



# Bunbury City Council

## Minutes 26 March 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 held on Tuesday 26 March 2013.

### **Minutes 26 March 2013**

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

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

Deputy Mayor Cr Craddock as presiding member, declared the meeting open at 5.58pm.

#### **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**

Nil

## 4. Attendance

*Present:*

<b>Council Members:</b>	
Presiding Member	Deputy Mayor Cr S Craddock
Members	Councillor J Jones
	Councillor D Prosser
	Councillor A Leigh
	Councillor M Steck
	Councillor R Slater
	Councillor B Kelly
	Councillor N McNeill
	Councillor M Cook
	Councillor S Morris
<b>Executive Leadership Team (Non-Voting):</b>	
Chief Executive Officer	Mr A Brien
Director Community and Customer Services	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszekwych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting):</b>	
Manager Corporate Performance	Mr G Golinski
Manager Finance	Mr D Ransom
Media and Communications Officer	Ms K Phillips
Administration Officer Corporate	Ms N Hribar
<b>Others (Non-Voting):</b>	
Members of the Public	6
Members of the Press	Nil

### 4.1 Apologies

Cr Karen Steele was an apology for the meeting.

### 4.2 Approved Leave of Absence

Mayor D Smith is on a leave of absence from 20 March to 2 April 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

In accordance with Section 5.69 (3)(a) of the *Local Government Act 1995* exemption has been granted by the Department of Local Government to the following Council members to discuss and vote on the item titled '*Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees*'. The exemption has been granted under the following conditions:

1. the approval is only valid for the City of Bunbury Council (Standing) Committee meeting of 19 March 2013 and the Ordinary Council meeting of 26 March 2013;
2. the disclosing members declare the nature and extent of their interest at the Committee meeting of 19 March 2013 and the Council meeting of 26 March 2013, when the applications are considered together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member;
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the two meetings when this matter is discussed.

Deputy Mayor Cr Craddock declared a financial interest in the item titled '*Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees*' on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr Jones declared a financial interest in the item titled '*Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees*' on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. She will participate in the discussion and vote on the matter.

Cr Prosser declared a financial interest in the item titled '*Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees*' on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr Leigh declared a financial interest in the item titled '*Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees*' on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr Steck declared a financial interest in the item titled '*Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees*' on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. She will participate in the discussion and vote on the matter.



Cr Slater declared a financial interest in the item titled *'Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees'* on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr Kelly declared a financial interest in the item titled *'Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees'* on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr McNeill declared a financial interest in the item titled *'Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees'* on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr Cook declared a financial interest in the item titled *'Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees'* on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr Morris declared a financial interest in the item titled *'Review of Chief Executive Officer Policy CEO8 – Legal Representation for Council Members and Employees'* on the grounds that there is a possibility of either collectively or as an individual Councillor they will potentially have a direct financial interest in any future claims. He will participate in the discussion and vote on the matter.

Cr McNeill declared a proximity interest in the item titled *'Department of Sport and Recreation CSRFF Applications February 2013'* as he is the Vice President of the Forza Dragon Boat Club who are potential recipients of the funding. He has elected to leave the chambers and not participate in the discussion or the 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

#### **Mr D Kenny, 2 Marigold Court South Bunbury (President Carey Park Football Club)**

Due to the upgrade of Hands Oval, several sporting clubs that ordinarily would use the facility have requested that they be accommodated at other sporting venues. Carey Park Football Club has received requests from several clubs for the use of Kelly Park and they are trying to accommodate all the requests but at the same time are mindful of the work that has been done to its own turf.

*Question: Could Council look into assisting the club (Carey Park Football Club) with the purchase of extra lighting in order to spread the accessibility for the other clubs across the field rather than it being concentrated on one area?*

**Response:** Deputy Mayor Cr Craddock – I would suggest that the best way forward is for you to put your request in writing and address it to the CEO. Council can then consider the formal request.

Director Works and Services – We have been talking with Mr Kenny for a while. There are a number of clubs that wish to use the ground and we are trying to work out a plan that will accommodate everyone

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

### **7.1 Minutes**

#### **7.1.1 Minutes – Council Meetings**

The minutes of the Ordinary meeting of the Bunbury City Council held 5 March 2013 have been circulated.

The minutes of the Special meeting of the Bunbury City Council held 19 March 2013 have been circulated.

