as specified in the report, and the following:

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

Background

The Bunbury-Harvey Regional Council has requested a five (5) year extension on Lot 45 Stanley Road with the condition of payment based rebates to member councils of \$10 per tonne of waste delivered to the landfill site.

The payment model works well as long as the member Councils are able to bring waste to site, this could however come into debate when the current licence to landfill at Stanley Road expires in December 2013. The BHRC are currently seeking an extension to the landfill licence through the Department of Conservation (“DEC”) for a further two (2) to three (3) years. The approval process is protracted and may take some time to finalise.

Given the timing and uncertainty of the Department of Conservation decision the proposal is to extend the lease on the current arrangements until December 2013 and then review the lease with a view of a further extension based on tonnage rebate given that the DEC have extended the landfill licence. If no landfill licence is granted then the BHRC will look at a mandatory figure to cover the lease as a waste transfer station only.

The lease site at Lot 45 Stanley Road is jointly owned by the City of Bunbury (90%) and the Shire of Harvey (10%). The land is Lot 45 on Plan 17161 as contained in Certificate of Title Volume 1850 Folio 63. All domestic and commercial waste collected within the City of Bunbury and Shire of Harvey is delivered to the landfill facility on the site for processing and disposal. The land is leased by the Bunbury-Harvey Regional Council (“BHRC”) which was formed in 1990 and receives funding from the City of Bunbury and Shire of Harvey.

The objectives of the BHRC are:

- The orderly and efficient treatment, storage and disposal of waste.
- The provision and maintenance of machinery & equipment for the above purpose.

- Charge fees in regard to the above.
- Provide representation to the WA Waste Disposal Advisory Council.

The BHRC comprises representatives from both member municipalities together with a Chief Executive Officer. The City holds the right to chair the BHRC.

Council Policy Compliance

There are no Council Policies applicable to the proposal.

Legislative Compliance

In accordance with Regulation 30(1)(c)(iii) of the Local Government (Functions and General) Regulations 1996, the Council is exempt from the requirements of Section 3.58 of the Local Government Act 1995 as the land is disposed to the BHRC.

Officer Comments

The Lease will be subject to the Department of Environment and Conservation granting an extension of Licence for Landfill on 12 December 2013.

Should a new Licence not be granted by the Department of Environment and Conservation the Landfill will cease and by Default the current rent will no longer be applicable. A new rent payable will be discussed and agreed to by the City of Bunbury, Shire of Harvey and the Bunbury-Harvey Regional Council.

Analysis of Financial and Budget Implications

On 5 November 2003, the (then) Office of the Valuer General advised that a fair market rental for the site would be \$45,000 per annum excluding GST.

New information received from the Valuation Services Section of the Department for Planning and Infrastructure, now advises that a fair market rental value for the site would be \$56,000 per annum (excluding GST).

Council has not previously levied a lease fee for the lease of the land to the BHRC.

Economic, Social, Environmental and Heritage Issues

There are no economic, social or heritage issues to consider.

Environmental Issues

The waste disposal site is managed in accordance with a DEC Licence and associated statutory requirements that protect the local environment.

BSD Consultants prepared a "Future Directions" strategy for the Stanley Road site in June 2003. This report outlines a strategy to fill and cap the existing landfill pits (or cells) which will take some years to complete. In the meantime, Council Officers have requested that no new cells be commenced without the City Council's consent first being received. Discussions are also about to commence with local governments abutting the City of Bunbury, to explore the possibility of establishing a new regional council that will provide waste management services for the entire region.

Community Consultation

Regulation 30(1)(c)(iii) of the Local Government (Functions and General) Regulations 1996 exempts the City of Bunbury from the requirements of Section 3.58 of the Local Government Act 1995, as the land is disposed to the BHRC.

Councillor/Officer Consultation

The BHRC supports the extension of the lease to 31 January 2016 and has mutually agreed to the market rental value proposed.

Strategic Relevance

The draft Community Strategic Plan Goal 3: Sustainable Natural and Built Environment objective 3.5 refers:

'We will ensure that economic development and growth does not come at a cost to the environment and lifestyle that our community values.'

