



Shire of Busselton
Geographe Bay

Council Agenda

11 November 2009

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 11 NOVEMBER 2009

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SHIRE OF BUSSELTON**MEETING NOTICE AND AGENDA – 11 NOVEMBER 2009**

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 11 November 2009, commencing at 5:30 pm.

Your attendance is respectfully requested.

MATTHEW SMITH
A/CHIEF EXECUTIVE OFFICER

27 October 2009

A G E N D A

1. **ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

2. **OPENING PRAYER**

The Opening Prayer will be delivered by Pastor Mark Ellmoos of the Busselton Seventh Day Adventist Church.

3. **PUBLIC QUESTION TIME**

4. **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

6. CONFIRMATION OF MINUTES

6.1 Minutes of an Ordinary Meeting of the Council held on 28 October 2009.

7. **ANNOUNCEMENTS** by the Presiding Member without discussion

8. PETITIONS AND MEMORIALS**9. DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

10. DECLARATIONS OF INTERESTS**11. PRESENTATIONS BY PARTIES WITH AN INTEREST****12. BUSINESS FROM PREVIOUS MEETING**

13. LIFESTYLE DEVELOPMENT REPORT**13.1 IMPLEMENTING DEVELOPMENT ASSESSMENT PANELS IN WESTERN AUSTRALIA**

SUBJECT INDEX:	Land Use & Planning Control: State & Regional Planning Strategies & Policy
STRATEGIC INITIATIVE:	1.3.1 Provision of Statutory Planning Services
BUSINESS UNIT:	Statutory Planning
SERVICE:	Development Services
DATE OF COMPLETION:	16 November 2009
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	Implementing Development Assessment Panels in Western Australia Discussion Paper. Development assessment panels: Questions and Answers.

PRÉCIS

The Minister for Planning recently released a Discussion Paper entitled *Implementing Development Assessment Panels in Western Australia* for public consultation.

The discussion paper outlines the Development Assessment Panel (DAP) model that the State Government has indicated it is committed to implementing in Western Australia in early 2010. Detail of the proposal is included in the documents in the attachments.

This report seeks to inform the Council of the elements of the proposed DAP model and recommends that a submission be made to the Department of Planning detailing the Council's position on the proposal.

BACKGROUND

According to the Discussion Paper, planning legislation will be introduced by the State Government to give DAPs the power to be the decision making body, instead of the elected Council, for development applications of a certain class and value.

The objectives of the proposed DAP model, as outlined by the State Government, are to:

- * streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes (not currently applicable to this Shire);
- * involve independent technical experts in the determination process;
- * encourage an appropriate balance between independent professional advice and local representation in decision making for significant projects; and
- * reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

In the discussion paper, the drivers behind the proposed changes are cited as:

1. Requirement for dual approval ie an approval under the region scheme and approval under the local scheme;
2. Lack of resources and expertise in local government; and
3. Lack of regional planning in some remote areas.

The criteria for those applications to be considered by the DAPs is proposed as:

- * In non-metropolitan areas, it is proposed that DAPs will be responsible for applications for development approval valued at equal to and/or over \$1 million where they represent:
 - * commercial, retail and office applications;
 - * mixed use/centre applications (such as commercial, retail and residential);
 - * industrial (including, but not limited to, light, service, extractive, general, noxious and rural industry) applications;
 - * grouped dwelling or multiple dwelling applications of over 10 dwellings;
 - * Non-complying grouped dwelling or multiple dwelling applications of 10 or less dwellings;
 - * aged and dependent persons dwelling applications;
 - * infrastructure proposals;
 - * Applications requiring dual approval of the local government and the WAPC, under the Peel Region Scheme, Greater Bunbury Region Scheme or other future region scheme;
 - * Strategic land use, transport and infrastructure projects;
 - * Public works of State/regional significance which are not exempt from local planning approval requirements;
 - * All applications for hospitals, TAFEs, universities and non-government schools.

Exempt development will include:

- * Determination of an application of approval for the purpose of one or more single houses, complying and non-complying (note that a majority of single house applications are not subject to development approval in the Shire currently);
- * Determination of an application for approval of development for the purpose of not more than 10 complying grouped dwellings or multiple dwellings;
- * Minor applications, such as carports, shade sails, outbuildings and sheds.

It is intended that the DAPs will make decisions on the development applications based on the local policy framework that has been set by the Local government.

It is proposed that all costs associated with Panels, including administration costs, sitting fees, travel etc will be borne by the relevant local government.

Finally, where the Minister for Planning believes a project is of State or regional significance the Minister will have the power to call in development applications. In such situations, the relevant development assessment panel will prepare advice

and recommendations for the Minister to take into account when determining the application.

CONSULTATION

A delegation of Shire staff and Councillors attended a briefing session on the proposed DAP with the Department of Planning and staff have consulted with other Local government staff on issues arising.

STATUTORY ENVIRONMENT

To create the new development assessment panels the *Planning and Development (Development Assessment Panels) Regulations 2010* will need to be drafted. These regulations will prescribe the criteria and processes for panel member selection, associated sitting fees, criteria for applications to be determined by a development assessment panel and reporting of decisions made.

It is proposed to introduce a provision into the *Planning and Development Act 2005* which would provide that the responsible authority under the local planning scheme in relation to the determination of such prescribed development applications, is the relevant development assessment panel. The provision would provide that a decision of a development assessment panel is to be regarded as, and given effect as, a decision of the relevant local government and/or the WAPC as applicable. As such the local government would be responsible for defending any appeal to the SAT against a decision of the DAP.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Discussion Paper indicates that part of the fees that would ordinarily be paid to local government for development applications will be used to cover the cost of panels. This will be a cost imposition on local government as they will need to cover the cost of administering a new panel within the current fees. It is not possible to determine the cost that would be incurred as it would depend on the number of other applications that are before the DAP during that sitting.

