



Bunbury City Council

Minutes 22 January 2013

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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



Bunbury City Council Minutes

Minutes of an Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday 22 January 2013.

Minutes 22 January 2013

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

1. Declaration of Opening / Announcements of Visitors

His Worship the Mayor declared the meeting open at 6.01pm

The Mayor made mention of the attendance at the meeting of the Mayoress, Councillors wives and partners, members of the Youth Advisory Council and the residents of Picton Crescent/Tuart Street area.

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

The Mayor stated that he attended the turning of the sod ceremony for the Waterfront Project with Minister Castrilli and a representative of LandCorp. He was presented with a commemorative shovel to mark the occasion which he presented to Council.

The Mayor announced that the State Government through the South West Development Commission has committed to a \$1.5M contribution to the Withers Urban Renewal Project.

The Mayor has received information that the WA Planning Commission and the Department of Planning are close to making an offer of compensation for the College Grove land swap.

The Mayor urged all Councillors, if they had not already done so, to listen to the address given by President Obama at his inauguration ceremony. He believed that the sentiments and views that the President expressed in his speech are ones that we all could strive for.

4. Attendance

Present:

Council Members:	
Presiding Member	His Worship the Mayor, Mr D Smith
Deputy Presiding Member	Deputy Mayor Cr S Craddock
Members	Councillor J Jones
	Councillor A Leigh
	Councillor M Steck
	Councillor R Slater
	Councillor K Steele
	Councillor B Kelly
	Councillor N McNeill
	Councillor M Cook
	Councillor S Morris
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr T Farnworth (Acting)
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Manager Corporate Performance	Mr G Golinski
Manager Environmental Health	Mrs S Upton
Team Leader Parking	Mr N Dyer
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting)	
Members of the Public	32 approx.
Members of the Press	1

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Councillor David Prosser is on Leave of Absence from 5 December 2012 to 1 February 2013 (inclusive).

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

Cr Kelly declared an impartiality interest in the confidential late item titled '*Confidential Report – Hay Park Multi Sports Pavilion Tender*' as he has a family connection with one of the tenderers. He has elected to leave the chambers, not participate in the discussion or vote on the matter.

Cr Jones declared an impartiality interest in the item titled '*Proposed Street Renumbering – Lowe Street Carey Park*' as she previously owned No.2 Lowe Street. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Leigh declared an impartiality interest in the confidential item titled '*Tender Wildlife Park Building Extension and Alterations RFT 2012 2013-06*' as the company he works for has clients that tendered for the project. He has elected to leave the chambers, not participate in the discussion or vote on the matter.

6. Public Question Time

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

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

6.1 Responses to Public Questions Taken 'On Notice'

Nil

6.2 Public Question Time

The following questions were asked in relation to the issue of Czar the peacock being allowed to remain at 26 Picton Crescent Bunbury.

Mr Jerry Bogdanoff, 26 Picton Crescent Bunbury

Question: Can you please advise of how the City of Bunbury arrived at the decision in regards to the revocation of the licence?

Response: CEO – The decision to revoke the permit was based on the original permit conditions which were issued to allow for the keeping of the peacock, subject to no further complaints being received. Further complaints were made hence the action taken to remove the peacock.

Question: *How many complaints have been received and were they from the same person or more?*

Response: CEO – There has been about four (4) complaints received but I don't know at this point whether that is four (4) individual complaints or one (1) individual making four (4) complaints. The complaint was in relation to the noise.

Mrs Nadya Bolderoff, 5 Roberts Crescent Bunbury

Question: *Can you advise as to whether the investigation was completed at the time of revoking the approval?*

Response: CEO – The question will have to be taken on notice as I do not have that information on hand. However the basis of the complaints were in relation to noise based on that the complaints were deemed to be reasonable and hence we started commencing the action. Further information will be provided once I review the file.

Question: *Was an investigation held in regards to the complaint laid?*

Response: CEO – I would have to again take another look at the file. I will take that question on notice.

Mrs Juliet Inwood, 24 Picton Crescent Bunbury

Question: *Can you please advise if there has been any noise monitoring taken place to substantiate the complaint?*

Response: Manager Health – No there hasn't.

Mrs Anne-Marie Offer, 25 Picton Crescent Bunbury

Question: *What considerations has Council given in regards to the overwhelming support from the neighbours and nearby community?*

Response: CEO – At this stage Council hasn't formally considered this matter. Council will be considering it tonight due to the motion on notice that Cr Steck has put forward. The decisions that have been made to date have been made by the officers and not the elected Council members.

Question: *Does the overwhelming support from the community bare any weight with the Council when making their decisions?*

Response: Mayor – Although we are required, where we disagree with an Executive decision, give reasons for that it is very difficult as there are many views on the matter. As you go around the table different Councillors will have different reasons for voting the way they do. I think you really need to address that

question to individual Councillors after the event. Rather than expect us in advance of the event to give you any reasons.

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 Meeting

The minutes of the Council meeting held 11 December 2012 have been circulated.

Recommendation

The minutes of the Council meeting held 11 December 2012 be confirmed as a true and accurate record.

Outcome – Council Meeting 22 January 2013

Cr Kelly requested that a letter be sent to the person who asked the questions at the previous Council meeting regarding the submission on the Lanco proposal for the Bunbury Port Expansion, advising them that the City did make a submission.

The recommendation (as printed) was moved Cr Leigh, seconded Cr Steck.

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

Council Decision 2/13

The minutes of the Council meeting held 11 December 2012 be confirmed as a true and accurate record.

CARRIED
11 votes "for" / nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 , MTBN-2 , MTBN-3 , MTBN-4

Council Committee Recommendation

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

1. Title: Minutes – Bunbury Region RoadWise Committee Meeting 07/11/2012
Author: Jason Gick, Manager Engineering
Appendix: [MTBN-1](#)
2. Title: Minutes – Youth Advisory Council Committee Meeting 05/12/2012
Author: Isabell Evans, Community Development Officer
Appendix: [MTBN-2](#)
3. Title: Minutes – Community Access Committee Meeting 07/12/2012
Author: Caris Gibson, Team Leader Community Development
Appendix: [MTBN-3](#)
4. Title: Minutes – City of Bunbury Art Collection Management Committee Meeting 10/12/2012
Author: Caroline Lunel, Arts Registrar/Curator
Appendix: [MTBN-4](#)

Outcome – Council Committee Meeting 15 January 2013

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

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

The Council Committee recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Leigh.

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

Council Decision 3/13

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

1. **Title:** Minutes – Bunbury Region RoadWise Committee Meeting 07/11/2012
Author: Jason Gick, Manager Engineering

- 2. Title: Minutes – Youth Advisory Council Committee Meeting 05/12/2012**
Author: Isabell Evans, Community Development Officer

- 3. Title: Minutes – Community Access Committee Meeting 07/12/2012**
Author: Caris Gibson, Team Leader Community Development

- 4. Title: Minutes – City of Bunbury Art Collection Management Committee Meeting 10/12/2012**
Author: Caroline Lunel, Arts Registrar/Curator

CARRIED

11 votes “for” / nil votes “against”

8. Presentations

8.1 Petitions

8.1.2 Petition – Picton Crescent Peacock

File Ref:	
Applicant/Proponent:	
Author:	Councillor Michelle Steck
Executive:	<i>If the petition is adopted by Council, refer to: Bob Karaszekwych, Director Planning and Development Services</i>
Attachments:	Appendix PET-1

A petition has been received from the residents of Picton Crescent requesting that the Bunbury City Council reconsiders removing Czar the resident “pet” peacock.

Pursuant to City of Bunbury Standing Order 6.10 (2), the only questions to be considered at the Council Meeting upon presentation of a petition are:

- (a) Receive the petition and submit it to the relevant officer to be included in his or her report deliberations (to be submitted within the next two (2) rounds of Council meetings) on the matter that is the topic of the petition, subject to subclause (3).
- (b) If in the opinion of the Presiding Member the subject or topic of the petition does not fall within the jurisdiction of the Council, reject the petition.

Outcome – Council Meeting 22 January 2013

Cr Steck tabled the petition from the residents of Picton Crescent. The petition contained a total of 456 signatures – 313 signatures from Bunbury; 89 signatures from the Greater Bunbury area and 54 signatures from other areas outside of the Greater Bunbury area.

Cr Steck moved Cr Leigh seconded the following motion:

“The Petition in relation to the Peacock shall be accepted and dealt along with the late item 12.2 Motion on Notice.”

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

Council Decision 4/13

The Petition in relation to the Peacock shall be accepted and dealt along with the late item 12.2 Motion on Notice.

CARRIED

11 votes “for” / nil votes “against”

The contents of the petition was discussed in conjunction with the motion on notice (item 12.2) from Cr Steck.

8.2 Presentations

Nil

8.3 Deputations

All the deputations received were made during the discussion of the Peacock petition and motion on notice. These items were dealt with together and prior to the discussion of any other item on the agenda.

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

Nil

9. Method of Dealing with Agenda Business

Standing Order 5.5 permits the Council to adopt the recommendations “by exception” (en bloc). The Mayor put the matters listed in section 10 to be “adopted by exception” to the vote.

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.1.2, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.4, 10.3.5, 10.4.1, 10.4.2, 10.4.3, 10.5.1, 10.5.2 and 10.5.3.

Items 10.2.4, 10.3.3, 10.3.6, 10.5.4, 10.5.5 and 10.5.6 of the meeting agenda were then discussed and voted on separately and in the order they appeared on the agenda. The items voted “by exception” are listed first.

Item 12.2 was dealt with prior to the discussion of any other item on the agenda in conjunction with the petition received.

Item 12.1 was deferred for discussion until the matters of confidentiality were discussed. The item was discussed behind closed doors.

10. Reports

10.1 **Youth Advisory Council Committee Meeting Location** (was listed as item 10.1.1 on the meeting agenda)

File Ref:	A05254
Applicant/Proponent:	Internal
Author:	Isabell Evans, Community Development Officer
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Nil

Summary

This report seeks approval for a Committee meeting to be held within Council Chambers, as per the interest expressed by Committee members at a previous meeting.

Council Committee Recommendation

That Council grants the Youth Advisory Council Committee access to the Council Chambers for their first 2013 meeting, to be held 4:00pm – 5:00pm on Wednesday, 6 February 2013.

Background

At a Committee meeting on Wednesday 7 November 2012 Youth Mayor Carlee Brien expressed interest in holding a Committee meeting within the Council chambers. This interest was shared by other Committee Members.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

It is recommended that given the recent Committee election period the first 2013 meeting should be the one which is held in the Council chambers. This meeting will thus act as a motivational start to the New Year for new and existing Committee members.

Youth Mayor Carlee Brien will approach Council regarding this request.

Analysis of Financial and Budget Implications

There are no implications on budget relating to this item.

Community Consultation

Not applicable

Councillor/Officer Consultation

This item brings the matter to Council's attention. The Council representatives mentioned above are aware of the proposal.

Outcome – Council Committee Meeting 15 January 2013

The recommendation (as printed) from the Advisory Committee was moved Cr Steck, seconded Cr McNeill.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 6/13

That Council grants the Youth Advisory Council Committee access to the Council Chambers for their first 2013 meeting, to be held 4:00pm – 5:00pm on Wednesday, 6 February 2013.

CARRIED

11 votes "for" / nil votes "against"

10.2 Youth Advisory Council Committee Membership (was listed as item 10.1.2 on the meeting agenda)

File Ref:	A05254
Applicant/Proponent:	Internal
Author:	Isabell Evans, Community Development Officer
Executive:	Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Nil

Summary

Council recently approved a report outlining recommendations for the Committee's current membership and future structure up until October 2013 (Council Decision 310/12).

Following the nomination process undertaken as per the aforementioned decision, this report puts forth a recommendation to Council regarding the make-up of the Committee up until the next Ordinary Election.

Council Committee Recommendation

That Council;

1. Approves the election of four (4) community youth representatives to the Youth Advisory Council Committee; Ms Bronte Evans, Mr Cody Melvin, Ms Nikeisha Cain and Mr Sean Smith.
2. Allows the one (1) remaining vacant position to remain open.

Background

Following its recent review of all Advisory Committees, Council resolved to re-elect the five (5) community youth representatives currently sitting on the Committee up until October 2013, and to also call for nominations for the five (5) vacant positions (Council Decision 310/12).

The nomination period was then advertised extensively; through local print and radio media, through visits to high schools within Bunbury, through online networks and the Youth Advisory Council's Facebook page, and also through the current membership of the Council and it's Committee.

As a result, the Community Development Team received four (4) nominations; from Ms Bronte Evans, Mr Cody Melvin, Ms Nikeisha Cain and Mr Sean Smith. All four (4) nominees have previously demonstrated, and continue to demonstrate, leadership qualities and a commitment to the betterment of Bunbury and thus would be appropriate members of the Youth Advisory Council Committee.

Council Policy Compliance

Nil.

Legislative Compliance

Section 5.10 of the Local Government Act (1995) refers to the Appointment of Committee Members.

Officer Comments

Although given the four (4) nominations, one (1) vacant position still exists on the Committee. It is recommended that this position remain open and in the interim the nominees be elected.

This recommendation is presented in order to maximise Committee productivity, engagement and also the ability to respond to its Terms of Reference.

Analysis of Financial and Budget Implications

There are no implications on budget relating to this item.

Community Consultation

As mentioned in the background to this report, the community has been made thoroughly aware of the vacant Committee positions and subsequent nomination period, through local print and radio media, through visits to high schools within Bunbury, through online networks and the Youth Advisory Council's Facebook page, and also through the current membership of the Council and its Committee.

Councillor/Officer Consultation

This item brings the matter to Council's attention. The Council representatives mentioned above are aware of the proposal.

Outcome – Council Committee Meeting 15 January 2013

The recommendation (as printed) from the Advisory Committee was moved Cr Steck, seconded Cr Slater.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 7/13

That Council;

- 1. Approves the election of four (4) community youth representatives to the Youth Advisory Council Committee; Ms Bronte Evans, Mr Cody Melvin, Ms Nikeisha Cain and Mr Sean Smith.***
- 2. Allows the one (1) remaining vacant position to remain open.***

CARRIED

11 votes "for" / nil votes "against"

10.3 Resignation/Replacement – Councillor Alfred Leigh – Bunbury Setagaya Sister Cities Committee (was listed as item 10.2.1 on the meeting agenda)

File Ref:	A00443
Applicant/Proponent:	Internal Report
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

Councillor Alfred Leigh has given written notice of his resignation from the Bunbury Setagaya Sister Cities Committee effective from 1 January 2013.

Consequently a replacement elected member representative is sought to fill the vacancy.

Council Committee Recommendation

That Council appoint Cr McNeill to the Bunbury Setagaya Sister Cities Committee as a replacement for Cr Leigh.

Background

Cr Leigh has provided advice of his resignation as a member of the Bunbury Setagaya Sister Cities Committee effective 1 January 2013.

Cr Leigh wishes the committee every success for the future.

The replacement is required for a term to expire at the 19 October 2013 Local Government election.

Current membership of this committee is as follows:

- Councillor Karen Steele; and

Eight (8) community representatives:

- Andreas (Harry) Ostendorf,
- Valda Smith OAM,
- Pauline Vukelic,
- Suzanne Ellis,
- David Byatt,
- Kazuyuki Shimada,
- Alan Whitfield; and
- Kazoo Sumi.

Council Policy Compliance

Council Policy CEO7 – Establishment and Operation of Council Advisory Committees.

Legislative Compliance

Local Government Act 1995 and associated Regulations.

Officer Comments

This committee meets on a monthly basis at 5.30pm and meetings last approximately 1.5 hours.