'Effective waste collection, recycling and disposal services will continue to be priority and Council will actively seek innovative solutions to manage waste.'

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not Applicable.

Delegation of Authority

The Chief Executive Officer has the delegated authority of the Council to negotiate the terms and conditions of leases and licences over Council property subject to the terms and conditions being presented to Council for endorsement before documentation is finalised.

It is proposed that the Chief Executive Officer proceed with preparation of the Deed document.

Relevant Precedents

Council has previously agreed to extend the lease to 30 November 2012.

10.3 Director Planning and Development Services Reports

10.3.1 Development Assessment Panels – Local Government Nominations

File Ref:	A04208
Applicant/Proponent:	Internal Report
Author:	Thor Farnworth, Manager Sustainability and Integrated Land Use Planning
Executive:	Thor Farnworth, Acting Director Planning and Development Services
Attachments:	Appendix DPDS-1

Summary

Under regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the City of Bunbury is requested by the Director General, Development Assessment Panels, to nominate four (4) elected members of the Council, comprising two (2) local government members and two (2) alternate local government members to sit on the local Development Assessment Panel (DAP) as and when required. Nominations are required to be put forward by no later than 15 February 2013, using the **attached** DAP Nomination Form (at Appendix [DPDS-1](#)).

It should be noted that nominations for the four (4) local government DAP nominees must be supported by a curriculum vitae in addition to the following mandatory information of: name; address; email; mobile and land line telephone numbers; date of birth; employer(s); position(s).

The Mayor has indicated that he wishes to remain as a member of the DAP.

Executive Recommendation

That Council nominates the following four (4) Councillors as its nominees for local government members on the South West Joint Development Assessment Panel as determined accordingly:

- (a) Mayor David Smith (member);
- (b) Cr _____ (member);
- (c) Cr _____ (alternate member); and
- (d) Cr _____ (alternate member).

Background

On 1 July 2011, fifteen DAPs came into operation in order to determine development applications that meet set type and value thresholds (e.g. is of a class prescribed under section 171A(2)(a) of the *Planning and Development Act 2005* and has an estimated cost of \$3 million or more but less than \$7 million for optional DAP applications, or \$7 million and greater for mandatory DAP applications).

Under the *Planning and Development Act 2005*, development applications of a prescribed class or kind must be determined by a DAP as if the DAP were the responsible authority under the relevant planning instrument, such as the local planning scheme or region

planning scheme. Under the Act and associated DAP regulations, applications that meet the prescribed type and value thresholds cannot be determined by a local government or the Western Australian Planning Commission (WAPC).

There are two different types of DAPs:

1. Local Development Assessment Panels (LDAPs), which serves only one local government within its boundary area, as it is deemed to be a high-growth local government with enough development to support its own DAP (i.e. the City of Perth is currently the only LDAP); and
2. Joint Development Assessment Panels (JDAPs), which service two or more local governments, of which there are 14 JDAPs in Western Australia.

The South West JDAP covers the following local government areas:

- Augusta-Margaret River
- Boyup Brook
- Bridgetown-Greenbushes
- Bunbury
- Busselton
- Capel
- Collie
- Dardanup
- Donnybrook-Balingup
- Harvey
- Manjimup
- Nannup.

Each DAP comprise five members: three (3) specialist members, one of which is the presiding member, and two (2) local government members. The role of DAP members is to determine development applications through consistent, accountable, and professional decision-making. Presently, the City of Bunbury's local government members are:

- (a) Mayor David Smith (Member);
- (b) Cr Stephen Craddock (Member);
- (c) Cr Karen Steele (Alternate Member); and
- (d) Cr Judith Jones (Alternate Member).

The Director General of DAPs has advised the City of Bunbury in correspondence received on 14 January 2013, that appointments of all local government DAP members expire on 26 April 2013. Members whose term has expired will be eligible for re-consideration at this time.