In addition to the cost of the panel and administration, the Shire would need to fund the travel expenses for the 2 nominated councillors that would sit on the panel, and the staff that would be required to attend the DAP and prepare the reports.

These costs were not given any consideration in the development of the current local government planning fees formula, which is set in Regulations. This means that ultimately, local government will bear the cost of running this additional layer of bureaucracy and, as local governments will be the respondents to appeals to SAT on Panel decisions, also responsible for the costs of defending Panel decisions in any legal appeals.

STRATEGIC IMPLICATIONS

One of the strategic priorities is to be truthful, honest and available to listen to our community to ensure we have an informed decision making process. The proposed DAP's removes the Council's ability to be the decision making body on major development applications, which arguably would have the greatest impact on the community. The proposal also reduces the communities access to the decision making body.

The proposal is also considered likely to impact on our ability to achieve KPI's associated with the provision of statutory development assessment by delaying the determination of applications required to be referred to the Development Assessment Panel.

OFFICER COMMENT

During the 2008/2009 financial year, there were 13 applications determined by the Shire that would have met the criteria for a determination by the proposed DAP. Of these applications only one was determined by the Council, the rest were dealt with under delegation as they were relatively straight forward applications (it is of note that application value is not a good indication of complexity or controversy of an application). These applications ranged in scale from a relatively simple multi-purpose school hall, to the West Street Shopping Centre. If the proposed DAP format was in force during this period, officers would have been required to prepare 12 additional reports to the DAP, and attend the panel session for each application, which could potentially be located up to 150km away, depending on the particular panel rotation. The two nominated Councillors would also be required to attend these sessions. The most significant of these applications, the West Street Shopping Centre, would also not have been considered by the Council even though it had significant implications for the local community.

Given these statistics for the previous year and the number of applications which were relatively simple and approved under delegation, it is clear that the proposed financial threshold for the DAP of applications over \$1 million dollars is too low. It is the officer's opinion that if the DAP proposal is legislated in its current form, the threshold must be increased to at least \$5 million, which would have reduced the number of eligible applications to five for the previous year.

The Discussion Paper makes a number of comments about issues within the planning system as the basis for the DAP proposal. It also identifies a range of purported benefits which it predicts will emanate from the implementation of panels. An assessment of these follows.

Simplicity

The 'Executive Summary' and the section on 'benefits' refer to simplifying planning approvals.

This philosophical basis and benefit would only appear relevant to applications which require approval by both the local government and the WAPC, such as areas which operate under a Region Scheme. However, this does not apply to the Shire of Busselton and a panel, in itself, will not simplify an application which is simply being made under a local government scheme. It could be argued that it will add a layer of complexity and delay when applications that are currently determined under delegation are required to be determined by a DAP.

Timeliness

The Discussion Paper often refers to more timely decision making (for instance, on pages 1, 3 and 11) as does the section on Benefits.

Again, a development assessment panel will only improve timeliness where it eliminates dual approvals. As mentioned before, this does not apply to the Shire of Busselton. Assessments of applications by staff, including consultation and referral, will take the same time.

For applications that can currently be determined under delegation, the DAP proposal would require the preparation of an additional report and the submission of the report to the next available DAP, which will have lead times for agenda's. This will increase the time for determination of these applications considerably.

The majority of delays in the Western Australian planning process is caused by the amendment, structure planning and subdivision processes, all of which are controlled by the State. It can take up to five years for a parcel of land to be prepared for a development as a result of this process. The paper makes no mention of these delays, nor does it seek to address this far more significant issue.

Transparency

The section on "Benefits" notes that panels will assist in transparency. It is uncertain how this will occur as meetings and decisions of the Council are already made in the public arena and are part of a very transparent and highly scrutinized process. In addition, the Council is required to undertake meetings and act in a manner dictated by legislation, which ensures a higher level of scrutiny on conduct than the proposed code of conduct for panel members would require.

Reducing complexity

Page 11 of the Discussion Paper makes reference to the complex nature of applications and the planning requirements applicable to them.

If this is seen as a problem in the planning system, development assessment panels will have no direct impact in resolving this. Indeed, it could be argued that the addition of another bureaucratic layer will cause the planning system to become more complex. It is also difficult to see how a panel required to deal with the planning schemes and policies of 13 Local governments (as proposed for the

South West) will be able to come to grips with the full complexity and detail of each of the planning frameworks applicable and implement these effectively.

Overcoming limited resources

Page 11 also refers to "the limited resources and expertise available to the local government responsible for assessment". Here it should be noted that panels will have no impact on overcoming this problem. Assessments of applications will still be undertaken by local government officers. Further, it would be inappropriate for officers assessing proposals to seek the expertise available through panel members who will ultimately be determining the application. It would also be very coincidental if a panel member had expertise in the particular area required in respect to a specific application.

While typical of the patronising approach to local government reflected in the DAP proposal overall, it also does not recognise that the majority of skilled statutory planners work in the local government sector and not with the State. Many Councils also have a high level of experience in dealing with development applications.

Reducing costs

The introduction to the Discussion Paper refers to complaints about the costs involved in obtaining planning approval. It should be noted that the panel proposal creates an additional administrative body and, as discussed in the financial section, costs will almost certainly increase.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Submissions on the proposed DAP process are due on 16 November 2009.