For the information of members, the current Terms of Reference for the committee are as follow:

- “1. *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.*
2. *To encourage the development of special links between individuals and interest groups of the two (2) communities.*
3. *To encourage and plan for cross cultural visitations between the cities of Bunbury and Setagaya.*
4. *To identify opportunities to develop areas of mutual interest between the two (2) cities.*
5. *To advise the Bunbury City Council on matters relating to the Sister City relationship; and*
6. *All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury’s office.”*

Analysis of Financial and Budget Implications

There are no financial or budgetary implications with this matter.

Community Consultation

There is no requirement for community consultation on this item.

Councillor/Officer Consultation

This item draws the matter of Cr Leigh’s resignation from the committee to the attention of Council.

Outcome – Council Committee Meeting 15 January 2013

The Mayor asked the Councillors for a nominee to replace Cr Leigh. Cr Slater nominated Councillor McNeill for the position. Cr McNeill accepted the nomination and no other Councillor nominated.

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

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Steck, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 8/13

That Council appoint Cr McNeill to the Bunbury Setagaya Sister Cities Committee as a replacement for Cr Leigh.

CARRIED

11 votes “for” / nil votes “against”

10.4 Regional Capital Australia Conference: Regionalism 2.0, 20/21 February 2013 (was listed as item 10.2.2 on the meeting agenda)

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The Regionalism 2.0 forum will bring together stakeholders working in the regional city space to help Regional Capitals Australia explore the creation of a policy mandate “National Building through Strong Capitals and Connected Communities.”

Council Committee Recommendation

That Council endorse the attendance of the Chief Executive Officer, the Mayor and Cr Slater at the Regional Capitals Australia Conference: Regionalism 2.0 to be held from 20 to 21 February 2013 at the City of Greater Geelong.

Background

The ‘Regionalism 2.0’ forum will create a platform to engage with Australia’s federal policy makers. The topics of discussion will focus on how to create regional capitals that can grow the economic and social prosperity of Australia’s regions as well as contributing to the nation building agenda.

The forum will be launched with the Hon. Simon Crean – Minister for Regional Australia, Regional Development and Local Government. Each Regionalism 2.0 session will be led by a federal policy and industry expert and produce a Regional Capitals Australia mandate for action.

The session themes are:

- Regional capital specific urban planning;
- The role of regional capitals in region-wide economic growth;
- Local, State and Federal shared governance structures.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

This conference is very relevant to the challenges facing the City of Bunbury in the future. Whilst it deals with policy issues surrounding regional cities, the conference also includes a ‘think tank’ event titled ‘Regional resilience through strong city centres’. This will explore the contribution robust regional city centres can make in securing liveability and climate compatible economic development for regional cities and their hinterlands. This is

especially relevant to the City of Bunbury, and will give us access to urban, social and economic practitioners, business and property professionals, and researchers and strategists.

Analysis of Financial and Budget Implications

The cost of the conference is \$1,000 per attendee, plus flights and accommodation.

The cost of this will be funded from the money allocated by Council to the WA Regional Capitals Alliance as part of the base operating budget for 2012/13.

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation was moved Deputy Mayor Cr Craddock with the removal of the words “(or Council’s representative)”. There was no seconder so the motion lapsed.

Cr Kelly nominated Cr Slater to attend the conference with both the Mayor and Chief Executive Officer. Cr Slater accepted the nomination.

The Executive recommendation (as amended) was moved Cr Kelly, seconded Cr Steele.

The Mayor put the motion to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Steck, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 9/13

That Council endorse the attendance of the Chief Executive Officer, the Mayor and Cr Slater at the Regional Capitals Australia Conference: Regionalism 2.0 to be held from 20 to 21 February 2013 at the City of Greater Geelong.

CARRIED

11 votes “for” / nil votes “against”

10.5 Submission on the Metropolitan Local Government Review (was listed as item 10.2.3 on the meeting agenda)

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The State Government has recently released the Robson Report into the Review of Metropolitan Local Government. At the recent Zone meeting the issue was also listed for consideration. The report identified a number of recommendations that are specific to the Metropolitan Councils; however there are also some that have the potential to impact across the entire local government sector. Submissions have been called for on the report and this item seeks to obtain a council position on each of the recommendations.

Council Committee Recommendation

1. That Council endorse the preparation of a submission by the Chief Executive Officer in relation to the Metropolitan Local Government Review based on the Council agreed position as outlined in the summary table in this report.
2. That the final submission be referred back to Council for endorsement

Background

A copy of the Robson Report has been distributed to Councillors as a separate item for information and in self-explanatory.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Analysis of Financial and Budget Implications

Nil

Officer Comments

Below is a table which provides an overview of the Recommendations from the Robson Report, WALGA position and the proposed position to go forward in the preparation of the submission.

	Recommendation	WALGA Position	Council Position
1	The State Government give consideration to the inequities that exist in Local Government rating,	Support (WALGA Recommendation 5) – That LandCorp and other Government Trading Entities’ rate equivalency	Council supports the position taken by WALGA in relation to this matter and believes that it is a sector wide issue

	including rate- equivalent payments and State Agreement Acts.	payments be made to the relevant Local Governments instead of the State Government	
2	A collaborative process between State and Local Government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and Local Government.	Support (WALGA Recommendation 1) – A protocol guiding communication and consultation between the State Government and the Local Government sector be developed and implemented as a matter of urgency	The WALGA position is supported however it is considered that this is a sector wide issue and any development needs to take this into consideration. It was considered that there is a need to develop a Partnership Agreement between State Government and Local Governments to progress the provision of strategic infrastructure and facilities to help stimulate economic growth. This needs to be looked at from a State wide perspective, a metropolitan perspective and regional areas and as such cannot be just a high level statement of intent, but needs to focus on specific projects and activities.
3	The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and Local Government.	Support (WALGA Submission to Issues Paper – p40-42 – Critical Success Factor: Intergovernmental Relations)	Linking to the above response, the issue of cross-government agency business plans to deliver timely infrastructure and services.
4	A full review of State and Local Government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.	Sector to determine WALGA position	Any review of financial responsibilities needs to consider the issues of funding, legislative reforms and integration with all levels of local government. This is much wider than the Metropolitan local governments and any formal position must be sector wide. The transfer of any responsibilities either to or from local government must be accompanied by the appropriate funding arrangements or amendments to legislation to allow local government to appropriate fund outside of rates and changes. Whilst the transfer of responsibilities can be viewed as a specific issue for metropolitan local governments, it will have a flow on effect to other areas of the State in the future. The current provisions of Regional Local Governments is too restrictive to allow for targeted funding models and must be considered in the overall response.
5	In conjunction with the proposed structural and governance reforms, that Local Government planning approval powers be reinstated in metropolitan Perth by the State Government.	Panel Finding 12 is NOTED . (WALGA Submission to Draft Findings, p19 – “As a general principle, the Association always supports the empowerment of Local Government as democratically elected community representatives.”)	Agreed with however need to be sector wide to ensure consistency across the sector. The problem with having different powers for a single LG is that it creates inequities across the State. For example in QLD the City of Brisbane has its own Act which then has to be read in conjunction with the LG Act. This has the potential to impact on boundary issues between Perth and surrounding local authorities.

			<p>Consistent Planning Framework, LP Strategy and scheme, preserving discrete local differences, such as heritage areas is an appropriate approach to achievement of this outcome.</p> <p>The issue of the Development Assessment Panels should be included in any review of planning powers and allow local governments the ability to manage planning assessment and reviews.</p>
6	<p>The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with Local Government.</p>	<p>Panel Finding 10 is CONDITIONALLY SUPPORTED. Local Government demands more State Government engagement and leadership on the issue of waste management.</p>	<p>Again, this needs to be looked at on a whole of sector approach and not just the metropolitan area. Waste management is a State-wide issue and has the potential to provide a revenue stream for local governments if managed correctly. In the event that State was to take on the management of waste in partnership with local government the arrangement would need to be such that it provided for appropriate revenue to all parties and effective management of the RRR strategies. Whilst there are some potential synergy with cost and operational efficiencies, when looking at an industry wide perspective this may not be achievable.</p>
7	<p>A shared vision for the future of Perth be developed by the State Government, in conjunction with Local Government, stakeholder and community groups.</p>	<p>Panel Finding 6 is SUPPORTED for Metropolitan Perth.</p>	<p>The Council does not have a specific position in relation to the shared vision for Perth, however it is recognised that A shared regional vision is essential to underpin strategic infrastructure and service provision to support economic growth.</p>
8	<p>A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.</p>	<p>Panel Finding 20: the principle of a Forum or Council of Mayors is supported.</p>	<p>Whilst the concept is supported in principle, there is a need to ensure that the voice of the rest of the Mayors/Presidents is not lost at the State level. With the forum of Mayors being established just for the Perth Metropolitan areas, this could create a problem for other areas of the state. The South East Queensland model (prior to local government amalgamations in 2008) had a Council of Mayor type of arrangement which had around 21 Mayors initially from the South East region. This “lobby group” represented the majority of the population of the State and as such had a significant voice when lobbying for State and Federal funding and the provision of infrastructure. Appropriate arrangements would need to be developed to ensure that this did not occur with the proposed arrangements.</p>

			From a regional perspective it was considered that WALGA was the appropriate forum for this arrangement supported by groups such as the Regional Cities Alliance or other such groups.
9	The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.	Sector to determine WALGA position	Whilst there was no formal position on this matter, it was considered that a rotational basis would be appropriate and the Chair should be elected by the member Councils on the basis of one year terms.
10	The newly created Local Governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open- government platforms.	Panel Finding 7 is NOTED with the following additional comment: obviously Local Government size will impact on 'sense of place' and local identity and great care must be taken to protect those in any amalgamation. Panel Findings 18 and 19 are NOTED .	The work that has been done to date across the State in relation to Integrated Strategic Planning provides a sound platform to move forward on this. Any changes to the current framework should be sector wide and supported by appropriate legislation and financial support from State Government. The various approaches used across the State cannot and should not be restricted, but should always be supported and encouraged and the provision of information technology enabled infrastructure should be encouraged to support this. In order for greater involvement of the community in planning and decision making there should be scope in any legislative reform to allow for greater participation through the use of electronic mediums including virtual meetings, teleconferencing and video-conferencing. The roll-out of the NBN across the State should be encouraged to help support this approach.
11	The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.	Sector to determine WALGA position	Whilst not appropriate to comment on the Metropolitan position, current requirements for Regional Councils are relatively restrictive and any changes should be focused on the establishment of a framework to promote and support regional approaches to essential infrastructure service provision, this needs to be supported through legislative and financial support for transitional arrangements. The recent proposal in relation to Regional Subsidiaries is a start in the right direction, however in order for local governments to become truly competitive there is a need to look at greater enterprise powers allowing local government to become more entrepreneurial in their approach to alternative sources of revenue. This should include the ability to truly compete with the commercial sector where appropriate and have the ability to run fully commercial operations. The provisions in other States should be investigated in relation to

			commercialisation of services or development of local government owned corporations.
12	The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority.	Sector to determine WALGA position	The potential for this to have flow on impacts to regional centres needs to be investigated to ensure that development authorities do not simply become a tool used to implement State projects and override local planning decisions. State Government should be required to work within the holistic Strategic Planning Framework as poor sighting scale and function may undermine local efforts for economic growth and social cohesion.
13	Periodic Local Government boundary reviews are undertaken by an independent body every 15 years to ensure the city's Local Government structure continues to be optimal as the metropolitan region develops.	Panel Finding 16 is NOTED .	This needs to be looked at from a state-wide perspective and not just the metropolitan area. The high levels of development and investment in some regional areas means that growth in these areas may create additional challenges which may be best addressed through boundary change. It may be more appropriate to look at issues of population change (growth or decline) as a factor rather than just a timeframe issue but this would need to be further investigated. Considered in the context of regional and Local Planning Strategies may also need to be considered.
14	The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.	The intent of Panel Finding 11 is SUPPORTED subject to: <ol style="list-style-type: none"> 1. Responsibility for Intergovernmental Agreements sitting with the Department of Premier and Cabinet, in liaison with WALGA. 2. The Local Government Commission, established as an independent body from the Department of Local Government, undertaking the following functions: The majority of the advisory and sector support functions currently undertaken by the Department of Local Government Progressing Local Government's ability to examine and improve its sustainability <ul style="list-style-type: none"> • Improving access to consistent aggregated Local Government financial information • Encouraging standard asset management practices • Encouraging long term strategic financial planning and management, and 	WALGA position is supported by Council.

		Assisting with the implementation of community infrastructure planning	
15	<p>A new structure of Local Government in metropolitan Perth be created through specific legislation which:</p> <p>a) incorporates all of the Swan and Canning Rivers within applicable Local Government areas transfers Rottnest Island to the proposed Local Government centred around the City of Fremantle reduces the number of Local Governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.</p>	<p>Sector to determine WALGA Position</p> <p>Sector to determine WALGA Position</p> <ol style="list-style-type: none"> 1. Panel Finding 13 is NOT SUPPORTED. 2. WALGA supports a Governance Model for the Perth metropolitan region consisting of approximately 15-20 Local Governments, and will work towards achieving this objective, based on sustainability principles, with reference to Directions 2031, using existing Local Government boundaries as a starting point. 	<p>Whilst not specifically focused on the issue of numbers of local governments within the Metropolitan area, the decision on the number of local governments across the State should be based on beneficial physical environmental, social and economic outcomes for the community. Needs to be based on strategic parameters and criterion focused around sustainability and serviceability rather than just a target number.</p>
16	<p>Consideration be given to all Local Government elections being conducted by the Western Australian Electoral Commission.</p>	<p>Oppose – the Association’s formal position is that other bodies, including Local Governments, should be empowered to conduct postal elections.</p>	<p>The WALGA position was not supported. The Council supports the use of the electoral commission to take on the role for all local government elections. It should be noted that whilst Council currently uses the Commission, for other local governments it may need to be demonstrated that it could be done in a more cost effective manner.</p>
17	<p>Compulsory voting for Local Government elections be enacted.</p>	<p>Panel Finding 23a is OPPOSED</p>	<p>The majority of States and territories have compulsory voting and this helps to ensure that the entire community is engaged in determining strategic economic directions and outcomes. The same is said for both State and Federal Governments where voting is compulsory and it was considered that local government Mayors/Presidents and Councillors should be given the same level of respect when it comes to elections. In the event that all voting was to become compulsory this would need to include a move towards in-person voting rather than purely postal elections.</p>
18	<p>All Mayors and Presidents be directly elected by the community.</p>	<p>Panel Finding 23c is NOTED.</p>	<p>No change to current position whereby local governments select the process that suits their needs and circumstances at the time. There may need to be some amendments to the legislation to allow for easier changes to the way in which Mayors/Presidents are elected in the future if there are to be further boundary</p>

			changes/mergers in the future based on regular reviews as mentioned in response to recommendation 13 above.
19	Party and group nominations for Local Government electoral vacancies be permitted.	Sector to determine WALGA position	Council is opposed to the move towards party and group nominations.
20	Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.	Opposed in the text of WALGA's Submission to Draft Findings (p31) – "The concept of term limits for Elected Members is raised in the document. Term limits for Elected Members are not supported."	Council supports the WALGA position
21	Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.	Panel Finding 23b is SUPPORTED . Panel Finding 23e is SUPPORTED .	Council supports the WALGA position on the proviso that the training is only made available and does not become a pre-requisite or mandatory requirement for elected members.
22	A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the- post is inappropriate for the larger districts that it has recommended).	Sector to determine WALGA position	Supported and should be read in conjunction with the response to recommendation 17. The move away from first past the post to either preferential or optional preferential should be supported. Whilst any change would not be likely to have any major impact with the current levels of voter turnout, a move to compulsory voting would necessitate and change in the voting systems.
23	Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.	Panel Finding 23d is SUPPORTED .	Council supports the WALGA position
24	Payments made to elected members be reported to the community on a regular basis by each Local Government.	No position (It is a requirement of the Local Government (Financial Management) Regulations 1996 for payments to Elected Members to be reported in the Annual Report).	Council supports the WALGA position
25	The Public Sector Commission provide advice and assistance to Local Governments in the appointment and performance management of Local Government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.	Support – WALGA's Submission to the Draft Findings (p33) states, "The text supporting this Finding suggests that, while remaining a Council responsibility, there should be oversight of the CEO recruitment and performance management processes by an independent body. This concept should be included in the Finding."	This is only supported if the Council retains the authority to appoint/dismiss the CEO. Whilst any requirement to involve another party may help in some circumstances, in others it would only serve to confuse the issue. The recruitment of a CEO is a fundamental decision by the Council of the day and whilst external independent professional advice is often sought, it is considered that this should not take away from the role of the elected members.
26	A State Government decision on reform should be made as soon as possible, and if the decision is to	Support – WALGA Additional Recommendation I: "That the State Government be requested to: 1. Release the Metropolitan	Council supports the WALGA position with the following additions: 1) The establishment of a panel to look at the Peel and Greater Bunbury Regions for