#### **Recommendation**

1. The minutes of the Ordinary meeting of the Bunbury City Council held 5 March 2013 be confirmed as a true and accurate record.
2. The minutes of the Special meeting of the Bunbury City Council held 19 March 2013 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 26 March 2013**

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

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

#### **Council Decision 68/13**

1. ***The minutes of the Ordinary meeting of the Bunbury City Council held 5 March 2013 be confirmed as a true and accurate record.***
2. ***The minutes of the Special meeting of the Bunbury City Council held 19 March 2013 be confirmed as a true and accurate record.***

CARRIED

10 votes "for" / nil votes "against"

### 7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

<b>File Ref:</b>	Various
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix <a href="#">MTBN-1</a> , <a href="#">MTBN-2</a> , <a href="#">MTBN-3</a> , <a href="#">MTBN-4</a> , <a href="#">MTBN-5</a> , <a href="#">MTBN-6</a>

#### **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 (05/12/2012)  
Author: Jason Gick, Manager Engineering  
Appendix: [MTBN-1](#)
2. Title: Minutes – Community Access Committee Meeting (01/02/2013)  
Author: Caris Gibson, Team Leader Community Development  
Appendix: [MTBN-2](#)
3. Title: Minutes – Youth Advisory Council Committee Meeting (06/02/2013)  
Author: Isabell Evans, Community Development Officer  
Appendix: [MTBN-3](#)
4. Title: Minutes – Art Collection Management Committee Meeting (11/02/2013)  
Author: Caroline Lunell, Art Curator/Registrar  
Appendix: [MTBN-4](#)
5. Title: Minutes – Bunbury Airport Advisory Committee Meeting (28/02/2013)  
Author: Nigel Archibald, Team Leader Airport and Design  
Appendix: [MTBN-5](#)
6. Title: Minutes – City of Bunbury Audit Committee Meeting (12/03/2013)  
Author: Greg Golinski, Manager Corporate Performance  
Appendix: [MTBN-6](#)

#### **Outcome – Council Committee Meeting 19 March 2013**

The 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 26 March 2013**

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

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

**Council Decision 69/13**

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

- 1. Title: Minutes – Bunbury Region RoadWise Committee Meeting (05/12/2012)**  
**Author: Jason Gick, Manager Engineering**
- 2. Title: Minutes – Community Access Committee Meeting (01/02/2013)**  
**Author: Caris Gibson, Team Leader Community Development**
- 3. Title: Minutes – Youth Advisory Council Committee Meeting (06/02/2013)**  
**Author: Isabell Evans, Community Development Officer**
- 4. Title: Minutes – Art Collection Management Committee Meeting (11/02/2013)**  
**Author: Caroline Lunell, Art Curator/Registrar**
- 5. Title: Minutes – Bunbury Airport Advisory Committee Meeting (28/02/2013)**  
**Author: Nigel Archibald, Team Leader Airport and Design**
- 6. Title: Minutes – City of Bunbury Audit Committee Meeting (12/03/2013)**  
**Author: Greg Golinski, Manager Corporate Performance**

CARRIED

10 votes “for” / nil votes “against”

## 8. Presentations

### 8.1 Petitions

#### 8.1.1 Petition – Request to Revoke Permit for Respite Facility at 18 Morrissey Street Bunbury

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Residents and Landowners of Morrissey Street
<b>Author:</b>	Councillor Brendan Kelly
<b>Executive:</b>	<i>If petition adopted by Council refer to: Bob Karaszewych, Director Planning and Development Services</i>
<b>Attachments:</b>	Appendix <a href="#">PET-1</a>

A petition has been received from the residents and landowners of Morrissey Street Bunbury requesting that Council rescind the permit to operate the respite facility located in the premises of 18 Morrissey Street Bunbury.

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 Committee Meeting 19 March 2013**

Cr Kelly tabled the petition from the residents and landowners of Morrissey Street Bunbury. The petition contained a total of 18 signatures from residents of Morrissey Street and Eades Streets.

Pursuant to Standing Order 6.10, Cr Kelly moved Cr Leigh seconded that the petition from the residents of Morrissey Street shall be accepted and referred to the relevant officer for a report.

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

#### **Council Committee Recommendation**

Pursuant to Standing Order 6.10 the petition from the residents and landowners of Morrissey Street Bunbury shall be accepted and referred to the relevant officer for a report.

#### **Outcome – Council Meeting 26 March 2013**

The recommendation (as printed) from the Council Committee was moved Cr Kelly, seconded Cr Jones.