OFFICER RECOMMENDATION

That officers prepare a submission to the Minister for Planning stating that the Shire of Busselton does not support the introduction of Development Assessment Panels in the form proposed, based on the following reasons;

- a. The proposed Development Assessment Panels will increase the cost of processing of development applications to local governments without any acknowledgment of the need to increase fees.
- b. Development Assessment Panels will increase the complexity of the planning system by introducing another layer of approval for applications that would otherwise be dealt with under delegation.
- c. Development Assessment Panels will increase the time to determine applications.

- d. Development Assessment Panels in the proposed format would be logistically unworkable from an administrative perspective due to the proposed resolving secretarial and varying agenda format between local governments.
- e. The value of development threshold is too low and should be raised to a minimum of \$5 million and exclude those applications that would otherwise be dealt with under delegation.

14. SYSTEMS AND INFORMATION REPORT

Nil.

15. COMMUNITY INFRASTRUCTURE REPORT**15.1 TENDER RECOMMENDATION REPORT - TEN 05/09 SUPPLY, DELIVERY AND LAYING OF TURF FOR THE NEW DUNSBOROUGH OVAL**

SUBJECT INDEX:	Corporate Business.
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
BUSINESS UNIT:	Infrastructure Services.
SERVICE:	Capital Works Construction Program.
DATE OF COMPLETION:	30 June 2010.
VOTING REQUIREMENT:	Absolute Majority.
ATTACHMENT:	Attachment A - Tender Evaluation.

PRÉCIS

The Council resolved on 27 May 2009 (Resolution C0905/180) to adopt the selection criteria and call for tender submissions for the Supply, Delivery and Laying of Turf for the New Dunsborough Oval. Tender responses have been received and evaluated. This report summarises the responses and seeks decision from the Council based on the recommendation herein.

BACKGROUND

The Shire will require turf for the construction of a new oval at the Dunsborough Playing Fields.

It is proposed that this contract will be for the one off supply, delivery and laying of approximately 21,070m² of turf (with possible variations) required to construct a new sports oval immediately south of the current playing fields in Dunsborough.

The Council adopted the selection criteria and requested the award of this tender will be referred back to the Council for consideration.

CONSULTATION

Shire staff have been consulted in regard to the preparation of this document.

STATUTORY ENVIRONMENT

Part 4 (Tenders) of the Local Government (Functions and General) Regulations 1996 apply. In particular, Regulation 14 (2a).

"If a local government -

- (a) is required to invite a tender; or

(b) not being required to invite a tender, decides to invite a tender.

The local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted."

POLICY IMPLICATIONS

There are no policy implications in respect to the Council approving the selection criteria for operational tender evaluation. The Regional Price Preference Policy has been applied.

FINANCIAL IMPLICATIONS

All costs associated with awarding this contract have been allowed for in the draft Dunsborough Oval construction budget, which is funded through a \$1.265 million Royalties for Regions grant.

Actual costs associated with awarding of this contract are detailed in Attachment A.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

- 1. Strategic Focus:** **Community and Social Well Being:**

Strategic Objective: Support the provision of a range of healthy recreation, entertainment and lifestyle opportunities.

Strategic Initiatives: Support and facilitate leisure information and sporting activities.

- 2. Strategic Focus:** **Built and Physical (Infrastructure) Well Being:**

Strategic Objective: To develop and maintain the Shire's assets and built environment to maximise public benefit now and into the future.

Strategic Initiatives: Manage and maintain the Shire's assets for the amenity of the Community.

OFFICER COMMENT

The Tender panel consisting of Karl Clively (Trades Supervisor), Craig Ashley (Parks and Gardens Co-ordinator) and Jason Vaughan (Manager, Infrastructure Services) was formed to assess this tender. Copies provided by tenders were distributed to each party for assessment.

Seven (7) tender submissions were received. Submissions were received from Lawn Lords, Landscape Development, Environmental Industries, Landscape Australia, West Coast Turf, Down South Turf and Lovegrove Turf Services.

Tender submissions were checked for compliance and three (3) submissions were deemed Non Compliant with the Selection Criteria. These submissions were from Lawn Lords, Landscape Australia and Down South Turf.

The remaining tenders were scored according to the qualitative criteria contained in the tender documentation as follows.

*	Price	60%
*	Relevant Experience	10%
*	Ability to Deliver Services	30%

The net tendered price was scored using the 'Average Based Scoring Method' recommended by WALGA in the 'Local Government Purchasing and Tender Guide'.

The panel members individually assessed the compliance and qualitative criteria then met and applied an average to provide a final rating. The scores were then added together to indicate the most advantageous tender.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation will be based on project time lines for the Dunsborough oval which is due for completion in March 2010.

OFFICER RECOMMENDATION

1. That all tenderers be advised that West Coast Turf is the preferred tenderer for RFT TEN 05/09 Supply, Delivery, and Laying of Turf for the New Dunsborough Oval based on its tender submission of 22 September 2009, including its schedule of rates, for the supply, delivery and installation of approximately 21,070m² of turf as per the Shires specification at a cost of \$120,578.00
2. That the Council endorses the Whole of Project Cost Estimate in the amount of \$145,00 to include:
 - * A potential variation of up to 20% of the estimated quantities of turf to be supplied and installed, not known at contract award.