	proceed with structural reforms, the process of implementation should begin without delay.	Local Government Review Panel's final report for a two month sector consultation period, and 2. Declare its position in regard to Local Government reform prior to the 2013 State election"	compulsory reform 2) Determine that for the rest of the State that the issue of reform is to remain voluntary
27	Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.	Sector to determine WALGA position	The local debate on reform has been ongoing for some time with each local government adopting their own position. In order for there to be meaningful debate/discussion at the local level it needs to be supported through appropriate information being provided by independent sources e.g. for consultants to be engaged by the state to look at specific City/Shires to be merged.
28	The State Government assist and support Local Governments by providing tools to cope with change and developing an overarching communication and change management strategy.	Sector to determine WALGA position	Much of the work on coping with change has already been developed and needs to be rolled out on a state-wide basis. Examples from other states should provide a sound platform on which to build and expand. Some of the issues that also need to be addressed are in relation to developing a change management strategy to deal with affected communities (ie not just local government staff) to ensure that the public are aware of, and understand the changes and the impacts that it will have on them individually and collectively.
29	A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and Local Government.	The intent of Panel Finding 11 is SUPPORTED subject to: 1. Responsibility for Intergovernmental Agreements sitting with the Department of Premier and Cabinet, in liaison with WALGA. 2. The Local Government Commission, established as an independent body from the Department of Local Government, undertaking the following functions: <ul style="list-style-type: none"> • The majority of the advisory and sector support functions currently undertaken by the Department of Local Government Progressing Local Government's ability to examine and improve its sustainability • Improving access to consistent aggregated Local Government financial information • Encouraging standard asset management practices • Encouraging long term strategic financial planning and management, and • Assisting with the implementation of community 	Council supports the WALGA position

		infrastructure planning	
30	The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.	Sector to determine WALGA position	Whilst some of the matters raised are sector wide, some specifically relate to the Metropolitan area. In order for all 30 recommendations to be adopted, the budget needs to be fully investigated and timeframes outlined. This should form the basis of a comprehensive implementation plan supported by appropriate budgets. The two remaining areas of the State that this submission highlights (Peel and Bunbury) should then be subject of a further similar review and funding package to allow for a much faster turnaround in review and implementation.

Outcome – Council Committee Meeting 15 January 2013

The Mayor and Councillors provided their responses to the Chief Executive Officer in regards to the agreed position as outlined in the table.

The Executive recommendation (as printed) was moved Cr Kelly, seconded Deputy Mayor Cr Craddock with the addition of a point 2 which reads as follows:

“2. That the final submission be referred back to Council for endorsement.”

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Steck, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 10/13

1. That Council endorse the preparation of a submission by the Chief Executive Officer in relation to the Metropolitan Local Government Review based on the Council agreed position as outlined in the summary table in this report.

2. That the final submission be referred back to Council for endorsement

CARRIED

11 votes “for” / nil votes “against”

10.6 Schedule of Accounts Paid for the Period 1 to 31 December 2012 (was listed as item 10.3.1 on the meeting agenda)

File Ref:	A00083
Applicant/Proponent:	Internal Report
Author:	Michelle Larkworthy, Acting Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-1

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 31 December is **attached** at Appendix [DCS-1](#). The schedule contains details of the following transactions:

1. Municipal Account - payments totalling \$7,128,065.94
2. Advance Account - payments totalling \$5,598,187.94
3. Trust Account - payments totalling \$19,495.63
4. Visitor Information Centre Trust Account - payments totalling \$15,226.45
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$409,993.88
6. Bunbury-Harvey Regional Council Advance Account - payments totalling \$344,330.24

For Committee/Council Information Only.

Council Committee Recommendation

The Schedule of Accounts Paid for the period 1 to 31 December 2012 be received

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Steele.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 11/13

The Schedule of Accounts Paid for the period 1 to 31 December 2012 be received

CARRIED

11 votes "for" / nil votes "against"

10.7 Financial Management Report for the Period Ending 30 November 2012
(was listed as item 10.3.2 on the meeting agenda)

File Ref:	A02838
Applicant/Proponent:	Internal Report
Author:	Michelle Larkworthy, Acting Manager Finance
Director:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2 , DCS-3 , DCS-4 , DCS-5 , DCS-6

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix [DCS-2](#))
Actual Financial Performance to 30 November 2012
 - Actual income of \$38.9M is \$200K greater than the year-to-date budgeted income of \$38.7M. (refer explanation on next page).
 - Actual expenditure of \$15.5M is \$148K less than the year-to-date budgeted expenditure of \$15.6M, (refer explanation on next page).
 - Actual operating surplus of \$23.4M is \$347K more than the year-to-date budgeted operating surplus of \$23.1M.

2. Balance Sheet (**attached** at Appendix [DCS-4](#))
Council's Year-to-date and Forecast balances are as follows:

	<u>Year-to-date</u>	<u>Forecast</u>
- Current Assets of \$53.3M includes:		
* Cash and Investments	\$41.6M	\$14.4M
* Rates	\$10.3M	\$0.6M
* Other receivables	\$1.4M	\$1.2M
- Current Liabilities of \$7.3M includes:		
* Trade and Other Payables	\$3.7M	\$4.7M
* Annual Leave and LSL Provisions	\$2.5M	\$2.9M
- Working Capital (Current Assets less Current Liabilities)	\$45.90M	\$7.0M
- Equity (Total Assets less Total Liabilities)	\$250.2M	\$229.3M

3. Capital Works (**attached** at Appendix [DCS-6](#))
 - Actual capital works of \$7M is \$3.1M less than the year-to-date budgeted capital works of \$10.1M, (refer explanation on next page).

Council Committee Recommendation

The Financial Management Report for the period ending 30 November 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-3](#)) 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-2](#))
- Balance Sheet (attached at Appendix [DCS-4](#))
- Statement of Net Current Assets (attached at Appendix [DCS-5](#))
- Capital Works Expenditure Summary (attached at Appendix [DCS-6](#))

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: \$48,675 Natural Disaster Resilience Program \$15,000 Plan and Deliver Bunbury Kidsfest \$26,667 Upgrade Street Lighting - Blair Street	(\$89,880)
Interest Earnings – Budget year-to-date favourable variation due to timing of receipt of rate late payment interest \$40K and interest on investments \$69.7K.	\$109,471
Operating Expenditure	
Materials and Contracts – Favourable variance mainly due to timing of receipt of invoices.	\$589,106
Interest Expense – Variance due to timing of loan interest repayments, adjustments to be made as part of February budget review.	(\$135,765)
Other Expense - Variance due to timing of invoice processed for support of the Bunbury Regional Entertainment Centre \$172,550.	(\$183,783)
Capital Income	
Proceeds on Disposal of Assets – Favourable variance due to timing of vehicle disposals.	\$103,700
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.	\$3,096,934

Outcome – Council Committee Meeting 15 January 2013

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

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 12/13

The Financial Management Report for the period ending 30 November 2012 be received.

CARRIED

11 votes "for" / nil votes "against"

10.8 Proposed Closure Portion of Road Reserve – Relocation of Truncation – 47 King Road, Bunbury (was listed as item 10.3.4 on the meeting agenda)

File Ref:	P05435
Applicant/Proponent:	Bryce and Melissa Ingram
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-9

Summary

An application has been received from the owners of 47 King Road, Bunbury requesting the closure of the truncation on the corner of their property facing King Street an area of approximately 4m². A location plan is **attached** at Appendix [DCS-9](#)

Council Committee Recommendation

Council agrees to the relocation of the truncation to the corner of King Street and Keril Place at Lot 3, 47 King Road, Bunbury, subject to the terms and conditions as specified in the report, and the following:

1. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Local Government Act 1995.
2. The applicant to provide the City with a Deposited Plan from a licensed surveyor approved by State Land Services.

Background

The “applicant” wishes to purchase the land truncation that sits inside a brick fence line at 47 King Road, Bunbury. After the land has been purchased they propose to build a brick garage and new driveway. The new driveway will be on the King Road side to the property, with the existing driveway on Keril Street being removed.

The security and safety of cars and other property has led to the application to purchase the portion of land.

The Applicants have completed and returned the application to ‘Close a Portion(s) of Public Road Reserve’ form.

Council Policy Compliance

Not Applicable.

Legislative Compliance

In accordance with section 58 of the Land Administration Act 1997 and Section 87 of the Land Administration Act 1997.

Officer Comments

Truncations are normally located on a corner block; the relocation of the truncation will place the truncation on the correct side of the block, the corner of King Road and Keril Place.

All Service Providers have been contacted and the responses are as follows:

Aqwest	Please be advised Aqwest have no comments in relation to the above subdivision.
Water Corporation	The Water Corporation has no assets within the land portion and has no objection to the closure of the identified portion of the road reserve.
Department of Planning	The Department of Planning has no objection to the above proposal in accordance with the plan supplied.
Western Power	Has no objections to the above proposal, however in the event WP has to install an asset on this property to supply the Lot Western Power staff will require 24 hour unencumbered access, the position and type of locks used on any fencing are to be accessible to Western Power employees and a standard key be provided along with a separate padlock to allow 24 hour access to for routine and emergency maintenance.
Alintagas	Does not have gas distribution assets currently installed at the location however before any works are to commence applicant is to prove, pothole and protect any installed gas services.

Analysis of Financial and Budget Implications

The Applicant is responsible for all costs including document preparation, advertising and surveying.

Community Consultation

Advertising in accordance with Section 58 of the Land Administration Act 1997 for a period of 35 days in the South Western Times, the City's public notice boards and the City's website.

Councillor/Officer Consultation

Engineering have advised a relocation of the truncation is recommended.

Outcome – Council Committee Meeting 15 January 2013

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

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 13/13

Council agrees to the relocation of the truncation to the corner of King Street and Keril Place at Lot 3, 47 King Road, Bunbury, subject to the terms and conditions as specified in the report, and the following:

- 1. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Local Government Act 1995.***
- 2. The applicant to provide the City with a Deposited Plan from a licensed surveyor approved by State Land Services.***

CARRIED

11 votes “for” / nil votes “against”

10.9 Proposed Deed of Lease – Bunbury Chiropractic Clinic – Office Space South West Sports Centre on Hay Park, Reserve 30601 (was listed as item 10.3.5 on the meeting agenda)

File Ref:	A05598
Applicant/Proponent:	Bunbury Chiropractic Clinic
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-10

Summary

An application has been received from Bunbury Chiropractic Clinic (“applicant”) seeking council’s consent to accepting a Deed of Lease over office space at the South West Sports Centre on Hay Park, Reserve 30601. A location plan is **attached** at Appendix [DCS-10](#).

Council Committee Recommendation

Council agrees to a Deed of Lease over office space at the South West Sports Centre on Hay Park, Reserve 30601 for use as office space for a period of three (3) years, subject to the terms and conditions as specified in the report, and the following:

1. The applicant to pay all costs associated with the lease application including document preparation.
2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

Background

The Bunbury Chiropractic Clinic was established in 1978 with multiple chiropractors having worked there. The business was sold in 1997 to Mr Damon Willmore who has practiced at the Clinic since 1994.

The Clinic currently has over 200 patients per week and a few thousand patients from Bunbury and the surrounding regions each year. They combine gentle joint manipulation with massage and acupuncture (dry needling) to achieve excellent results in over 90% of patients and regularly work with other health service providers to achieve the best results possible.

Bunbury Chiropractic Clinic is the preferred provider of the Southwest Jets netball team for the last two (2) years along with many other sporting teams and elite athletes.

The Applicant sees their presence in the Southwest Sports Centre as an opportunity to further expand their ability to provide an integrated approach to caring for their patients in a healthy environment.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

A request for written 'Expressions of Interest' was advertised in the South Western Times for a period of four (4) weeks inviting suitably qualified and interested parties to submit an application to Lease office space at the South West Sports Centre. After no interest was registered with the City an advertisement was placed in the City Focus column of the Bunbury Mail for a period of three (3) weeks.

Subsequently the Bunbury Chiropractic Clinic contacted Mr David Russell, Team Leader Dry Operations at the South West Sports Centre requesting to lease both of the available rooms at the advertised rate.

Special Conditions

The Lease will be subject to the following conditions:

- The Applicant is not permitted to provide any service of a commercial or voluntary nature that competes with programs or services that the South West Sports Centre provides.
- The South West Sports Centre is currently going through Master Planning to determine the future expansion and provision of services into the medium and long term. It has not yet been determined what affect that this may have on the demised premises rented by the Applicant. In the event of any master planning stages carried out the City will as far as is practicable minimise any disruption to the Applicant and wherever possible enable it to continue operation in the current premise location.

Analysis of Financial and Budget Implications

The applicant to pay all costs associated with the lease application including document preparation.

Annual Rental income of \$15,600.00 plus GST.

In addition to rent there will be a cost of \$150.00 per month inclusive of GST to cover power, water, incidental rubbish removal and use of bathroom facilities for employees and clients. The Lessee is not responsible for cleaning of the building apart from its two (2) leased areas.

Community Consultation

To be advertised in accordance with the provisions of Section 3.58 of the Local Government Act 1995 for a period of 14 days in the South Western Times.

Councillor/Officer Consultation

Discussions with Garry Stokes, Manager Sport, Leisure and Active Lifestyles and David Russell, Team Leader Dry Operations at the South West Sports Centre.

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation (as printed) was moved Cr Morris, seconded Cr McNeill.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 14/13

Council agrees to a Deed of Lease over office space at the South West Sports Centre on Hay Park, Reserve 30601 for use as office space for a period of three (3) years, subject to the terms and conditions as specified in the report, and the following:

- 1. The applicant to pay all costs associated with the lease application including document preparation.***
- 2. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***

CARRIED

11 votes "for" / nil votes "against"

10.10 Local Planning Policy Review – Draft Local Planning Policy: Changes to Ground Level and Retaining Walls *(was listed as item 10.4.1 on the meeting agenda)*

File Ref:	A04151
Applicant/Proponent:	City of Bunbury
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix DPDS-1

Summary

In conjunction with the current local planning policy review programme, the draft “Local Planning Policy: Changes to Ground Level and Retaining Walls” has been reviewed and incorporates significant modifications as detailed under Officers Comments below. The policy is now ready for public advertising in accordance with the City of Bunbury Town Planning Scheme No.7 (TPS7).

The draft Local Planning Policy: Changes to Ground Level and Retaining Walls represents a comprehensive review of the existing “Local Planning Policy – Retaining Walls, Construction and Materials and When Required”.

A copy of the draft Local Planning Policy: Changes to Ground Level and Retaining Walls is **attached** at Appendix [DPDS-1](#).

Council Committee Recommendation

That Council:

1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the reviewed Local Planning Policy: Changes to Ground Level and Retaining Walls for public comment for a period of not less than 21 days.
2. Subject to no objections being received during the advertising period, Council adopts the reviewed Local Planning Policy: Changes to Ground Level and Retaining Walls without modification.