An expression of interest for DAP specialist members was advertised in the West Australian on 8 and 12 December, 2012 and in regional newspapers in the week commencing 10 December 2012. Nominations for specialist members closed on Friday 25 January, 2013. Nominations for local government members will close on Friday 15 February, 2013.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two (2) year term, expiring on 26 April 2015. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been

appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the alternate local DAP members will take the place of the former local DAP members. If both local and alternative local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister's consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with Premier's Circular – State Government Boards and Committees Circular (2010/02). Further information, including DAP location maps and the Premier's Circular, is available online at <http://daps.planning.wa.gov.au>

Local representation is vital to DAPS. If no nominations are received by 28 March, 2013, regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, enables the Director General to include on the local government register a person who is an eligible voter of your local government district and who has relevant knowledge or experience that will enable that person to represent the interest of the local community of your district.

Council Policy Compliance

Not applicable.

Legislative Compliance

The nomination of local government members to the South West JDAP is in accordance with the *Planning and Development Act 2005* and associated *Planning and Development (Development Assessment Panels) Regulations 2011*.

Officer Comments

Not applicable.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

10.3.2 Access Road to Lot 9 Bunbury Outer Ring Road Stage 1

File Ref:	A05498, DOC/151349
Applicant/Proponent:	Main Roads Western Australia South West
Author:	Damien Morgan, Development Engineer
Executive:	Thor Farnworth, Acting Director Planning and Development Services
Attachments:	Appendix DPDS-2 , DPDS-3

Summary

Main Roads Western Australia (MRWA) has requested Council endorse the creation of a road reserve to provide legal access to a property impacted by the creation of the Bunbury Outer Ring Road.

Executive Recommendation

Council resolves to:

1. Pursuant to section 56 of the Land Administration Act (1997) endorses the creation of the road reserve as shown on Main Roads Western Australia's drawing number 201002-0545-1.
2. Endorse the application of the Council seal to the Main Roads Western Australia's drawing number 201002-0545-1.
3. Endorse the undertaking by Main Roads Western Australia that they will be responsible for the maintenance of the road reserve until an access road to the satisfaction of the City of Bunbury is constructed as part of the future proposed development plan for the area.

Background

The MRWA Bunbury Outer Ring Road (stage 1) project has required new legal access for Lot 9 South West Highway (North Boyanup Road) to be created, as this road is planned as a freeway with no property accesses.

MRWA has received formal agreement from the owners of former Lot 50 South West Highway for the creation of a road reserve on their land to service Lot 9; which is generally consistent with likely future development proposals for the area. A copy of the MRWA drawing showing the proposed road reserve alignment is **attached** at Appendix [DPDS-2](#).

To satisfy statutory requirements for the creation of the road reserve, MRWA requires Council endorsement for the dedication of this road.

Staff had expressed concerns to MRWA as to which authority would be responsible for the maintenance of the proposed limestone access road to service Lot 9. MRWA has agreed to accept maintenance responsibility for the access road in the interim period, until the road is constructed as part of the industrial subdivision development, to the satisfaction of the City of Bunbury. A copy of the letter from MRWA for the agreement is **attached** at Appendix [DPDS-3](#).

Council Policy Compliance

Not applicable.

Legislative Compliance

Section 56 of the Land Administration Act (1997).

Officer Comments

The delivery of the Bunbury Outer Ring Road (stage 1) and Port Access Road (stage 2) is an important transport development for the City and the Greater Bunbury Region. They will improve access to the Bunbury Port, and remove a significant number of heavy vehicles from Robertson Drive, Picton-Boyanup Road, South West Highway and the Eelup Rotary.

The creation of the road reserve ensures the protection of the Bunbury Outer Ring Road as a freeway with no property access.

MRWA agreement also ensures the City has no maintenance responsibilities for this road until the industrial subdivision is developed.

Analysis of Financial and Budget Implications

There are no financial implications for the City of Bunbury.

Community Consultation

MRWA has done all negotiations with the impacted land owners.

Councillor/Officer Consultation

Not applicable.

11. Applications for Leave of Absence

12. Motions on Notice

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

13.2 Questions from Members

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.1.1 Tender – Road Resealing 2012/2013 RFT 1213 00021

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Manager, Contracts and Property
Director:	Phil Harris, Director, Works and Services
Attachments:	Confidential Report CRUSC-1

Summary

The City of Bunbury has advertised for, and requested Tender Submissions from, suitably qualified and experienced Contractors in order to attend to the annual road resealing program.