15.2 MONAGHANS ROUNDABOUT - RENAMING PORTION OF DOWNGRADED BUSSELL HIGHWAY

SUBJECT INDEX:	Land Administration.
STRATEGIC INITIATIVE:	2.1.3 Work with developers to ensure community sensitive townsite and neighbourhood layouts and functionality.
BUSINESS UNIT:	Infrastructure Development.
SERVICE:	Development Control.
DATE OF COMPLETION:	30 October 2010.
VOTING REQUIREMENT:	Simple Majority.
ATTACHMENT(S):	Attachment A - Plan of Proposed Road Name Changes.

PRECIS

The purpose of this report is to deal with renaming the downgraded portion of Bussell Highway on the corner of Bussell Highway and Caves Road (known as Monaghans corner) to Monaghans Way, as resolved by the Council on 22 July 2009.

BACKGROUND

At its ordinary meeting of the Council on 22 July 2009, the Council resolved (C0907/206):

- 1. That the proposal to rename portion of downgraded Bussell Highway to Monaghans Way, as supported by Geographic Names Committee, be advertised in a locally circulating newspaper for a period of 35 days inviting public comment;*
- 2. That affected landowners, residents and emergency services be advised in writing of the proposal and invited to comment;*
- 3. That providing no objections are received from the public for the change of road name suffix, the CEO request the Minister for Lands, approval to rename portion of downgraded Bussell Highway to Monaghans Way.*

CONSULTATION

The proposal was advertised within the Council for Community page in *the Times and the Mail* on 11, 14, 19 and 21 August 2009 with a 21 day period for public comment that closed on 16 September 2009.

In addition, letters were issued to affected landowners, emergency and utility services advising of the proposal.

No objections were received from the emergency and utility services.

Five submissions were received, three objecting to the change and two supporting the change. These were all received by the closing date of the 16 September 2009. These are further discussed in the Officer Comment.

STATUTORY ENVIRONMENT

The Land Administration Act 1997 - Part 2 Clause 26(2) (c) deals with the naming and renaming of roads and provides that the Minister for Land Information may by order name, rename and cancel the name of any topographical feature, road or reserve.

The Geographic Names Committee (GNC) is established to provide the Minister for Land Information with:

- * advice on geographical nomenclature matters;
- * guidelines to facilitate the approval and processing of nomenclature applications.

Guidelines published by GNC require that changes of names of roads should conform to the relevant policy and in addition, should have broad community support and should have the support of those residents affected by the name change. While there are no specific statutory advertising requirements it remains incumbent on local government to ensure there is community support for a change of name.

POLICY IMPLICATIONS

Policy 141/3 "Street Names" ensures compliance with the Geographic Names Committee's Guiding Principles of Nomenclature. This Policy deals with the application of new names generally, however it does state that *"all names must be submitted to the Geographic Names Committee for confirmation and official status"*.

FINANCIAL IMPLICATIONS

This matter will require officer time in relation to obtaining the necessary funds from Main Roads who are required to pay all costs in relation to redirection of mail for affected residents for a period of twelve (12) months from the date of the name change as advised by the Minister for Lands. It is also recommended that Main Roads pay for all signage expenses.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

1. **Strategic Focus:** **Community and Social Well Being:**
Strategic Objectives: Facilitate and assist in the development of quality community facilities and services.

Strategic Initiative: Build community vitality and a sense of place through nodal design and development.

The proposed renaming of the road is required in this case as a result of the construction of a roundabout on the corner of Bussell Highway and Caves Road.

OFFICER COMMENT

Objections to the renaming were specifically related to the fact that the name does not reflect any connection to the first family who settled, worked the land and became the first to build and operate a small business in the area.

Suggestions received for an alternative road name to "Monaghans Way" were - Owen Way; Dawson Way; Abbey Way or Owenelyn Way, in memory of the late Mr and Mrs Owen Dawson the family who first built their home in the area in 1939.

Landgate's Geographic Names Committee Principles, Guidelines and Procedures requires that local governments avoid name duplication within 10km for suburban roads and 50km for rural roads.

The alternative road name suggestions were –

- * Dawson Way - this would be a duplicate as there is a Dawson Avenue located in Abbey - is less than 1km to the road in question.
- * Owen Way - this is would be a duplicate as there is an Owen Road located in Quindalup - is 17.6km from the road in question.
- * Abbey Way - this is would be a duplicate as there is an Abbey Street located in West Busselton - is 7.9km from the road in question.
- * Owenelyn Way would fall into the unsuitable names category due to the possibility of pronunciation difficulties.

The two submissions supporting the name noted that local residents have known and called the area "Monaghans Corner" for many years and it was considered keeping the name "Monaghans Way" would alleviate confusion, especially for emergency services.

An enquiry was made to the costs involved with having the street numbering changed. No cost is associated with this to residents as Main Roads is required to pay all costs in relation to redirection of mail for affected residents for a period of twelve (12) months from the date of the name change as advised by the Minister for Lands. Main Roads will also pay for all signage expenses.

No objections were received from residents directly effected by the name change (ie residents living on the portion of the down graded Bussell Highway) and as previously detailed the objections that were received cannot be accommodated. Therefore it is recommended to accept the name change of Monaghans Way as supported by the GNC.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The renaming will be implemented upon receipt of the approval letter from the Minister of Lands, and will be completed within the 12 months.