Background

As the Western Australian Planning Commission’s (WAPC) “Local Planning Manual: A guide to the preparation of local planning strategies and local planning schemes in Western Australia” (March 2010) states – local planning policies do not form part of a local planning scheme, but are given recognition through schemes as one of the matters to be given 'due regard' in local government consideration of applications for planning approval. As such, local planning policies do not impose any mandatory requirement upon development, but may guide the formulation of applications (by developers) and their subsequent assessment (by officers) and determination (by or on behalf of Council).

Local planning policies cannot contradict or over-ride a scheme provision, and generally therefore have application in relation to the exercise of discretion by local government. Where a requirement of a scheme is mandatory, a local planning policy cannot be applied so as to waive such a requirement and conversely, where a local planning scheme is permissive of a particular use or development of land, local planning policy cannot be

applied so as to prohibit such development.

Nevertheless, where a local planning scheme provides for the exercise of discretion in relation to a proposed development or use of land, a local planning policy can guide the exercise of that discretion. This may be used to circumscribe the nature or form of development, limit the scale of development, impose requirements upon development or refuse applications because of their characteristics or because of their location or siting.

Details of the current local planning policy review programme have been presented to Council on several occasions to date, with fifteen (15) local planning policies having been reviewed, six (6) new policies adopted and twelve (12) policies revoked during 2011 and 2012 (Council Decisions 118/11, 181/11, 251/11, 252/11 and 149/12).

Council Policy Compliance

Clause 2.3 of TPS7 sets out the procedure for making or amending a local planning policy. Further information on local planning policies can also be found in the WAPC's Local Planning Manual (2010).

Legislative Compliance

In accordance with clause 2.3 of the Scheme, amendments to local planning policies are required to be advertised for public comment.

Officer Comments

The local planning policy review programme is being undertaken in accordance with a quality assured approach that is documented in a Local Planning Policy Review Manual. The manual is an operationally focused document that provides a legacy for benchmarking and constant improvement. Specifically, the manual clarifies technical matters to be dealt with through the review process and provides the background analysis, justification and rationale for a comprehensive review of all current local planning policies.

The bulk of revised local planning policies are being presented to Council in blocks. The first round of reviewed local planning policies was adopted in June 2011. The second round of revised local planning policies is being advertised from 19 December 2012 until 16 January 2013. The draft Local Planning Policy: *Changes to Ground Level and Retaining Walls* is being presented to Council separately due to it being comprehensively revised with significant modification.

The revised draft Local Planning Policy: *Changes to Ground Level and Retaining Walls* not only provides updated objectives and references to current legislation, statements of planning policy and standards in dealing with structural matters - but also provides:

- guidance on managing the impacts of land excavation, filling and retaining within:
 - * flood affected areas,
 - * setback areas to a street; and
- illustrations to support performance based development requirements that augment the Residential Design Codes (the R-Codes).

Analysis of Financial and Budget Implications

There are no known financial or budget implications.

Community Consultation

As with all other reviewed local planning policies, the draft Local Planning Policy: Changes to Ground Level and Retaining Walls is required to be advertised for public comment in accordance with clause 2.3 of the Scheme.

Councillor/Officer Consultation

Relevant staff of Planning and Development Services, and other directorates as required, informed the preparation of the draft Local Planning Policy: Changes to Ground Level and Retaining Walls.

Outcome – Council Committee Meeting 15 January 2013

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

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 15/13

That Council:

- 1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the reviewed Local Planning Policy: Changes to Ground Level and Retaining Walls for public comment for a period of not less than 21 days.***
- 2. Subject to no objections being received during the advertising period, Council adopts the reviewed Local Planning Policy: Changes to Ground Level and Retaining Walls without modification.***

CARRIED

11 votes "for" / nil votes "against"

10.11 Proposed Greater Bunbury Region Scheme Amendment to Lot 312 Jeffrey Road, Glen Iris (was listed as item 10.4.2 on the meeting agenda)

File Ref:	A00647-03
Applicant/Proponent:	MPM Development Consultants
Author:	Kelvin D Storey, Team Leader Integrated Land Use Policy Thor Farnworth, Manager Sustainability and Integrated Land Use Planning
Executive:	Bob Karaszekewych, Director Planning and Development Services
Attachments:	Appendix DPDS-2 , DPDS-3

Summary

The City of Bunbury has been approached by the proponent to assist in the progression of an amendment to the Greater Bunbury Region Scheme (GBRS) that involves rezoning Lot 312 Jeffrey Road, Glen Iris, from “Public Purposes Reserve” to “Urban Zone”.

The subject land is also shown as regional “Public Purposes Reserve” under the City of Bunbury Town Planning Scheme No.7 (TPS7), the purpose of which is to provide for the Glen Iris Relief Floodway (GIRF).

This report seeks a resolution of Council that will inform the Western Australian Planning Commission (WAPC) of Council’s in principle ‘no objection’ to their consideration of initiating this amendment to the region planning scheme.

A submission document supporting the request has been provided by the proponent (refer to **attached** Appendix [DPDS-2](#)).

Council Committee Recommendation

1. Council resolves to inform the Western Australian Planning Commission that it has no objection to considering the initiation of an amendment to the Greater Bunbury Region Scheme involving a change from “Public Purposes Reserve (Special Uses)” to “Urban Zone” at Lot 312 Jeffery Road, Glen Iris; subject to confirmation by the Commission that the amendment will incorporate an alternative alignment of the Glen Iris Relief Floodway and/or the adequacy of alternative flood mitigation measures.
2. This recommendation to be reviewed by Council for a final resolution upon confirmation from the WAPC as per part one.

Background

The GBRS came into effect on 29 November 2007 and endeavours to ensure the orderly and proper planning of land uses and infrastructure across the Greater Bunbury Region.

Whilst the responsibility of initiating region planning scheme amendments lies with WAPC, the Department of Planning (DoP) has advised that prior to progressing to the stage of considering an initiation of a GBRS amendment – an indication of support from the relevant local government authority is first required.

Accordingly, the purpose of this report is to seek a resolution of Council that will inform the WAPC of Council's in principle 'no objection' to the Commission considering an initiation of a GBRs amendment with regard to a change from "Public Purposes Reserve" to "Urban Zone" over land at Lot 312 Jeffrey Road in Glen Iris.

Once a decision is taken to initiate an amendment involving the removal of a regional reserve within the GBRs, it is anticipated that a separate complementary amendment to the local planning scheme will be sought by the proponent in order to zone the land "Development Zone – Residential" under TPS7.

Council Policy Compliance

The proposal is generally consistent with the Glen Iris - Moorlands Local Area Plan: Study document adopted by Council on 16 December 2012. The Glen Iris - Moorlands Local Area Plan: Study acknowledges the likelihood of the GIRF being rationalised, identifying the majority of the subject land potentially for future residential development (as shown on the Principle Land Use Map as **attached** at Appendix [DPDS-3](#)). It is anticipated then that any future structure plan prepared for this area would therefore be guided by this map and its accompanying advice notes.

Legislative Compliance

The GBRs amendment procedure is regulated by the Planning and Development Act 2005.

Officer Comments

Site maps within the proponent's report confirm that the subject land at Lot 312 Jeffrey Road, Glen Iris:

- is located to the north and east of the Preston River, and west of Vittoria Road, Glen Iris (the location of which it should be noted as also being referred to as Moorlands);
- currently forms the southernmost portion of land designated as "Public Purposes Reserve (Special Uses)" within the GBRs and TPS7; and
- abuts "Regional Open Space Reserve" to the south and "Urban Zone" under the GBRs to the east and west.

The Special Uses (SU) annotation associated with this regional "Public Purposes Reserve" relates to the existence of the GIRF that runs southwards from the Australind Bypass to the banks of the Preston River. The appropriateness of the relief floodway has been the subject of review, with consideration being given to its removal subsequent to additional flood mitigation works being undertaken within the Preston River floodplain and the channel itself.

To date however, an official alternative has not been endorsed by the Department of Water (DoW) and/or the Department of Environment and Conservation (DEC) to justify its removal from the GBRs. Accordingly, were the WAPC to initiate this amendment, the City of Bunbury would anticipate that alternative flood mitigation/management arrangements were adequately reflected within any subsequently gazetted amendment to the region planning scheme (e.g. the realignment of the GIRF) and associated revised Greater Bunbury Region Scheme Floodplain Management Policy (2005).

Should the matter progress to consideration of an amendment to TPS7, the most appropriate zone in this instance would be "Development Zone – Residential", consistent

with that of the adjoining land. This zoning would then facilitate development in accordance with a structure plan adopted by Council and endorsed the Commission.

It is noted within the submission that the proponent is seeking the Commission's agreement to progress the proposal as a "minor amendment" to the GBR. The determination as to whether or not an amendment constitutes a substantial or minor alteration to a region planning scheme is at the discretion of the WAPC in accordance with the Planning and Development Act 2005. Given the strategic significance of the reserve (as a relief floodway) the City holds the view that this justifies its consideration as an amendment (e.g. potentially including the realignment of the "Public Purposes Reserve" to ensure continuity of the GIRF through connection with Lot 29 Jeffery Road).

Strategic Relevance

The "Public Purposes Reserve" and GIRF are regional designations, and as such, are the primary concern of the GBR. Therefore, it is assumed that accommodating this proposal would require a review of the Greater Bunbury Region Scheme Floodplain Management Policy (2005).

Uncertainty regarding the future status of the reserve/relief floodway has effectively constrained any significant progress that would lead to the comprehensive development of this part of Moorlands. Subject to flooding risks being mitigated, the benefits of the proposed amendment to the region planning scheme are that it may assist in advancing a resolution of this issue and would enhance structure planning / neighbourhood design outcomes for the remaining developable portions of Moorlands.

Economic, Social, Environmental and Heritage Issues

Any subsequent local planning scheme amendment, once formally initiated, will require assessment of existing land use issues (particularly environmental matters) and a review of any supporting documentation submitted by the proponent.

At this stage it is noted that:

- a small portion of the subject lot falls within the Preston River Floodway; and
- an area of wetland (UFI 1110) is present which has yet to be assessed or categorised by the DEC.

The document submitted by the proponent infers that a buffer is likely to be required around the wetland, the details regarding of which would be established at a future subdivision stage. Alternatively, the matter could be resolved by considering designating the wetland and its buffer as part of a broader area of contiguous "Regional Open Space Reserve", and reflecting this within an amendment to the GBR.

Analysis of Financial and Budget Implications

There is no application fee associated with this proposal. A fee will be applicable should the matter progress through WAPC and become a proposal to be assessed in detail as part of any local planning scheme amendment procedure to TPS7.

Community Consultation

Community consultation would occur following initiation of an amendment to the GBR (administered by DoP), with a separate process of community consultation taking place following initiation of an amendment to TPS7 by the local government, in accordance with the Planning and Development Act 2005 and associated Town Planning Regulations 1967.

Councillor/Officer Consultation

Relevant staff of the Planning and Development Services directorate have informed the preparation of this report as required.

Outcome – Council Committee Meeting 15 January 2013

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

It was requested that the mover and seconder agree to an amendment which reads as follows:

Add point 2: *“This recommendation to be reviewed by Council for a final resolution upon confirmation from the WAPC as per part one”.*

This amendment was agreed to.

During the discussion of this item the Mayor left the chambers at 9.21pm. Deputy Mayor Cr Craddock presided over the meeting during the Mayor’s absence. The Mayor returned to the meeting at 9.23pm and presided over the remaining meeting.

The Mayor put the motion (as amended) to the vote to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Steck, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 16/13

1. ***Council resolves to inform the Western Australian Planning Commission that it has no objection to considering the initiation of an amendment to the Greater Bunbury Region Scheme involving a change from “Public Purposes Reserve (Special Uses)” to “Urban Zone” at Lot 312 Jeffery Road, Glen Iris; subject to confirmation by the Commission that the amendment will incorporate an alternative alignment of the Glen Iris Relief Floodway and/or the adequacy of alternative flood mitigation measures.***
2. ***This recommendation to be reviewed by Council for a final resolution upon confirmation from the WAPC as per part one.***

CARRIED

11 votes “for” / nil votes “against”

10.12 Ranger Authorisation (was listed as item 10.4.3 on the meeting agenda)

File Ref:	A00276-03
Applicant/Proponent:	Internal Report
Author:	Phil Avery, Team Leader Ranger Operations
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Nil

Summary

Council Rangers/Fire Control Officers/ Parking Officers are required to be authorised by Council to enable them to perform their duties. A recent change of staff has now prompted a review of all current authorisations and also requires that the previously employed staff have their Authorisations Cancelled.

Executive Recommendation

That Council:-

1. Appoints Joseph Rikihana Meads, Semira Rose, Phillip Kenneth Avery, Antony Heppener, Marina Margret Elizabeth Marriott, Murray John Halden Harold Bond Neil, Erin Jaye Hutchins as Authorized Officer and a Authorised Person in accordance with the following legislation from the commence of employment with the City of Bunbury:
 - 1.1 **Dog Act 1976**, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);
 - 1.2 **Local Government Act 1995**;
 - 1.3 **Local Government (Miscellaneous Provisions) Act 1995** as amended;
 - 1.4 **Litter Act 1979** and Litter Regulations (as amended);
 - 1.5 **Control of Vehicles (Off-road Areas) Act 1978** and Control of Vehicles (Off Road Areas) Regulations (as amended);
 - 1.6 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council;
 - 1.7 **Bush Fires Act 1954** and Bush Fires Act Regulations (as amended);
 - 1.8 **Cat Act 2011** and Cat 2012 Regulations.
2. Appoints Joseph Rikihana Meads Semira Rose, Phillip Kenneth Avery, Antony Heppener, Marina Margret Elizabeth Marriott, Murray John Halden Harold Bond Neil, Erin Jaye Hutchins as a:
 - 2.1 Registration Officer in accordance with the Dog Act 1976;
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.
3. Cancels the Authorization of the following previously employed Officers:-
 1. Darrell Hutchins,
 2. Steve Lamb,
 3. Rajesh Bahardwaj,
 4. Julie Holman,

Background

The commencement of the Cat Act and Regulations and new staff members has prompted a review of authorizations to ensure all staff employed with the City of Bunbury as a Ranger/Fire Control Officer/ Parking Officer are current. The position of Ranger/Fire Control Officer/ Parking Officer is required be authorized in accordance with legislation, enabling Officers to administer and enforce the provisions of various legislation.

Council Policy Compliance

The Authorisation of Ranger/Fire control Officers/ Parking Officers is a standard requirement to allow the Officer to perform their duties.

Legislative Compliance

The aforementioned legislation requires that Council authorises staff who are employed for the purpose of exercising the powers as conferred under each statute.