Executive Recommendation

Council accepts the tendered Lump Sum Fee submitted by Malatesta Road Paving & Hot Mix in order to attend to the resealing works, and awards the Contract to them.

Background

This tender was advertised in the “West Australian”, as well as in the “Bunbury South Western Times” newspapers, on 12 and 13 of December 2012 respectively.

Electronic Tender Responses closed at 2:00pm on Friday, 4 January 2013. The Senior Contracts and Procurement Officer and the Senior Property Officer opened the electronic tender box.

The documentation was made available via www.tenderlink.com/bunbury/. A total of four hundred and twenty two (422) tenderlink alerts were released, nine (9) companies downloaded the documentation, and at closing, three (3) electronic responses were received from:

1. Malatesta Road Paving & Hot Mix, of Lot 2, South Western Highway, Bunbury, WA 6230;
2. Roadtech Constructions Pty Ltd, of Unit 2, 7A Peel Street, Mandurah, WA 6210;
3. Fulton Hogan Industries Pty Ltd, of Lot 6, Harris Road, Picton, WA 6229.

An evaluation panel comprising of the City’s Manager – Civil and Open Space; the Works Coordinator; and the Engineering Technical Officer, assessed the tender responses.

The tenders were evaluated using the following criteria:

- Compliance Criteria
- Qualitative Criteria
- Price

Compliance Criteria

The following compliance criteria were used to assess the tenders:

- a) Conflicts of Interest in the performance of their obligations under the contract;
- b) Financial Position, they're presently able to pay all their debts in full as and when they fall due, and being able to fulfil the Requirements from their own resources or from resources readily available to them; and
- c) Insurance Coverage as required in terms of the Request for Tender.

Qualitative Criteria

The following Qualitative Criteria were used to assess the tenders:

- a) The Standard of the tender submission;
- b) The Quality Systems of the organization;
- c) The Respondents Understanding of the Requirements; and
- d) The Respondents Demonstrated Experience and previous works in completing similar requirements.

Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report ([CRUSC-1](#)) that has been circulated to members under separate cover.

Strategic and/or Regional Outcomes

Acceptance of the Executive recommendation listed in this report is consistent with the City of Bunbury Strategic Plan 2007-2012, in continuing to maintain and service its assets and infrastructure.

Analysis of Financial and Budget Implications

Adequate funding for the six road resealing projects has been provided in the 2012-2013 Annual Budget and is identified in Sytle as:

- PR -1085;
- PR -1077;
- PR -1080;
- PR -1081;
- PR -1093; and
- PR -1362.

The tendered sum submitted by the recommended Contractor is within the available budget.

Confidentiality and Impartiality Agreement

All members of the evaluation panel have signed a confidentiality and impartiality agreement.

Council Policy Compliance

The tender process complies with the requirements of the City's Work Procedure WP4.12 "Tender Procedure and Associated Legislation."

Council's "DCS 9 Purchasing - Local Preference Policy" was applied during evaluation of the tenders but has not affected the outcome.

Legislative Compliance

Advertising and processing of tenders was conducted in accordance with the Local Government (Function and General) Regulations 1996, Part 4 "Tenders for Providing Goods or Services".

Delegation of Authority

This tender has been dealt with in accordance with Local Government (Functions and General) Regulations 1996 (Part 4 - Tenders for Providing Goods or Services).

Relevant Precedents

Council has dealt with all tenders previously called.

Pursuant to Standing Order 11.6 of the City of Bunbury Standing Orders the debate on items 15.1.2 and 15.1.3 be resumed in order for further discussion to commence.

15.1.2 Confidential - Proposed Discussions with Bunbury Regional Arts Management Board

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Stephanie Addison Brown, Director Community and Customer Services
Attachments:	Confidential Report CRUSC-2

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-2](#))

15.1.3 Appointments to Bunbury Regional Arts Management Board

File Ref:	A00168-10
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-3

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-3](#)).

16. Closure