OFFICER RECOMMENDATION

1. The Acting Chief Executive Officer (or his nominated officer) write to the Minister for Lands for approval to rename the portion of the downgraded Bussell Highway on the corner of Bussell Highway and Caves Road to Monaghans Way.
2. That the Acting Chief Executive Officer (or his nominated officer) write to Main Roads seeking confirmation that all costs in relation to the redirection of mail for affected residents for a period of twelve (12) months from the date of the name change and signage expenses will be met by Main Roads.

15.3 DOMESTIC VERGE SIDE RUBBISH COLLECTION

SUBJECT INDEX:	Domestic Verge Side Rubbish Collection.
STRATEGIC INITIATIVE:	4.4.2 Develop strategies to support recycling.
BUSINESS UNIT:	Infrastructure and Planning.
SERVICE:	Waste Management.
DATE OF COMPLETION:	30 June 2011.
VOTING REQUIREMENT:	Simple Majority.
ATTACHMENT(S):	Nil.

PRÉCIS

This report provides information on the feasibility of introducing an annual or bi-annual verge side rubbish collection service to all domestic householders currently receiving a weekly rubbish collection service.

BACKGROUND

This report has resulted from the Council Resolution (C0905/189) of 27 May 2009 *"That the CEO report to the Council prior to the end of October 2009 on the feasibility of introducing an annual, or bi-annual roadside rubbish pick up for all residents that currently receive a weekly rubbish removal service"*.

In addition, correspondence has been received from the Member for Vasse requesting that such a service be considered due to the ageing population and the Busselton region being a popular place to retire.

CONSULTATION

Requests for the verge side rubbish collection service has been received via the Council decision of 27 May 2009 and a request from the Member for Vasse.

To date, there has been no consultation with the householders of the Shire of Busselton seeking a comment on their need for this additional service.

However, experience has shown that verge side rubbish collection is well received in other local authorities that provide this service, even though they are an additional expense to the ratepayer. Verge side rubbish collection provides an additional service to all eligible householders (currently receiving a weekly rubbish service), but is of extra convenience to the aged and for those who do not have transport.

Consultation with other local governments and contractors has occurred in estimating the cost and benefits to the Shire in introducing this service.

STATUTORY ENVIRONMENT

The provision of waste collection services by Local Government is now regulated by the Health Act 1911 and the Waste Avoidance and Resource Recovery Act, 2007 (WARR Act). The Shire of Busselton's Health Local Laws were made under the Health Act, 1911. They continue to be effective as if developed under the WARR Act (Schedule 5 Clause 3). The Shire's Health Local Laws refer to "Prescribed Areas" within the Shire where household waste service is provided.

POLICY IMPLICATIONS

Currently the Shire of Busselton does not have a specific policy for Verge Side Collections but has the following policy on the areas to which waste collection service is provided (prescribed area) and areas that are not serviced (non-prescribed).

Refuse Collection –Service Policy 211/2.

REFUSE COLLECTION SERVICE - PRESCRIBED AREA

The Shire of Busselton refuse collection service area is termed the "prescribed area" within which Council is required to provide or make provision for a refuse collection service.

The "prescribed area" is defined as the part of the District indicated on the domestic refuse collection to which the source area maps refer.

DOMESTIC COLLECTION SERVICE

All requests for the provision of a refuse collection service to residences within the part of the district zoned 'Residential' are to be incorporated as far as practicable to do so into the current refuse collection runs and the assessment criteria contained within Part B of this policy shall not apply.

REFUSE COLLECTION SERVICE - NON-PRESCRIBED AREA

Prior to the provision of a collection service to premises outside the prescribed area the following assessment criteria shall be considered on the following:

1.2 Service Demand:

The demand for the service is determined by:

- * Number of potential services in the proposed area
- * Accessibility to the proposed service location
- * Survey - community consultation
- * Existing service run routes.

1.3 Time:

Time required to provide the service is determined by:

- * Travelling time - to and from service area
- * Collection time - within the service area
- * Estimated time for service area to reach potential income.

In accordance with the existing Refuse Collection Policy this service would only be extended to those currently receiving domestic collection services.

FINANCIAL IMPLICATIONS

Preliminary costing indicates the following:

- * Advertising, via letter drop, newspaper and radio - \$15,000 (approximately).
- * Loss of income via gate receipts that assist as an income source, for operation of the landfill and processing green waste. Current charges are \$2.50 per 100kg. Given the nature of the waste to be collected and reviewing other local authority's tonnage waste stream, one would expect 100kg-200kg per household and this being the first verge side collection, weights per household may exceed this. Based on this information loss revenue derived by landfill income, would be indicative of \$4.00 per service. \$46,000.
- * Documentation, contract management, supervising and householders queries. \$9,700.
- * Extra waste processing. \$50,000.
- * Contaminated products. \$3,500.
- * Extra machine hours and labour associated with land filling, pushing waste up at both landfills. \$6,300.
- * Approximated contractor costs (11,500 households) \$123,000.

Based upon the above indicative (2009) costing, the cost per service is \$22.09. There is currently some 11,500 waste collection services, giving a total cost of some \$254,035 for one collection.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

1. **Strategic Focus:** **Natural and Environmental Well Being:**
Strategic Objective: Ensure that waste is managed in a sustainable manner.

Strategic Initiative: Develop strategies to support recycling.
 Develop a waste management strategy to ensure
 minimum land fill.

OFFICER COMMENT

The Shire currently provides a domestic rubbish bin collection service and kerbside recycling (yellow top bins) by a contractor.

Currently, the Shire does not have the required plant or staff to deal with this potential operation, namely rear loading rubbish trucks, small loaders and grabbers. Therefore, this work would have to be contracted out and in this case, a tender would be required.