Officer Comments

Nil

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Outcome – Council Meeting 22 January 2013

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

Council Decision 17/13

That Council:-

- 1. Appoints Joseph Rikihana Meads, Semira Rose, Phillip Kenneth Avery, Antony Heppener, Marina Margret Elizabeth Marriott, Murray John Halden Harold Bond Neil, Erin Jaye Hutchins as Authorized Officer and a Authorised Person in accordance with the following legislation from the commence of employment with the City of Bunbury:***
 - 1.1 Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);***
 - 1.2 Local Government Act 1995;***
 - 1.3 Local Government (Miscellaneous Provisions) Act 1995 as amended;***
 - 1.4 Litter Act 1979 and Litter Regulations (as amended);***

- 1.5 Control of Vehicles (Off-road Areas) Act 1978 and Control of Vehicles (Off Road Areas) Regulations (as amended);**
 - 1.6 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council;**
 - 1.7 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended);**
 - 1.8 Cat Act 2011 and Cat 2012 Regulations.**
- 2. Appoints Joseph Rikihana Meads Semira Rose, Phillip Kenneth Avery, Antony Heppener, Marina Margret Elizabeth Marriott, Murray John Halden Harold Bond Neil, Erin Jaye Hutchins as a:**
 - 2.1 Registration Officer in accordance with the Dog Act 1976;**
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended);**
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.**
- 3. Cancels the Authorization of the following previously employed Officers:-**
 - 1. Darrell Hutchins,**
 - 2. Steve Lamb,**
 - 3. Rajesh Bahardwaj,**
 - 4. Julie Holman,**

CARRIED

11 votes "for" / nil votes "against"

10.13 Naming of Lot 431 Ocean Drive (was listed as item 10.5.1 on the meeting agenda)

File Ref:	A04140
Applicant/Proponent:	Goomburrup Aboriginal Corporation
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Nil

Summary

The Back Beach Cultural Aboriginal Heritage Project is nearing completion with the official opening scheduled for March 2013. The Goomburrup Aboriginal Corporation and Department of Indigenous Affairs have requested that the official name of the site be Nidja Ngaalang Nedigar Ngoorndiny. Proposed signage on site is:-

*“Wardandi Cemetery
Nidja Ngaalang Nedigar Ngoorndiny
This is our ancestors resting”*

Council Committee Recommendation

1. Council note the name of the site as ‘Nidja Ngaalang Nedigar Ngoorndiny’ (This is our ancestors resting)
2. Advise the Geographic Names Committee (Landgate) of the name of the reserve located at Lot 431 Upper Esplanade, be formally named Nidja Ngaalang Nedigar Ngoorndiny

Background

Construction work commenced on this project in September 2012 with completion scheduled for February 2013. Significant to this project was the reburial of 23 sets of remains on 18 December 2012. The cultural heritage park will provide fundamental recognition of the history and existence of Aboriginal people in the Bunbury area, providing an opportunity for simple demonstrations of their connection to the land and to serve as a burial ground and memorial space. Therefore it is appropriate that the site have a noongar name chosen by the noongar community.

Council Policy Compliance

The proposal does not contravene any Council policies or work procedures. All applications are to be resolved by Council for addition to Council’s Reserve and Street Name Register.

Legislative Compliance

This request confirms to the requirements of the Policy Guidelines for the Recording and Use of Aboriginal and Torres Strait Islander Place Names as per the Geographic Names Committee- Principles, Guidelines and Procedures.

Officer Comments

This project is of significant cultural value to the local aboriginal people and a traditional name is important so that the local noongar people have a connection to the site.

Analysis of Financial and Budget Implications

There is no Financial or Budget Implications as the project budget includes signage costs.

Community Consultation

Goomburrup Aboriginal Corporation and the Department of Indigenous Affairs have consulted with the Noongar Elders and the Noongar Language unit.

Councillor/Officer Consultation

Nil

Outcome – Council Committee Meeting 15 January 2013

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

It was requested that the English translation (this is our ancestors resting) be included at the end of Point 1. This amendment was agreed to.

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

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

Council Decision 18/13

- 1. Council note the name of the site as 'Nidja Ngaalang Nedigar Ngoorndiny' (This is our ancestors resting)**
- 2. Advise the Geographic Names Committee (Landgate) of the name of the reserve located at Lot 431 Upper Esplanade, be formally named Nidja Ngaalang Nedigar Ngoorndiny**

CARRIED

11 votes "for" / nil votes "against"

10.14 Future Road Naming ‘Babich’ Family (was listed as item 10.5.2 on the meeting agenda)

File Ref:	R00561-12
Applicant/Proponent:	Babich Family
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1

Summary

The Babich Family have requested that a street be named after the Babich family in future developments in the Glen Iris area.

A copy of the letter of request is **attached** at Appendix [DWS-1](#).

Council Committee Recommendation

1. Council endorse the addition of the name ‘Babich’ to the City of Bunbury Reserve and Street Name Register.
2. Priority to be given to the name ‘Babich’ for a future road in the Glen Iris area.

Background

The Babich Family lived at Lot 37 Ince Rd Glen Iris from 1950 until approximately 1980. The five (5) acre block was used to raise a cow, few sheep and chickens; it also had a vegetable garden and a few grape vines which were used to make wine for home consumption. Mr Babich worked at the local super works until retirement and together with his wife raised five (5) children that all attended Picton Primary School. This request was lodged as many street names in Glen Iris honour former residents of the area and the Babich Family would like their name included in the area as the family refer to Glen Iris as their ‘home place’.

Council Policy Compliance

The proposal does not contravene any Council policies or work procedures. All applications are to be resolved by Council for addition to Council’s Reserve and Street Name Register.

Legislative Compliance

Nil

Officer Comments

If approved the name ‘Babich’ would then be forwarded to the Geographic Names Committee (Landgate) for their approval.

The Geographic Names Committee provides the Minister for Land Information advice on geographical nomenclature matters and guidelines to facilitate the approval and processing of nomenclature applications.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Relevant Precedents

Council Decision 208/11 was carried to adopt the addition of the name “Kongras” to the City of Bunbury Reserve and Street Name Register.

Outcome – Council Committee Meeting 15 January 2013

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

The Mayor put the motion to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Steck, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 19/13

- 1. Council endorse the addition of the name ‘Babich’ to the City of Bunbury Reserve and Street Name Register.**
- 2. Priority to be given to the name ‘Babich’ for a future road in the Glen Iris area.**

CARRIED

11 votes “for” / nil votes “against”

10.15 Future Road Naming ‘Parker’ Family (was listed as item 10.5.3 on the meeting agenda)

File Ref:	R00561-12
Applicant/Proponent:	Lloyd Parker
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-2

Summary

Lloyd Parker has requested that council consider the future naming of a street to recognise the Parker family’s long term connection to the Bunbury area.

A copy of the letter of request is **attached** at Appendix [DWS-2](#).

Council Committee Recommendation

Council endorse the addition of the name ‘Parker’ to the City of Bunbury Reserve and Street Name Register.

Background

The Parker Family have been in Bunbury for over 110 years. Kenneth Parker was a state champion cyclist and owned the Parker Bike Shop in Bunbury for more than 40 years. Other members of the family have been volunteer fireman, sportsmen (cycling and football) including captain/coach and life member of the South Bunbury Football Club.

Council Policy Compliance

The proposal does not contravene any Council policies or work procedures. All applications are to be resolved by Council for addition to Council’s Reserve and Street Name Register.

Legislative Compliance

Nil

Officer Comments

If approved the name ‘Parker’ would then be forwarded to the Geographic Names Committee (Landgate) for their approval.

The Geographic Names Committee provides the Minister for Land Information advice on geographical nomenclature matters and guidelines to facilitate the approval and processing of nomenclature applications.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Relevant Precedents

Council Decision 208/11 was carried to adopt the addition of the name “Kongras” to the City of Bunbury Reserve and Street Name Register.

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Jones.

The Mayor put the motion to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 5.5 the recommendation (as printed) from the Council (Standing) Committee or Executive was moved Cr Steck, seconded Cr Slater and adopted (‘en bloc’) to become the Council’s decision on the matter.

Council Decision 20/13

Council endorse the addition of the name ‘Parker’ to the City of Bunbury Reserve and Street Name Register.

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

10.16 Bunbury Wellington Group of Councils Priority Projects (was listed as item 10.2.4 on the meeting agenda)

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The Executive Officer for the Bunbury Wellington Group of Council's has requested that each Council submit their list of top priorities for the next five (5) years to assist with planning for Country Local Government Fund (CLGF) allocations and other regional funding opportunities.

Executive Recommendation

That Council prioritise the top three (3) projects from the following list:

- Regional Animal Care Facility
- Stirling Street Arts Centre Redevelopment.
- Regional Bike Plan
- 5 Mile Brook regional stormwater management
- Electronic Upgrades to the Graham Bricknell Music Shell
- Leschenault Inlet Masterplan
- Foreshore Regional Art Gallery
- Upgrade existing Bunbury Regional Entertainment Centre theatre
- Feasibility study into the construction of an artificial reef
- New waste transfer station

Background

1. **ESTABLISH A REGIONAL DOMESTIC ANIMAL WELFARE CENTRE AND POUND**

Commencement Date

July 2013

Description of Project

The construction of new Regional Domestic Animal Welfare Centre and Pound on land owned by the Shire of Dardanup in Blawery Close. This facility will accommodate the needs associated with the holding and disposal of domestic animals from the six (6) member shires. The facility design includes an area for the storage of dogs and cats, a pet re-homing display area and a treatment/assessment room.

Regional Significance

The Domestic Animal Welfare Centre and pound will provide a regional facility to deal with the management of domestic animals within the surrounding shires. The design of the facility will also enable the future expansion of the services offered at

the facility to accommodate the increasing demand as the population of the region increases.

By having a centrally located facility it will improve the ability of the member councils to rehome domestic animals and it will provide a 'one stop shop' for the residents of the greater Bunbury area with regards to matters relating to domestic animals.

Funding Details

It is estimated that this project will cost approximately \$1.8m. This is included in the current 5 Year Plan, but funding will be sought from various state and federal government bodies over the next 18 months.

2. CONSTRUCT MULTI-PURPOSE CULTURAL CENTRE ON STIRLING STREET

Commencement Date

July 2014

Description of Project

Construction of new Cultural Centre facilities where the Stirling Street Arts Centre is currently located. This will include adequate storage, special purpose facilities (i.e. kiln rooms for potters) exhibition areas for the creative and performing arts.

Regional Significance

The Stirling Street Arts Centre currently attracts patrons from each surrounding shire, as well as Bunbury residents. Members who reside in surrounding shires hire the rooms at the existing Centre to cater for their various needs, as there are not adequate facilities in their own shires available for hire on a regular basis. This facility will cater for residents of the Greater Bunbury region, and will be available to all who wish to attend, not solely Bunbury residents.

Funding Details

It is estimated that this project will cost approximately \$6m. This is included in the current 5 Year Plan, but funding will be sought from various state and federal government bodies over the next 18 months.

CLGF funds requested is \$3m

3. GREATER BUNBURY REGIONAL BICYCLE PATH MASTER PLAN

Commencement Date

July 2013 (subject to funding)

Description of Project

Construction of new off-road cycle path along Parade Road (from Crampton Avenue to Centenary Road).

To create a safe, comfortable, attractive, direct and integrated path network connecting activity centres and regional attractions within the Greater Bunbury Region

Regional Significance

The project will create a safe, efficient off road cycle and pedestrian path between Dalyellup and Bunbury. The route will then provide a continuous link between the SWSC, St Joseph's Primary School, the Usher Medical Centre, East Dalyellup Primary School and the Bethany Fields Retirement Village. It will also create a recreational cycle route linking with the Tuarts Path.

Funding Details

The project is estimated to cost \$500,000 and the City has requested a contribution grant of \$250,000 from the Department of Transport's Regional Bicycle Network Contribution Scheme (2013/14)

The Greater Bunbury Regional Bicycle Path Master Plan is a SWDC initiative and ongoing project management rests with them. The Parade Road path project is identified in the Master Plan and the project initiation and ongoing management rests with the City of Bunbury.

4. UPGRADE REGIONAL STORMWATER SYSTEM – FIVE MILE BROOK

Commencement Date

July 2013

Description of Project

Construction of stop-banks, open channels and culvert crossings to reduce the risk of accidental drowning, prevent flood damage to private and commercial properties including public buildings as a result of channel breakout. Hydraulic modelling results on Five Mile Brook confirm that in both a 50 year and 100 year return period storm event there will be inundation of some properties

Regional Significance

The drainage system includes receiving waters from a large rural catchment in the Shire of Capel, and also newly developed urban land at Dalyellup. Proposed development in Tuart Brook will be affected by storm flows entering this property from outside of The City of Bunbury.

Bunbury is located at the lower reach of many drainage catchments including; Five Mile Brook, Eedles Gully and the Preston river catchment which extend through the Shires of Donnybrook and Dardanup.

A major rainfall event in the Greater Bunbury Region combined with a storm surge has the capacity to inundate large portions of Bunbury. Combined breakout of the Preston River and Five Mile Brook systems associated with a storm surge could isolate extended areas of the City of Bunbury and the Shire of Capel.

Funding Details

It is estimated that this stage of the project would cost in the vicinity of \$1.7M. This is included in our 5 year plan, but with funding sought from various state and federal government bodies over the next 18 months.

Upgrading 1,000m of stopbanks to 1 in 100 year levels is estimated at \$200,000. Lining and upgrading 2,000m of open channel in select locations \$1,500,000.

5. COMPLETE ELECTRICAL UPDATES TO GRAHAM BRICKNELL MUSIC SHELL

Commencement Date

September 2013

Description of Project

Upgrade electrical supply to the Shell and associated grounds to provide increased capacity for council and community events.

Regional Significance

The Shell is a unique facility located in the City of Bunbury that hosts events catering for the Greater Bunbury Region and beyond. Events such as Australia Day, Carols by Candle Light for example require the provision of portable generators which can generate both noise and fumes.

Funding Details

Electrical upgrades were undertaken at the Shell in 2010, and the power infrastructure in place is currently at the highest level possible before the entire network in that area needs to be upgraded. This has been estimated at a cost of approximately \$300,000. Whilst some events such as the Australia Day events require access to a higher level of power, the cost of a generator to provide this power is less than \$2,000 per use.

6. LESCHENAULT INLET MASTER PLAN

Commencement Date

July 2014

Description of Project

The redevelopment of the entire Leschenault Inlet has now been master planned and Council has now started on the implementation planning. The Inlet area provides for a comprehensive mix of passive and active recreation and cultural activities and is used by residents, visitors and tourists to the region. The Master Plan incorporates development of a water play area; upgrades to the parks, pathways, waterfront areas, cultural gardens linked to sister cities, and public open spaces.

Regional Significance

The Inlet area is used for significant community and cultural events including events such as Australia Day, Geographe Crush, Kids Fest and other major activities which attract visitors from across the entire region and other areas of the State.

Funding Details

Funding for the detailed design of stages 1 and 2 has been proposed for inclusion in 2013/14 budget to enable construction to commence on these stages in 2014. Approaches are being made to State Government to try and leverage additional funding. Total estimated costs for the entire project is estimated based on preliminary planning in the order of \$30m. Council will be seeking up to 50% of capital costs from the CLGF for stages 1 and 2 estimated to be approximately \$10m.

7. CONSTRUCT A REGIONAL ART GALLERY ON THE BUNBURY FORESHORE

Commencement Date

TBC

Description of Project

A concept plan was presented to Council for a Regional Art Gallery adjacent to the Bunbury Regional Entertainment Centre. This facility would have room for storage, offices, 'A' class gallery and exhibition spaces, and a café.

Regional Significance

This gallery would replace the Bunbury Regional Art Galleries as the Regional A Class gallery in the South West.

Funding Details

As per feasibility studies into the cost of a new Regional Art Gallery, capital costs are expected to be approximately \$40million, with recurring operational costs of approximately \$1.5m (not including depreciation costs)

8. UPGRADE EXISTING THEATRE AT BUNBURY REGIONAL ENTERTAINMENT CENTRE

Commencement Date

Has commenced

Description of Project

As part of the \$12 million upgrade and expansion of the Bunbury Regional Entertainment Centre, upgrades to the existing foyer and theatre are also being undertaken.

Regional Significance

The Bunbury Regional Art Galleries is the premier entertainment facility for the South West region, attracting audiences from across the South West to see plays, musicians, comedians and community events such as the Eisteddfod.

Funding Details

Some aspects of refurbishment are covered in the current BREC upgrade contract with Perkins Builders, including painting of the current theatre, carpeting to the foyer area, upgrade to the server area and toilet block. The carpeting and chair replacement in the existing theatre was removed from the contract initially, in order to keep the price down, however a contingency sum has been factored into the price. If there are no issues or delays with the contract, then that contingency sum will cover the carpeting and replacement of seats in the existing theatre.

In the meantime, the Manager of BREC is approaching funding bodies and making corporate sponsorship approaches to organizations in the region to secure funding for the carpeting and seat replacement. This is estimated at approximately \$35,000 for carpeting and \$352,000 for seat replacement.

9. CONSTRUCT AN ARTIFICIAL REEF

Commencement Date

TBC

Description of Project

Commence investigations into the construction of an artificial reef off the coast of the Bunbury/Capel area.

Regional Significance

The presence of an artificial reef is believed to assist with preventing the erosion of the coastline, though this would need to be investigated further to provide details of how effective this would be on this particular part of the coastline.

An artificial reef would also be a popular recreational attraction, which could potentially attract recreational fisherman from the region and potentially from Perth as well.

Funding Details

\$100,000 for a feasibility study into the development of an artificial reef.

10. CONSTRUCTION OF A NEW WASTE TRANSFER STATION

Commencement Date

July 2014

Description of Project

Construction of a new transfer station for Bunbury residents to dispose of their waste and recyclables.

Regional Significance

In light of the BWGC's work towards a regional waste site, the construction of a new transfer station is important in working towards managing Bunbury's future waste requirements. It is argued that each shire participating in the purchase of the site should be looking at whether their transfer stations are equipped to manage future waste requirements.

Funding Details

Estimated project cost is \$1.3m
CLGF funding requested \$650,000

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The Executive Leadership Team met previously, and compiled a list of four projects that meet the funding criteria for the Country Local Government Regional Allocation. At the Council (Standing) Committee meeting held on 15 January 2013, Council added a further six (6) projects to the list, however a prioritised list of Council's top three (3) projects is still required to be presented to the Bunbury Wellington Group of Council's meeting.

Analysis of Financial and Budget Implications

This list of priorities will be used to lobby for any funding available to regional groups for projects of regional significance. By compiling this list in partnership with the Councils of the Bunbury Wellington Group, we can minimise competition over funds, and make a collaborative approach to funding bodies to secure the future of these projects.

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

Outcome – Council Meeting 15 January 2013

Cr Steck moved Cr Steele seconded that the meeting suspend standing orders in order for informal discussion to take place. The Mayor put this motion to the vote and was CARRIED 9 votes “for” / 1 vote “against”.

During the informal discussion the Councillors requested a number of projects to be on the list for Council to choose the top three (3) priorities from.

Cr Steck moved Cr Steele seconded that the meeting resume standing orders. The Mayor put this motion to the vote and was CARRIED 9 votes “for” / 1 vote “against”.

Deputy Mayor Cr Craddock moved Cr Steele seconded the following procedural motion:

“In accordance with Standing Order 11.6 that the debate be adjourned until the Council meeting to be held 22 January 2013 pending further information on other suggested projects – the Leschenault Inlet Masterplan, the refurbishment of the interior of the existing BREC theatre, the Artificial Reef, the Waste Transfer station, the new BRAG and the upgrades to the wiring of the Bricknell Shell and Bicentennial Square.”

The Mayor put the procedural motion to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

Pursuant to Standing Order 11.6 of the City of Bunbury Standing Orders Cr Slater moved, Cr Steele seconded that the debate be adjourned until the next briefing session. The Mayor put the procedural motion to the vote and was LOST 4 votes “for” / 7 votes “against”.

Deputy Mayor Cr Craddock moved Cr Steele seconded to suspend standing orders in order for an informal discussion to take place to narrow the list. The Mayor put the motion to the vote and was LOST 4 votes “for” / 7 votes “against”.

Cr Steck moved Cr Cook seconded the following motion:

“That Council advise the Bunbury Wellington Group of Council’s that the following three (3) projects are the Council’s priority:

1. *Regional Animal Care Facility*
2. *Regional Bike Plan*
3. *Five Mile Brook Regional Stormwater Management”*

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

Council Decision 21/13

That Council advise the Bunbury Wellington Group of Council’s that the following three (3) projects are the Council’s priority:

- 1. *Regional Animal Care Facility***
- 2. *Regional Bike Plan***
- 3. *Five Mile Brook Regional Stormwater Management***

CARRIED
7 votes “for” / 4 votes “against”

It was requested that the votes be recorded as follows:

For: Cr Steck, Cr Slater, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris
Against: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Leigh

10.17 Proposed Street Renumbering – Lowe Street, Carey Park (was listed as item 10.3.3 on the meeting agenda)

File Ref:	A04942
Applicant/Proponent:	Internal Report
Author:	Leonie Barwick, Team Leader Corporate Revenue
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-7 , DCS-8 , DCS-12 , DCS-13

Summary

Council to consider a request for street renumbering of all even numbered properties along Lowe Street, Carey Park due to property infill development.

Council Committee Recommendation

That Council does not proceed with the renumbering of all the even numbered properties along Lowe Street and change the relevant properties to be numbered as 2A, 2B, 2C and 2D.

Executive Recommendation

Council proceeds with the renumbering of all even numbered properties along Lowe Street Carey Park.

Background

A request was received from Mr Shane Carle, developer/owner, 2 Lowe Street, Cary Park requesting street numbering for his three (3) unit development. In accordance with *Australian/New Zealand Standard 4819:2011 – Rural and Urban Addressing*, Mr Shane Carle was advised that the numbering for his development would be 1/2 Lowe Street, 2/2 Lowe Street and 3/3 Lowe Street, Carey Park.

Mr Carle did not wish to have the base number 2 assigned, as 2 Lowe Street, Carey Park was already being utilised by the property next door. It should be noted that there are numerous developments within the City of Bunbury that utilise the same street numbering for developments i.e. 2A, 2B and 1/2, 2/2 and no problems have arisen as a result of this street numbering.

Mr Carle has advised that he did not wish to be assigned 1/2, 2/2 and 3/2 Lowe Street. As a result, a Street Addressing Policy was prepared and adopted by Council on 25 September 2012.

In accordance with the Policy, and following a meeting with the developer and his legal advisor, Ms Amanda Sommerville, of Kroon Legal, a letter was sent to all affected property owners on 13 November 2012, advising that the City of Bunbury had received a request to renumber all properties with an even number. A total of 23 letters were sent out to property owners. Council should note that out of the 23 letters sent, there are only four (4) owner/occupiers on this side of Lowe Street, Carey Park. Two (2) owner/occupiers responded and have advised that they strongly object to the renumbering proposal.

At the close of submissions on the 30 November 2012, eight (8) responses had been received (35%). Out of the eight (8) responses received, four (4) respondents were for the

proposal, three (3) respondents were against the proposal and one (1) respondent did not specify (refer to **attached** Appendix [DCS-7](#)).

Should Council accept the Executive Recommendation, Mr Carle's property will be numbered 8A, 8B and 8C Lowe Street, Carey Park.

A location map indicating the affected properties is **attached** at Appendix [DCS-8](#).

An updated location map indicating the renumbering as per the Council Committee recommendation is **attached** at Appendix [DCS-12](#).

Council Policy Compliance

Council Policy DCS12 – Street Addressing and associated guidelines (**attached** at Appendix [DCS-13](#)).

Legislative Compliance

The renumbering of Lowe Street, Carey Park will be carried out in accordance with the *Australian/New Zealand Standard 4819:2011 – Rural and Urban Addressing*, and Council's Street Addressing Policy.

Officer's Comments

Property Street Addressing data custodianship rests with Landgate whilst the control and responsibility for addressing resides with the local government authorities. The custodial commitment by Landgate entails the maintenance of an accurate and current address dataset. If a stakeholder wishes to change their address or apply for an address, they must first contact their local government authority (LGA). The LGA will then contact Landgate to inform them of any changes to an address.

There will be no change required to mortgage documents as the Lot numbers are used as the legal land identification which is not being changed as a result of this proposal.

Analysis of Financial and Budget Implications

There are no financial or budget implications. All affected property owners were advised during the public consultation period that costs associated with the renumbering will remain the responsibility of the property owner.

Community Consultation

A meeting has been held with Mr Shane Carle and Ms Amanda Sommerville, Kroon Legal to progress this matter.

Community consultation with the affected property owners has taken place as part of this process. The City of Bunbury will notify the following relevant Government authorities on behalf of property owners:

Alinta Gas	Landgate – Titles Office
Aqwest (Bunbury Water Board)	Synergy/Western Power
Australia Post	Telstra
Electoral Commission	Water Corporation
Emergency Services	

Affected land owners and residents will be advised of Council's decision.

Outcome – Council Committee Meeting 15 January 2013

Cr Jones declared an impartiality interest in this matter (see section 5). She remained in the chambers, took part in the discussion and voted on the item.

Cr Slater moved the following recommendation:

“That Council proceeds with the renumbering of all even numbered properties along Lowe Street Carey Park but commencing with number 2 rather than number 4 as shown on appendix DCS-8”

The motion lapsed due to no seconder.

The Executive recommendation (as printed) was moved Cr McNeill. The motion lapsed due to no seconder.

Cr Steck moved Cr Jones seconded the following motion:

“That Council does not proceed with the renumbering of all the even numbered properties along Lowe Street and change the relevant properties to be numbered 2A and 2B/1, 2B/2 and 2B/3.”

It was requested that the mover and seconder to agree to change the numbering to be 2A, 2B, 2C and 2D. This amendment was agreed to.

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee's recommendation on the matter.

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Steck, Cr Steele, Cr Kelly, Cr Cook, Cr Morris
Against: Cr Slater, Cr McNeill

Outcome – Council Meeting 22 January 2013

Prior to the Council meeting an amended Executive recommendation was circulated to members by memorandum. Cr Steck moved Cr Cook seconded the amended Executive recommendation which reads as follows:

“That Council:

- 1. Allocates the residence at Lot 508 a street number of 2/2 Lowe Street and the unit development at Lot 198 the street numbers 2A, 2B and 2C Lowe Street; and*
- 2. Council does not proceed with the numbering of all the even numbered properties along Lowe Street”*

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

Council Decision 22/13

That Council:

1. ***Allocates the residence at Lot 508 a street number of 2/2 Lowe Street and the unit development at Lot 198 the street numbers 2A, 2B and 2C Lowe Street; and***
2. ***Council does not proceed with the numbering of all the even numbered properties along Lowe Street”***

CARRIED

9 votes “for” / 2 votes “against”

10.18 Strategic Community Plan: Bunbury 2030 (was listed as item 10.3.6 on the meeting agenda)

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-11

Summary

The purpose of this report is for Council to consider endorsing the City's draft Strategic Community Plan (SCP), and initiating a public consultation process.

Council Committee Recommendation

That Council:

1. Request the Chief Executive Officer advertise the draft Strategic Community Plan and invite public submissions for a period of not less than one (1) month.
2. Request the Chief Executive Officer present a summary of any submissions received to Council at the earliest opportunity following the close of submissions to allow Council endorsement.

Background

The newly legislated Integrated Planning and Reporting framework (IPRF) requires local governments to have an adopted SCP by 30 June 2013 (regulation 19C(1) of the Local Government (Administration) Regulations 1996). The current draft of the City of Bunbury SCP is contained at Appendix [DCS-11](#).

The attached draft SCP has been through a number of iterations, having been reviewed by the Executive Leadership Team on a number of occasions, as well as having been workshopped with Council at a number of briefing sessions over the past four months.

Legislative Compliance

Section 5.56 of the Local Government Act 1995 and regulation 19C of the Local Government (Administration) Regulations 1996 apply.

Officer Comments

The SCP is an overarching document that sets out the vision, aspirations and objectives of the community.

The City has undertaken extensive community consultation in developing the draft SCP, a summary of which is contained within the document itself pursuant to regulation 19C(10) of the Local Government (Administration) Regulations 1996.

A number of performance measures have also been proposed against each objective within the SCP, which will allow Council to report its progress against each objective every year in

the Annual Report. Over time, these performance measures will assist to highlight trends in performance.

Officers consider the draft SCP to now be mature enough for Council to release for public comment. It is suggested that a consultation period of not less than 1 month be undertaken, following which any submissions can be presented back to Council for consideration. A final draft will then be presented to Council for adoption.

Analysis of Financial and Budget Implications

All advertising costs can be accommodated within the 2012/13 budget.

Community Consultation

Regulation 19C(9) of the Local Government (Administration) Regulations 1996 requires that a local government is to ensure that the electors and ratepayers of its district are consulted during the development of its SCP.

Furthermore, regulation 19C(10) of the Local Government (Administration) Regulations 1996 stipulates that an SCP for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan.

The City of Bunbury SCP meets both these criteria, and the recommendation of this report is that the draft document be advertised for public comment and submissions invited.

Councillor/Officer Consultation

The draft SCP has been reviewed by the Executive Leadership Team, and has also been workshopped with Council at a number of briefing sessions over the past four months.

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation (as printed) was moved Cr Cook, seconded Cr Steck with the following amendments:

Remove point 1 and add the following words to the end of point 3 *“to allow Council endorsement”* (the points were renumbered after the amendments were made).

The Mayor put the motion (as amended) to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

The recommendation from the Council (Standing) Committee was moved Cr Steele, seconded Cr Cook.

It was requested of the mover and seconder to agree to a slight change in the wording of part 2 of the recommendation – remove the word *“endorsement”* and replace with *“further consideration”*. This amendment was agreed to.

The Mayor put the motion (as amended) to the vote and was adopted to become the Council’s decision on the matter.

Council Decision 23/13

That Council:

1. ***Request the Chief Executive Officer advertise the draft Strategic Community Plan and invite public submissions for a period of not less than one (1) month.***
2. ***Request the Chief Executive Officer present a summary of any submissions received to Council at the earliest opportunity following the close of submissions to allow Council further consideration.***

CARRIED

11 votes “for” / nil votes “against”

10.19 Naming of Internal Entrances at Hands Oval (was listed as item 10.5.4 on the meeting agenda)

File Ref:	A05601
Applicant/Proponent:	South Bunbury Football Club
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-3

Summary

The South Bunbury Football Club has requested that the entry gates to Hands Oval be named after local identities in recognition of the service they have provided to the Club. The names are Manea and Handcock

Council Committee Recommendation

At the Council Committee meeting held 15 January 2013, the Committee moved the Executive recommendation but it was LOST in the voting. There was no alternate Committee recommendation put forward.

Executive Recommendation

That Council endorse the naming of the entry gates at Hands oval as follows:-

- Northern entrance – Manea
- Southern entrance - Handcock

Background

With the current upgrades to Hands Oval, South Bunbury Football Club has contacted council requesting that the entry gates be named after local identities (Manea and Handcock). Dr Manea has been the club's patron and team doctor for over 50 years. The Handcock brothers ran the Highway Hotel for many years and were instrumental in building the clubs premises on the back of volunteer labour. Both Dr Manea and the Handcock's are significant figures in the history of the development of the club at Hands Oval

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

This request is to name the entrances to the oval and will not be required to be registered with the Geographic Names Committee as official names. The naming of the entrances will recognise two of the club stalwarts and would form a part of the ongoing improvements to the facility.

Analysis of Financial and Budget Implications

There will not be any expenses to council. South Bunbury Football Club is not seeking funding and the club would arrange construction. The club has provided a rough idea of the sort of signage that they envisage (refer to **attached** Appendix [DWS-3](#)), which would combine the name along with a plaque to outline the significance to the club's history.

Community Consultation

No community consultation has been undertaken

Councillor/Officer Consultation

Nil

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Cook.

Cr Kelly moved Cr Slater seconded the following amendment:

Add Point 2: *“That this not exclude other commercial naming rights for the gates”.*

The Mayor put the amendment to the vote and was LOST 4 votes “for” / 6 votes “against”

The Mayor put the motion to the vote and was LOST 4 votes “for” / 6 votes “against”.

Outcome – Council Meeting 22 January 2013

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Cook.

The Mayor put the motion to the vote and was LOST 5 votes “for” / 6 votes “against”.