As previously highlighted in the background of this report, it is assumed that this service would be well received by residents of the Shire. However, there are some disadvantages of the potential problems for an increase in resources required to manage such a contract. The potential problems and risk are listed as follows:

- * potential damage claims from plant operating on verges (e.g., damage to reticulations, paved driveways etc),
- * increased material to landfill reducing air space and longevity of the facility,
- * potential for unsecured litter in the area from materials in stock piles being blown around or dispersed by 'bin drivers'
- * that waste in public areas and on verges is unsightly,
- * abuse of the system, (that is, people putting more waste out than is appropriate)
- * lastly multi-residential dwellings.

A further item to be taken into consideration is the fact that Busselton, unlike most Shires offers the advantage of two waste facilities, one in Busselton and one in Dunsborough, which to date, have been providing disposal services at a minimal cost.

Potentially, all of these items could be resolved in the development and introduction of a Domestic Verge Side Rubbish Collection Policy and appropriate local laws, developed in conjunction with the Health Act and WAAR Act.

The policy and local laws would cover items such as waste not being placed out in the prescribed manner (will not be collected), along with items of waste that are not listed for collection (will be considered as litter and would be dealt with accordingly). Householders will have a prescribed window in to which to place their waste on the street verge prior to collection in order to reduce the aesthetics issues and it will also detail prescribed volumes and quantities etc.

From past experience, the service of providing a verge side rubbish collection enhances waste diversion from landfill in the way of recycling it, reduces fly tipping, provides householders an opportunity to clean up and enhance their properties. The timing of this service is critical to ensure an optimum participation

rate, the ideal time is around April/May or October/November before or after the rainy season and not through school holidays or peak holiday periods.

There are some distinct advantages in providing such a service; it will be potentially well received by the residents of the Shire; may reduce illegal dumping of material, with materials being correctly sorted by the resident and therefore, these can be more easily recycled and diverted from the waste stream.

In general, officers are supportive of providing the verge roadside pick up however, currently there are resourcing and financial restraints. The following is a suggested manner in which to proceed and ensure the most cost effective service is provided:

- * Nominate 'verge side rubbish collection' as a priority project in the 2010/2011 financial year.

- * As part of this project, to undertake the following:
 - Complete public consultation to verify the Shire of Busselton's householders' view of the need for such a service and its cost.
 - Based on public feedback establish the number and type of services to be provided.
 - Liaise with other local governments e.g., AMRSC (Augusta-Margaret River Shire Council), Capel and Nannup to discuss the potential service being provided in these Shires, in order to reduce contract costs overall.
 - Develop a shire policy for verge side rubbish collection.
 - Develop Shire Local Law in order to control and deal with potential legal matters and non compliance.
 - Verify costs and project scope to the Council for endorsement.
 - Develop Technical Specification and Tender to award a contract, verify costs and budget for 2011/12 financial year and present to the Council.

Due to logistic, mobilisation and labour requirements it would be more cost effective to provide one verge side rubbish collection encompassing, general waste, green waste and whitegoods/scrap metal.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

As resources have not been allocated for this project in the 2009/2010 budget, it is suggested that the planning and establishment for these works be completed during the 2010/2011 year for potential budgeting and inclusion/funding in 2011/12 financial year.

OFFICER RECOMMENDATION

1. That the Council include 'Verge Side Rubbish Collection' as a priority project in the 2010/2011 Corporate Plan with the intention that a verge side rubbish collection service be provided in the 2011/12 financial year.

15.4 POSSIBLE CHANGE OF NAME - HARMANS ROAD SOUTH

SUBJECT INDEX:	Land Use and Planning Control.
STRATEGIC INITIATIVE:	2.1.2 Manage and maintain the Shire's assets for the amenity of the Community.
BUSINESS UNIT:	Infrastructure Development.
SERVICE:	Infrastructure Development.
DATE OF COMPLETION:	30 December 2009.
VOTING REQUIREMENT:	Simple Majority.
ATTACHMENT(S):	Attachment A - Letters in support of name change. Attachment B - Email from Geographical Names Committee. Attachment C - Correspondence from Augusta Margaret River Shire. Attachment D - Map. Attachment E - GNC – Principles, Guidelines and Procedures.

PRÉCIS

This report is in response to the Council's Resolution C0908/299 resulting from the Notice of Motion 09/10:3 from the Council Meeting of 26 August 2009:

C0908/299 Moved Councillor Ryan, seconded Councillor Tuffin:

That the CEO reports to the Council on or before 11 November 2009, as to the status of an application for a possible change of name of Harmans Road South, Metricup to Tom Cullity Drive.

The report to include:

- * *Copies of any correspondence with regard to this issue including the letters of support from local landowners;*
- * *The progress by the Shire of Augusta Margaret River on the issue;*
- * *Any information from the Geographical Names Committee;*
- * *What steps need to be initiated -if- such a change was to be initiated;*
- * *Costs to each Shire; and*
- * *Any other relevant information necessary for Council to progress such an initiative.*

BACKGROUND

On the 16 July 1974 Harmans Road South road name was approved for use within the Shires of Busselton and Augusta Margaret River by the Geographical Names Committee (GNC). It is likely that it was named after Mr Harman who owned Harmans Mill. This road was a link road to the Mill and has a direct historical connection to the area.

Both the Shires of Augusta Margaret River and Busselton have received letters from various property owners within the region requesting and giving support to the renaming of Harmans Mill Road South to Tom Cullity Drive.