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Steele, Cr McNeill, Cr Cook
Against: Cr Jones, Cr Leigh, Cr Steck, Cr Slater, Cr Kelly, Cr Morris

10.20 South West Stories – Stirling Line *(was listed as item 10.5.5 on the meeting agenda)*

File Ref:	A05695
Author:	Rachel Griffiths, Engineering Technical Officer
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-4 , DWS-5

Summary

Artist Helena Sahm has been selected as part of the Bunbury Regional Art Gallery South West Stories Project. The artist's proposal is to create a stencilled dotted line in water based, non-permanent, not toxic paint along Stirling Street and possibly Clarke St (time permitting), to the coast to attract attention and awareness of where Bunbury began and the land Governor Stirling granted himself on arrival in 1836.

Council Committee Recommendation

That Council support the implementation of a permanent dotted line along Stirling Street along with two descriptive plaques to be placed at either end of the line.

Background

Bunbury Regional Art Galleries (BRAG) as part of the South West Stories Project invited artists to participate in exploring historical stories from the region. The project considers the identity and sense of place through historical change and will be delivered in two stages. Each artist is asked to provide two works, with Stage One being an ephemeral site specific installation as well as Stage Two, a studio work for exhibition at BRAG.

As the timeframe for the project is limited, Helena proposes to focus on Stirling Street with the placement of a dotted line along the footpath in a natural ochre colour. Breaks in the line will occur due to obstructions such as buildings, private property and parks. The process may involve a small team of volunteers such as art students from Edith Cowan University and SW TAFE and will be documented photographically.

The partnered gallery piece of an illustrated pole approximately 9ft. tall will enhance and compliment the story. The gallery piece refers to a *"stout pole ten or twelve feet in height placed at South East corner of Bunbury town site"*.

Bernhard Bischoff stated in his research of March 2011 that *"Although Stirling's selection was only officially granted on the 14 September 1841, as Leschenault Location 26 (refer to **attached** map at Appendix [DWS-4](#)) and 3940 acres in size, there can be no doubt that the marking of the boundary, including the placing of the pole would have been organised by Stirling himself with the assistance of his Surveyor General during this visit to the area between 6 and 16 March 1830.*

The site of the pole was resurveyed by R.G. Parks and located as expected at the eastern end of the straight section of Stirling Street, now near the Stirling Street Boat Ramp, where the Meredith Creek is no longer a creek with a bridge but a piped drain."

The placement of the line will generate and provide an opportunity for revisiting the story of Bunbury's foundation, in particular where the line crosses the coastal walk of Ocean Drive

A location map is **attached** at Appendix [DWS-5](#).

All artists will be provided with a small materials allowance of \$300 for stage one of the Project

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The original proposal of an ephemeral (temporary) art work is supported as part of the Bunbury Regional Art Gallery South West Stories Project.

However, consideration should be given to making the Stirling Street line a permanent historical feature, due to the considerable time and effort given to this aspect of the South West Stories Project.

Analysis of Financial and Budget Implications

Support for permanent marking paint and two etched plaques to be placed at either end of the Stirling Line, with an approximate cost of \$1,000. It is anticipated that these most of the cost will be negated by having the plaques manufactured and placed by the Department of Corrections work crews.

Community Consultation

Helena Sahm has been consulting with Bernhard Bischoff, a local Bunbury historian and has also been in contact with Leigh Barrett, Planning Officer – Heritage, as well as conducting comprehensive research into the founding of Bunbury as a town site.

Councillor/Officer Consultation

A meeting was held on the 8 January 2013 between myself and Helena to discuss the:

- Line marking colour - to ensure the line marking does not conflict with road markings;
- Size, shape and placement of the line;
- Consideration of making the artwork an enduring feature (permanent paint) along - with some markers/plaques to explain what the line is for and about.

Outcome – Council Committee Meeting 15 January 2013

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

During the discussion of this item Cr Jones left the meeting (10.10pm) and was not present for the vote on this matter.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

The recommendation from the Council (Standing) Committee was moved Cr Steck, seconded Cr Leigh

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

Council Decision 24/13

That Council support the implementation of a permanent dotted line along Stirling Street along with two descriptive plaques to be placed at either end of the line.

CARRIED

9 votes "for" / 2 votes "against"

10.21 Victoria Street Streetscape Project (was listed as item 10.5.6 on the meeting agenda)

File Ref:	A03824
Applicant/Proponent:	Internal Report
Author:	Nigel Archibald, Team Leader Airport and Design
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-6

Summary

At the Council Meeting held on the 22 May 2012, Council Decision 157/12 resolved in part:

- “2. *A meeting of business owners on the section of Victoria Street between Symmons and Wellington Street to be held to review the survey results.*
3. *Procurement of the works based on the design drawings be deferred pending the results of the meeting of business owners and the matter be returned to council as soon as possible for further consideration.”*

Council Committee Recommendation

Council authorises construction of the Victoria Street Streetscape (Wellington St to Symmons St) in accordance with the presented design drawings.

Background

The Victoria Street pavement replacement program commenced in 2009 with the purpose of replacing the existing paving with larger format paving to reduce the occurrence of trip hazards and improve the overall aesthetic amenity of the streetscape.

Council staff originally proposed replacing the paving in the ‘Cappuccino Strip’ with Urbanstone pavers consistent with streetscaping works completed in other parts of Victoria Street in recent years.

During consultation with the affected businesses, it became apparent that the business owners did not support the continuation of a common theme and wishes the ‘Cappuccino Strip’ to have individuality.

At the Council Meeting held on the 22 May 2012 it was resolved to carry the project funding into the 2012/2013 financial year to allow Council staff to undertake additional consultation with the affected businesses.

A public meeting with the traders was arranged on the 17 September 2012 and was attended by the Deputy Mayor, Works and Services and Planning staff. A number of different concept designs were presented with the advantages/disadvantages of each being discussed. Workroom (Landscape Architects) and Cardno (Engineering Consultant) prepared design drawings and chose landscaping products based on the opinions expressed at this meeting.

These design drawings were presented at a second public meeting with the traders on the 10 December 2012 that was attended by the Deputy Mayor, with the Director Works and Services arriving later. Whilst there were differing opinions on a number of landscaping components, the traders were generally supportive of the design drawings.

Significant considerations in this project are to improve accessibility to people with mobility impairments, provide improved stormwater drainage, introduce a mid-block crossing point and improve the existing pedestrian crossing points at the roundabouts at each end, whilst the traders expressed a strong desire to retain the existing street trees and street lights.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

The design of the works has taken into consideration the requirements to comply with the provisions of Australian Standard AS 1428.1-2001, Austroads 2009 and the Building Code of Australia (BCA) regarding accessibility, however the varying steps heights for each premises means that full access compliant with the relevant Standards and Codes is not achievable in all instances. The design is based on the most suitable compromise between the longitudinal and traverse cross fall standards taking into account the existing infrastructure constraints.

There were different opinions expressed by the traders on several landscaping components. Whilst the majority of traders supported retaining Victoria Street as two-way traffic, there were individuals who favoured one-way traffic flow. Similarly some individuals favoured the establishment of a raised mid-block crossing point. Council Officers have chosen to recommend a flush mid-block crossing point based on the fact that achieving a compliant raised crossing point adds additional complexity and cost to the project.

It is anticipated that construction will commence in early April following Easter. Construction is expected to take 10 weeks. The work will be undertaken progressively along the full length so that disruption to each premise is confined to a minimum.

The modified design (refer to **attached** Appendix [DWS-6](#)) will reduce the number of parking bays from 20 to 10. Two (2) bays were lost to accommodate the mid-block crossing point while six (6) bays were lost for alfresco dining with one (1) bay each converted from car parking bays to motorcycle and bicycle parking. The new configuration will provide parking for three (3) motorcycles and fourteen (14) bicycles.

Overall the City increased the number of parking bays in the CBD by 237 during 2012. A reduction of ten (10) bays will have minimal impact.

Although not detailed on the drawings provided to Council the works will include the provision for the installation of conduct for future electrical and communications cabling for the "Lighting Up Bunbury" project. Provision will also be made to accommodate the future installation of street banners.

Analysis of Financial and Budget Implications

There will be no variations to the current budget allocation for this project if it proceeds as per the drawings.

Community Consultation

Public meetings were conducted on the 17 September 2012 and the 10 December 2012. Whilst there were differing opinions on a number of landscaping components, the traders were generally supportive of the design drawings.

Councillor/Officer Consultation

The Deputy Mayor attended both public meetings. The Director Works and Services attended the first public meeting and arrived at the conclusion of the second public meeting. The City of Bunbury Access Committee has reviewed the initial design, providing valuable input.

Outcome – Council Committee Meeting 15 January 2013

Cr Jones returned to the meeting at 10.13pm and was present for the discussion and vote on the remaining items on the agenda.

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Kelly.

The Mayor put the motion to the vote and was adopted to become the Committee's recommendation on the matter.

Outcome – Council Meeting 22 January 2013

The recommendation from the Council (Standing) Committee was moved Deputy Mayor Cr Craddock, seconded Cr Kelly.

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

Council Decision 25/13

Council authorises construction of the Victoria Street Streetscape (Wellington St to Symmons St) in accordance with the presented design drawings.

CARRIED

10 votes "for" / 1 vote "against"

11. Applications for Leave of Absence

Nil

12. Motions on Notice

12.1 Motion on Notice – Approval to keep Czar the Peacock at 26 Picton Crescent Bunbury (was tabled as late item 12.2 to the meeting agenda)

File Ref:	A00217
Applicant/Proponent:	Councillor Michelle Steck
Author:	Councillor Michelle Steck
Executive:	If adopted by Council refer to: Bob Karaszekwych, Director Planning and Development Services
Attachments:	Nil

Cr Steck submitted the following motion for the Council Meeting on 22 January 2013:

"Council grant unconditional approval for the residents, Mr and Mrs Bogdanoff of the premises known as 26 Picton Crescent to keep a bird namely a peacock known as Czar."

Comments - Cr Steck

In support of her motion, Cr Steck states that, *"As per the City of Bunbury Health Laws 2001 – the local government may upon written application grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subclause (1).*

I have received written application from the residents Mr and Mrs Bogdanoff to keep a bird the peacock named Czar. I have also received a petition from the proponents with approximately 400 signatures in support of the approval.

Currently a peacock known as Czar resides on Picton Crescent in Bunbury. Mr and Mrs Bogdanoff who reside at 26 Picton Crescent have been granted permission by Council to keep the peacock on their premises via a conditional approval. Permission was granted in accordance with the City of Bunbury Health Local Laws.

Over the past month there has been considerable discussion and considerable time spent by staff, Councillors and the permit holders Mr and Mrs Bogdanoff of Czar, due to Council receiving complaints.

It is reasonable to expect Council staff to act on complaints received from the community and the main alleged issue in this instance is the noise emitted by the peacock (a screeching noise during the mating system which lasts for a couple of months of the year approximately between November – January).

The reason for the initial contact generated by staff with the permit holders of Czar was due to several noise complaints alleged to have occurred being received by Council staff and that Czar was causing discomfort and distress to a resident on Picton Crescent.

However in fact, there were no other noise complaints other than one household, albeit initial reports on the matter suggested otherwise."

Czar is a beloved pet of the entire neighbourhood. Many Bunbury residents in the area are more than familiar with the bird and they love him. Czar has lived in the street for ten years. Czar often wanders through many front yards of residences in the street and the local neighbourhood enjoy the presence of Czar. The bird adopted the street as his own or his territory and has resided in the street ever since.

The proponents have offered a chronology events which have occurred to date in regards to contact received by Council staff and how the matter has progressed to this point.

There have been several misrepresentations of the circumstances in relation to Czar and several circulations of incorrect advice offered as a way forward to resolve the situation with Czar which has emerged.

Essentially the decision had already been made that the bird must go and Council has no other choice. This indeed is incorrect.

The Bunbury Local Health Laws states:

"... the local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one (1) or more birds as specified in subclause (1)..."

- *The welfare of the peacock is the key issue*
- *Temporary approval to keep the peacock has been provided in writing (CEO has this delegation)*
- *Rangers will not enter the Bogdanoff property and seize the peacock with the owner's consent*
- *Council officers are obliged to follow directions of Councils Local Laws which can only be changed at Council direction by concurrence of the Health Department and Minister*
- *A meeting with the pest management company, the Bogdanoff's and Council Manager Health will proceed as per verbal agreement with all parties on 21.12.2012 to look at how the peacock could be relocated once the tail feathers drop. This meeting has been scheduled for Monday 7 January 2013 and does not imply action will occur immediately*
- *Council officers are aware that there is a petition with more than 300 signatures attached to keep the peacock in the area. The petition will be presented to Council in the near future*
- *The Bogdanoff's have been made aware that Council officers have a Council endorsed process to follow as part of the local laws, hence officers are continuing the process due to ongoing complaints. They have been assured that the Local Laws process and the petition will run in parallel*
- *Ongoing dialogue with the Bogdanoff's in a conciliatory manner will continue*
- *The complainants have been kept informed with the process and although not happy, are understanding*
- *Council's Manager and Team Leader Health could be available to provide Council with and update at next Tuesdays briefing session if required*

The residents who made the complaints are aware of the local law and the conditions that have been placed on the conditional approval."

Rationalisation

There is an extraordinary difference of views expressed from residents about the level of noise by the bird supposedly being committed. Overwhelmingly residents do not believe that the bird does commit any disturbance at all.

Matters brought to the attention of Council ought to be considered after research with all relevant information provided as accurate as possible and credence given to the majority of residents.

The proponents have undertaken considerable consultation with many local residents and the response has been overwhelming in support to retain Czar.

When considering the interpretation of the origins of the local law in regards to noise complaints, this law is intended for the control of noise for occurrences that are above average or above normal permitted noise caused by general living. The generalised permitted noise level is expressed through a level permitted by the majority.

In the instance of Czar it is therefore obvious that the majority do not consider Czar as a nuisance or creating any disturbance or noise above and beyond the generalised permitted level.

It is also noted that signatures on the petition to retain Czar at his current premises, have been signed by residences whose bedroom window is adjacent to the birds' normal place of habitat namely their residence abuts 26 Picton Crescent.

Letter from Applicants

"Dear Councillor Michelle Steck,

I wish to officially apply to keep one peacock, only, at our property 26 Picton Crescent Bunbury.

Could you please send me the correspondence needed to formally proceed with this application?

Czar, the peacock in question, has been a resident in our street for the past 10 years. He has lived here peaceably among us and has chosen of his own free will to live here never leaving to find a mate even in breeding season. We think he is therefore an older bird and seems deemed to see out his retirement in our neighbourhood.

We the residents of Picton Crescent feel very honoured that such an exotic creature would choose to fill our lives with so much joy. Czar is a real character and loves to entertain young and old alike. Many of the children in the street have become very attached to him and would feel heartbroken if anything happened to him.

We know this is an unusual request but we feel he is such an individual and this situation is so unique it is worth preserving.

Kindest regards,

*Katrina Bogdanoff
26 Picton Crescent
Bunbury*

Executive Comments

No comment

Cr Steck's Motion

Council grant unconditional approval for the residents, Mr and Mrs Bogdanoff of the premises known as 26 Picton Crescent to keep a bird namely a peacock known as Czar.

Outcome – Council Meeting 22 January 2013

The Mayor invited members of the gallery to address the Council members on this matter.

There were four (4) speakers who spoke in favour of the motion – Mrs Susan Heyworth, 15 Tuart Street Bunbury; Katrina Bogdanoff, 26 Picton Crescent Bunbury; Anne-Marie Offer, 25 Picton Crescent Bunbury; and Mr Maurice Johnston, 26A Picton Crescent Bunbury. They were in favour of allowing the peacock to stay in their neighbourhood as they believe the bird is not a nuisance and is not a noise issue. Some of the residents have been living in the area for 10 years or more and have never had an issue with the bird. They feel that their neighbourhood benefits greatly by having the bird choosing their area as his home.

One speaker spoke against the motion. Mr Harry Beaver, 13 Tuart Street Bunbury addressed the Council and expressed his concerns about how noisy the bird gets from 2am to 5am every morning during its mating season. The noise the bird makes goes straight into his bedroom and causing his wife and himself considerable distress and broken sleep. He stated that this issue has been going on for at least 6 years and he made the complaint back then. Two years ago there was a permit issued on the grounds that no more complaints be received. He has made further complaints about the noise which has led to this motion. He believes that the bird needs to be put into the Wildlife Park if only during the mating season.

The motion on notice (as printed) was moved Cr Steck, seconded Cr Steele to become the motion under discussion with a slight amendment – remove the word “*unconditional*”.

The Mayor put the motion (as amended) to the vote and was adopted to become the Council's decision on the matter.

Council Decision 5/13

Council grant approval for the residents, Mr and Mrs Bogdanoff of the premises known as 26 Picton Crescent to keep a bird namely a peacock known as Czar.

CARRIED

11 votes “for” / nil votes “against”

After the discussion of this item the Mayor adjourned the meeting at 7.35pm for a short break. The meeting reconvened at 7.43pm.

12.2 Motion on Notice – City of Bunbury Project PR-1816 (was listed as item 12.1 on the meeting agenda)

File Ref:	A00217
Applicant/Proponent:	Councillor Judy Jones
Author:	Councillor Judy Jones
Executive:	If adopted by Council refer to: Chief Executive Officer
Attachments:	Nil

Cr Jones submitted the following motion for the Council Committee Meeting on 22 January 2013:

"That any reimbursement for invoices received by the City of Bunbury for the project PR-1816 (page 47 of 96 City of Bunbury Endorsed 2012-2013 Annual Budget) be suspended until such time as a detailed written proposal is received from the proponent and presented to full Council for consideration."

Comments - Cr Jones

There were no supporting comments provided.

Executive Comments

No comment.

Cr Jones's Motion

That any reimbursement for invoices received by the City of Bunbury for the project PR-1816 (page 47 of 96 City of Bunbury Endorsed 2012-2013 Annual Budget) be suspended until such time as a detailed written proposal is received from the proponent and presented to full Council for consideration.

Outcome – Council Meeting 22 January 2013

The discussion of this item was held behind closed doors (see section 15).

The motion on notice (as printed) was moved Cr Jones, seconded Cr Steck to become the motion under discussion.

Pursuant to Standing Order 11.6 of the City of Bunbury Standing Orders Cr Steele moved Cr Kelly seconded the procedural motion that the debate be adjourned pending the provision of a further report on the project.

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

Council Decision 30/13

Pursuant to Standing Order 11.6 that the debate be adjourned pending the provision of a further report on the project.

CARRIED
11 votes "for" / nil votes "against"

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

Nil

15. Meeting Closed to Public

Pursuant to Standing Order 6.2 of the City of Bunbury Standing Orders, Cr Steck moved Cr Leigh seconded that “the meeting exclude members of the public and press to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed”.

The Mayor put the motion to the vote and was CARRIED 11 votes “for” / nil votes “against”.
The meeting was closed to the public and press at 9.30pm

15.1 *Matters for which the Meeting may be Closed*

15.1.1 Appointments to Bunbury Regional Arts Management Board (BRAMB)

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-1

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-1](#))

Council Committee Recommendation

1. That the consultant, Mr Peter Alexander, be invited to present his completed appendix to the 2010 Bunbury Regional Art Gallery Study, at the next briefing session of Council to enable further discussion by Council.
2. That further consideration of items 15.1.1 and 15.1.3 be deferred until the Council meeting following this briefing.

Outcome – Council Meeting 22 January 2013

The recommendation (as printed) from the Council (Standing) Committee was moved Deputy Mayor Cr Craddock, seconded Cr Jones.

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

Council Decision 26/13

1. ***That the consultant, Mr Peter Alexander, be invited to present his completed appendix to the 2010 Bunbury Regional Art Gallery Study, at the next briefing session of Council to enable further discussion by Council.***
2. ***That further consideration of items 15.1.1 and 15.1.3 be deferred until the Council meeting following this briefing.***

CARRIED
10 votes “for” / 1 vote “against”

15.1.2 Tender: Landscaping Maintenance Services to Marlston Hill and the Bunbury Wildlife Park RFT 2012 2013-17

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Manager Contracts and Property
Executive:	Phil Harris, Director Works and Services
Attachments:	Confidential Report CRUSC-3

Summary

The City of Bunbury has advertised for a suitably qualified and experienced Landscaping Contractor to maintain and provide a variety of services to the Marlston Hill Precinct and the Bunbury Wildlife Park, ensuring that they are maintained to an expected high standard.

Council Committee Recommendation

Council accepts the tendered Schedule of Rates submitted by LD Total in order to attend to the landscape maintenance services at the Marlston Hill Precinct and the Bunbury Wildlife Park.

Background

This tender was advertised in the West Australian as well as the Bunbury South Western Times newspapers on 24 and 25 October 2012 respectively. Electronic Tender Responses closed at 3.00pm on Thursday, 15 November 2012. Manager Contracts and Property and Senior Contracts and Procurement Officer opened the electronic tender box.

The documentation was made available via www.tenderlink.com/bunbury/. At the close of tender, one (1) response was received from LD Total of 7 Mason Street Bunbury WA 6230.

An evaluation panel comprising of the Manager Civil and Open Space, the Manager of the Wildlife Park, the Manager Contracts and Property and the Group Leader Open Space 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) Compliance with the Specification contained in the Request | yes/no |
| b) Compliance with the Conditions of Tendering of the Request | yes/no |
| c) Compliance with and completion of the Price Schedule | yes/no |
| d) Do you have previous experience with similar projects? | Yes/no |

Qualitative Criteria

The following Qualitative Criteria were used to assess the tenders:

- | | |
|------------------------|------------------|
| a) Relevant Experience | Weighting
35% |
|------------------------|------------------|

b)	Skills and Experience of Key Personnel	35%
c)	Methodology	10%
d)	Tenderers Resources	15%
e)	Value Adding Proposal	5%

Price

Evaluation of the tender price has been assessed but because the results are “commercial in confidence” details are listed in a Confidential Report that has been circulated to members under separate cover ([CRUSC-3](#)).

Council Policy Compliance

The tender process complies with the requirements of the City’s Work Procedure WP4.2 “Tender Procedure and Associated Legislation”.

Council’s policy DCS8 “Purchasing – Local Preference Policy” was not applied during the evaluation of the tenders, as only one (1) tender response was received and the Respondent is locally based in any event.

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”.

Analysis of Financial and Budget Implications

Funding for the services has been provided for in the Civil Works and Open Space Operational Budget for 2012/2013 as well as in the Maintenance Budget for the Wildlife Lawn and Gardens (GL 500298.820.3300 – Work Order W10863).

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.

Outcome – Council Committee Meeting 15 January 2013

The Executive recommendation (as printed) was moved Cr Steck, seconded Cr Steele.

The Mayor put the motion to the vote and was adopted to become the Committee’s recommendation on the matter.

Outcome – Council Meeting 22 January 2013

The recommendation from the Council (Standing) Committee was moved Cr Steck, seconded Cr Steele.

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

Council Decision 27/13

Council accepts the tendered Schedule of Rates submitted by LD Total in order to attend to the landscape maintenance services at the Marlston Hill Precinct and the Bunbury Wildlife Park.

CARRIED

11 votes “for” / nil votes “against”

15.1.3 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-4

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-4](#))

Council Committee Recommendation

1. That the consultant, Mr Peter Alexander, be invited to present his completed appendix to the 2010 Bunbury Regional Art Gallery Study, at the next briefing session of Council to enable further discussion by Council.
2. That further consideration of items 15.1.1 and 15.1.3 be deferred until the Council meeting following this briefing.

Outcome – Council Meeting 22 January 2013

The recommendation (as printed) from the Council (Standing) Committee was moved Deputy Mayor Cr Craddock, seconded Cr Steele.

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

Council Decision 28/13

1. ***That the consultant, Mr Peter Alexander, be invited to present his completed appendix to the 2010 Bunbury Regional Art Gallery Study, at the next briefing session of Council to enable further discussion by Council.***
2. ***That further consideration of items 15.1.1 and 15.1.3 be deferred until the Council meeting following this briefing.***

CARRIED

10 votes "for" / 1 vote "against"

15.1.4 Tender Wildlife Park Building Extension and Alterations RFT 2012 2013-06

File Ref:	A05613
Applicant/Proponent:	Internal Report
Author:	Mark Robson, Manager Contracts and Property
Executive:	Phil Harris, Director Works and Services
Attachments:	Confidential Report CRUSC-6

Summary

The City of Bunbury has advertised for suitably qualified and experienced registered building contractors to undertake the building extensions and alterations to the existing Bunbury Wildlife Park Building.

Executive Recommendation

Part A:

Council accepts the tendered Lump Sum Fee submitted by BGC Construction Pty Ltd being for the building extensions and alterations to the Bunbury Wildlife Park Building.

Part B:

Council endorses the provision of additional funding to allow for the budget shortfall. Additional funding of \$48,000.00 to be ratified at the next budget review, this includes a contingency sum of 7%.

Background

This tender was advertised in the West Australian and the South West Times newspapers on 28 and 29 November 2012 respectively. Electronic Tender Responses closed at 3:00pm on Thursday, 10 January 2013. The Contracts and Property Manager and Senior Contracts and Procurement Officer opened the electronic tender box.

The documentation was made available via www.tenderlink.com/bunbury/ A total of 486 tenderlink alerts were released, twenty six (26) companies downloaded the documentation and at closing, five (5) responses were received from:

1. White Building Company Pty Ltd: Lot 2063 Rowlands Road, Collie WA 6225.
2. Perkins Builders: 1 Hales Street, Bunbury WA 6230
3. Northerly Group Pty Ltd: PO Box 180 Subiaco WA 6904.
4. Devlyn Construction Pty Ltd: PO Box 6100 Bunbury WA 6230
5. BGC Construction Pty Ltd: Level 3/22 Mount Street, Perth WA 6000

An evaluation panel comprising the City's Manager Building and Trades the Contracts and Property Manager and Senior Contracts and Procurement 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) | Compliance with the Specifications and Drawings | yes/no |
| b) | Compliance with the Conditions of the Request | yes/no |
| c) | Compliance with the start and completion dates | yes/no |
| d) | Compliance and completion of the Price Schedule | yes/no |
| e) | Eligible under the provisions of the Builders Registration Act | yes/no |

Qualitative Criteria

The following Qualitative Criteria were used to assess the tenders:

- | | Weighting |
|---|-----------|
| a) Relevant experience with similar projects | 5 |
| b) Skills and Experience of key personnel | 5 |
| c) Demonstrated Understanding and Methodology | 5 |
| d) Contractors Resource's | 5 |

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 that has been circulated to members **under separate cover** ([CRUSC-6](#)).

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.

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".

Analysis of Financial and Budget Implications

Funding for the Wildlife Park extension and alterations has been provided in the 2012-2013 Annual Budget and is identified in Sycle as:

PR-1394 Update and renovate Wildlife Park Café and Office Building

The tendered sum submitted by the recommended contractor exceeds the available budget. Award of this contract is subject to additional funding being ratified at the next budget review.

Councillor/Officer Consultation

The City's project team will commence negotiations for any possible savings with the Contractor prior to hand over of the site and will remain vigilant for any potential increases to this project. All members of the evaluation panel have signed a confidentiality and impartiality agreement.

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.

Outcome – Council Meeting 22 January 2013

Cr Leigh declared an interest in this matter (see section 5). He left the chambers at 9.36pm and did not participate in the discussion or vote on the matter.

The Executive recommendation (as printed) was moved Cr Steck, seconded Cr McNeill.

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

Council Decision 29/13

Part A:

Council accepts the tendered Lump Sum Fee submitted by BGC Construction Pty Ltd being for the building extensions and alterations to the Bunbury Wildlife Park Building.

Part B:

Council endorses the provision of additional funding to allow for the budget shortfall. Additional funding of \$48,000.00 to be ratified at the next budget review, this includes a contingency sum of 7%.

CARRIED

10 votes "for" / nil votes "against"

Cr Leigh returned to the chambers at 9.46pm and present for the discussion and vote on the remaining items on the agenda.

15.1.5 Confidential Report – Hay Park Multi Sports Pavilion Tender

File Ref:	A04597
Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-7

Summary

On the 22 January 2013, WALGA sent a copy of the final Recommendation Report - Architectural Design and Contract Management Services for the Hay Park Multi Sports Pavilion. A copy of the confidential report has been circulated **under separate cover** ([CRUSC-7](#)). Whilst I do have delegated authority to award tenders undertaken by WALGA, given the sensitive nature of this contract, it was deemed appropriate that a Council resolution be made.

Executive Recommendation

1. That Council endorse the recommendation in the WALGA Report:
“Peter Hunt Architects is the recommended Tenderer for its pricing submitted for its Lark Hill concept design on the basis of demonstrating best value for money. The Contractor’s legal entity name is Peter Hunt Pty Ltd also trading as Peter Hunt Architect Unit Trust.”
2. Council advise WALGA to proceed with preparing the resultant Contract for issue.

Background

On the 20 November 2012 Council resolved as follows:

“Council Decision 358/12

That Council:

1. *Cancel RFT 2012 2013-09*
2. *Issue a new tender engaging an independent procurement specialist with relevant local government expertise to undertake a new procurement process.*
3. *The new tender is to be run independently of the City utilising the same specifications/project brief and keeping the selection criteria as similar as possible.*
4. *Further consider the issues identified through the audit in relation to a review of procurement policies, procedures and internal controls with a report to be provided to the Council's Audit Committee no later than May 2013.”*

After discussions with several procurement specialists, WALGA were engaged to undertake the tender as they were able to produce a report to Council within the shortest turn-around time.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

WALGA staff undertook this tender and assessment process independently from the City of Bunbury, and have been very thorough in ensuring that the process was correct and in compliance with the requirements under the Act.

I support the recommendation from WALGA that Peter Hunt Pty Ltd be appointed as the successful tenderer, and am confident that the assessments have been made in accordance with the Council resolution.

Analysis of Financial and Budget Implications

The City of Bunbury Annual Budget includes the resources to appoint Peter Hunt Pty Ltd to undertake this work.

Community Consultation

Not applicable

Councillor/Officer Consultation

The tender and assessment process was undertaken completely independently from the City of Bunbury, and as such no Councillor or Officer involvement took place other than the provision of tender documents and specifications to WALGA staff.

Outcome – Council Meeting 22 January 2013

Cr Kelly declared an impartiality interest in this matter (see section 5) and left the chambers at 9.46pm. He did not participate in the discussion or vote on the matter.

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

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

Council Decision 31/13

1. ***That Council endorse the recommendation in the WALGA Report:
“Peter Hunt Architects is the recommended Tenderer for its pricing submitted for its Lark Hill concept design on the basis of demonstrating best value for money. The Contractor’s legal entity name is Peter Hunt Pty Ltd also trading as Peter Hunt Architect Unit Trust.”***
2. ***Council advise WALGA to proceed with preparing the resultant Contract for issue.***

CARRIED
10 votes “for” / nil votes “against”

Cr Kelly returned to the chambers at 9.51pm and was present for the discussion and vote on the remaining item on the agenda.

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

Cr Steele moved Cr Leigh seconded that the meeting be reopened to the public. The Mayor put the motion to the vote and was CARRIED 11 votes “for” / nil votes “against”. The meeting was reopened at 10.51pm.

The Chief Executive Officer read out the resolutions that were made behind closed doors.

16. Closure

The meeting was declared closed at 10.53pm.