The GNC has been consulted by both Shires for the approval of the proposed name Tom Cullity Drive however, in each case the use of Tom Cullity was not supported.

The GNC has also advised the owner of 'Providore Margaret River' that they are not prepared to consider the road name change of Harmans Road South to Cullity Drive without proof of both of the Shires agreeing to such a road name change (Attachment B).

In addressing the requested information the following is provided -

a) Copies of any correspondence with regard to this issue including the letters of support from local landowners;

Correspondence has been received from – Providore Margaret River, Thompson Estate, Faye Nominees Pty Ltd, Vasse Felix, Temasek Holdings Pty Ltd, E.P. Cullity, Peacetree Estate, Ashbrooke Estate Pty Ltd and Juniper Estate. (Attachment A)

b) The progress by the Shire of Augusta Margaret River on the issue;

Shire staff have communicated with officers from the Shire of Augusta Margaret River (AMR), who do not support the road name change. However it must be noted that the AMR Council has not formally resolved a position on this item.

The AMR Shire also advised Providore Margaret River, who had submitted a request to the Shire for the name change, that as an alternative the name 'Tom Cullity' could be used for new infrastructure. The suggestions given were for the possibility of naming a park or a building after Dr Tom Cullity. In addition, AMR Shire gave support for the use of 'Cullity' in a future subdivision development in the Shire (Attachment C).

c) Any information from the Geographical Names Committee;

The GNC has provided information to the Shire of Busselton, advising that the use of Tom Cullity would not be supported. They did however indicate that 'Cullity' would be suitable (Attachment B).

d) What steps need to be initiated if such a change was to be initiated;

- * Support from both Shires would be required by the GNC.
- * Advertise the re-naming proposal in a locally circulating paper for a period of 35 days (if residents are affected) and at least 21 days (if no residents affected), put up flyers at the local libraries; Shire front counter and the Shire's Webpage.
- * A report to the Council would be prepared detailing objectors' concerns, (Landgate require that the majority of residents affected support the renaming proposal).
- * If there are no objections then a letter is written to the GNC requesting that the Minister for Lands formally approve the renaming proposal.
- * Once a reply from GNC is given stating that a Ministerial Order has been given for the change of name, the new name will be allocated to the Road Name Index of the Shire. The GNC will then advise all residents, utilities and emergency services as a matter of course.
- * It should be noted that the standard steps for a road name change would need to be completed by the Shire of Augusta Margaret River.

e) Costs to each Shire; and

There is a cost of \$550 for advertising in local newspapers. There would also be additional officer time (that cannot be quantified at present), that involves preparation of correspondence; reports; legal documentation, changes to the Geographical Information System mapping services, as well as the cost of the replacement of signage in the area.

It is suggested that should this matter proceed all associated costs be borne by the residents requesting the change including additional administration time associated with this particular item.

f) Any other relevant information necessary for the Council to progress such an initiative.

The length of the road is 4.9km and has a distance of 2.7km within the Shire of Busselton and 2.2km within the Shire of Augusta Margaret River. The boundary point between the Shires is 300m south of Miamup Road intersection (Attachment D).

The renaming will result in new property numbers being issued from Landgate. The rural numbering on Harmans Road South begins from the Busselton Shire.

A change of name for Harmans Road South to Tom Cullity Drive would require all properties being issued with new rural numbers. The possibility that there may not be concurrent renumbering between the Shires should be noted.

Should the renaming take place, it is suggested that those requesting the change of name be responsible for financing the implementation including numbering, signage and redirection of all mail to any residents affected.

In addition all affected businesses would require stationery changes to reflect the name change, which may affect other businesses in the area, that are not located on Harmans Road South. There would be costs associated for tourism businesses in the area, such as maps, directories and 'flyers' for businesses that have Harmans Road South on their publicity / advertising brochures.

CONSULTATION

Consultation has been undertaken with the AMR Shire, the GNC and the results of that consultation are detailed earlier in the report.

STATUTORY ENVIRONMENT

Section 26 of the Land Administration Act 1997 requires the Shire to request the Minister for Lands to approve the renaming of a road once Council approval is given.

POLICY IMPLICATIONS

Policy 141/3 "Street Names" ensures compliance with the Geographic Names Committee's Guiding Principles of Nomenclature. This Policy deals with the application of new names generally, however it does state that *"all names must be submitted to the Geographic Names Committee for confirmation and official status"*.

Landgate's Geographic Names Committee Principles, Guidelines and Procedures document states that Renaming Roads – The renaming of roads is discouraged ... (see Attachment E).

FINANCIAL IMPLICATIONS

All costs involved including advertising costs, replacement of any affected existing street name signs, the redirection of mail (as condition of approval of this renaming proposal) and the use Shire Officer time, will need to be met by Providore Margaret River, Thompson Estate, Faye Nominees Pty Ltd, Vasse Felix, Temasek Holdings Pty Ltd, E.P. Cullity, Peacetree Estate, Ashbrooke Estate Pty Ltd and Juniper Estate.

STRATEGIC IMPLICATIONS

This proposal is considered relevant to the Shire's Strategic Plan 2006 - 2011:

1. Strategic Focus: Built and Physical (Infrastructure) Well Being:

Strategic Objective: To develop and maintain the Shire's assets and built environment to maximise public benefit now and into the future.

Strategic Initiative: Work with developers to ensure community sensitive townsite and neighbourhood layouts and functionality.

OFFICER COMMENT

The information and documentation that has been received from the Augusta Margaret River Shire indicates that a proposal for the road name change would not be supported, in accordance with Landgate's Geographic Names Committee Principles, Guidelines and Procedures (Attachment E).

Information from the GNC indicates that 'Cullity Drive' would be suitable subject to the GNC being formally informed by both Shires of their support for road name change (Attachment B).

In the event that the Council endorses the renaming of Harmans Road South to 'Cullity Drive', Shire officers would be unable to process this matter further until a similar Council resolution has been passed by the AMR Shire.

Should the Council decide to endorse the road name change proposal, the Acting CEO (or his representative) could approach the AMR Shire for the joint use of 'Cullity Drive' as the preferred name. On agreement by both Shires the GNC would be formally notified.

Officers are concerned that the road name change is based on issues not relevant to the GNC's set standards for a road name change, which are in general, issues around safety and clarity. There is additional concern with the fact that Harmans Road South is a well known and established road for local residents and tourists. There is potential to affect users in the area that do not reside on Harmans Road South but have association with the name.

There will also be considerable logistical, technical and administration time associated with this issue. For these reasons, officers are proposing that the proposal not be accepted.

TIMELINE/S FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The following timelines are proposed:

1. One month from the Resolution of the Council.

OFFICER RECOMMENDATION

1. That the Council reject the proposal to rename Harmans Road South.
2. That the landowners who requested the name change be formally advised of the Council's decision.

16. COMMUNITY AND ORGANISATIONAL DEVELOPMENT REPORT**16.1 CONSIDERATION OF TEXT FOR THE DRAFT OF ANNUAL REPORT FOR THE 2008/2009 FINANCIAL YEAR**

SUBJECT INDEX:	Annual Report 2008/2009
STRATEGIC INITIATIVE:	
BUSINESS UNIT:	Economic Development
SERVICE:	Public Relations
DATE OF COMPLETION:	28/10/09
VOTING REQUIREMENT:	Simple Majority
ATTACHMENT(S):	1. Draft Annual Report text 2008/2009

PRÉCIS

The Local Government Act 1995 requires the Council to accept the Annual Report for each financial year. As a precursor to that acceptance, a draft copy of the text of the Council's 2008/2009 Annual Report is attached for consideration.

This report seeks the Council's acceptance of the content of the report and endorsement to proceed to printing. Following printing and completion of the audited financial report and statements the final annual report will be presented to the Council for adoption in December 2009.

BACKGROUND

The Shire produces an annual report at the end of every financial year. The report is contributed to by each directorate and is an accurate and true reflection of what has occurred operationally within that financial year.

CONSULTATION

Extensive consultation for the preparation of the Annual Report has been undertaken with the Chief Executive Officer and Directors.

The annual electors meeting(s) will be an opportunity for the Council to present the annual report on the 2008/2009 financial year's activity to the community and stakeholders.

The report, when completed, is available to the community through the Shire website. Copies are also distributed to stakeholders and the community throughout the year.

STATUTORY ENVIRONMENT

Section 5.53 of the Local Government Act 1995 requires the local government to prepare an annual report for each financial year. The annual report is required to include (but not be limited to):

- (a) A report from the Mayor or President;

- (b) A report from the CEO;
- (c) An overview of the plan for the future of the district including major initiatives that are proposed to commence or continue in the next financial year;
- (d) The financial report for the financial year;
- (e) The auditor's report for the financial year.

It is a statutory requirement that the Annual Report be accepted by Council prior to 31st December. The Annual Electors' Meeting must be held within 56 days of that acceptance. Setting the date(s) for the electors meeting(s) will be the subject of a separate report to the Council.

As both statutory and printing timeframes are tight it is requested that any amendments that the Council wishes to make to this draft document are identified and ratified at this meeting.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

\$6,500 is allocated in the 2009/10 financial year budget for the production and printing of the Annual Report. A significant amount of the preparation work is undertaken in house. External assistance is sought with design, layout and printing.

STRATEGIC IMPLICATIONS

This report relates to two of the Shire's Strategic Objectives being:

Create harmony and unity within the community through open communication, participation and accurate representation.

Explore the education aspect of what a Local Government is/does.

OFFICER COMMENT

The annual report is structured around the five key result areas outlined in the Council's Strategic Plan. It includes a report from the Shire President and the CEO in accordance with the Local Government Act.

The report is an accurate reflection of the activities and projects undertaken by the Shire for the year of 2008/2009. A copy of the draft text for the 2008/2009 financial year annual report is at attachment 1.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The timeframe for production of the annual report is always tight and requires adherence to deadlines due to production of financial statements, printing and timing for electors meetings.

If the Council adopts the text at this meeting the following occurs:

1. Any changes made by the Council to the document are implemented;
2. The document is then printed;
3. The auditor's report is received and included in the printed document;
4. The printed text and the audited financial statements are then presented to the Council for acceptance of Annual Report in accordance with the Local Government Act 1995. This will occur in December 2009;
5. The Council will then set the date for annual electors meeting(s).

OFFICER RECOMMENDATION

That the Council endorse the printing of the text of the Annual Report for the 2008/2009 financial year.

17. **CHIEF EXECUTIVE OFFICER'S REPORT**

Nil.

18. **MOTIONS** of which notice has been given

Nil.

19. **CONFIDENTIAL REPORTS**

Nil.

20. **NOTICES OF MOTION** proposed for consideration at a future Meeting

21. **QUESTIONS FROM MEMBERS WITHOUT NOTICE**

22. **NEXT MEETING**

Wednesday, 25 November 2009, commencing at 5.30 p.m.

23. **CLOSURE**