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

**Council Decision 70/13**

***Pursuant to Standing Order 6.10 the petition from the residents and landowners of Morrissey Street Bunbury shall be accepted and referred to the relevant officer for a report.***

CARRIED

10 votes "for" / nil votes "against"

## 8.2 ***Presentations***

Nil

## 8.3 ***Deputations***

Nil

## 8.4 ***Council Delegates' Reports***

### 8.4.1 **Councillor Report – Councillor Murray Cook, CEO Performance Appraisal March 2013**

<b>File Ref:</b>	A05416
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Councillor Murray Cook
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix <a href="#">CLDG-1</a>

Councillor Murray Cook attended the CEO Performance Appraisal training course in Perth on 7 March 2013 and has provided a report on the course (**attached** at Appendix [CLDG-1](#))

#### **Council Committee Recommendation**

The report from the CEO Performance Appraisal training course held on 7 March 2013 provided by Councillor Murray Cook be received and noted.

#### **Outcome – Council Committee Meeting 19 March 2013**

The 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 Committee's recommendation on the matter.

#### **Outcome – Council Meeting 26 March 2013**

The recommendation (as printed) from the Council Committee meeting was moved Cr Prosser, seconded Cr Leigh.

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

#### **Council Decision 71/13**

***The report from the CEO Performance Appraisal training course held on 7 March 2013 provided by Councillor Murray Cook be received and noted.***

CARRIED  
10 votes "for" / nil votes "against"



#### 8.4.2 Councillor Report – Councillor Murray Cook, Manage Conflict March 2013

<b>File Ref:</b>	A05416
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Councillor Murray Cook
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix <a href="#">CLDG-2</a>

Councillor Murray Cook attended the Manage Conflict training course in Perth on 8 March 2013 and has provided a report on the course (**attached** at Appendix [CLDG-1](#))

#### **Council Committee Recommendation**

The report from the Manage Conflict training course held on 8 March 2013 provided by Councillor Murray Cook be received and noted.

#### **Outcome – Council Committee Meeting 19 March 2013**

The 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 Committee's recommendation on the matter.

#### **Outcome – Council Meeting 26 March 2013**

The recommendation (as printed) from the Council Committee was moved Cr Prosser, seconded Cr Leigh.

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

#### **Council Decision 72/13**

***The report from the Manage Conflict training course held on 8 March 2013 provided by Councillor Murray Cook be received and noted.***

CARRIED  
10 votes "for" / nil votes "against"

### 8.5 Conference Delegates' Reports

## 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, 10.1.3, 10.2.1, 10.4.1, 10.4.2, 10.5.1 and 10.6.1.

Items 10.1.4, 10.3.1, 10.4.3, and 10.5.2 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.

## 10. Reports

### 10.1 **Naming of Airport Entrance Road** (was listed as item 10.1.1 on the meeting agenda)

<b>File Ref:</b>	A04872
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Nigel Archibald, Team Leader Airport and Design
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Nil

#### **Summary**

The Bunbury Airport Advisory Committee has recommended naming the main entrance road to Bunbury Airport as 'Tom Talbot Drive'.

#### **Council Committee Recommendation**

The Airport Advisory Committee recommends that the City of Bunbury recognise and signpost the main entrance road into Bunbury Airport as 'Tom Talbot Drive'.

#### **Background**

Tom Talbot has been involved with the Bunbury Aero Club since its formation in 1963, and served as the Chief Flying Instructor for 35 years.

Mr Talbot is a well-known aviation identity having trained many local pilots and was made a Master Pilot by the Royal Aero Clubs of Australia.

Mr Talbot served as a Councillor at the City of Bunbury from 1970–1974 and has been a Justice of the Peace since 1985.

The members of the Bunbury Airport Advisory Committee believe naming the main entrance road into the airport 'Tom Talbot Drive' is suitable recognition.

Tom Talbot passed away on Wednesday, 13 March 2013.

#### **Council Policy Compliance**

Not applicable

#### **Legislative Compliance**

The main entrance to the Bunbury Airport is not a 'Gazetted Road' therefore approval from the Geographic Names Committee is not required.

#### **Officer Comments**

The Team Leader Airport and Design supports the recommendation

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

The cost of supplying and erecting the signpost will be financed from within the existing Airport budget. Estimated cost \$300.00

### **Community Consultation**

The issue was discussed at the Bunbury Airport Advisory Committee meeting held on 28 February 2013 and the recommendation passed:

### **Councillor/Officer Consultation**

Mayor Smith, Cr Cook and Cr McNeill are members of the Bunbury Airport Advisory Committee and support the recommendation.

### **Outcome – Council Committee Meeting 19 March 2013**

Pursuant to Standing Order 6.2 of the City of Bunbury Standing Orders, Cr Leigh moved Cr Slater 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 procedural motion to the vote and was CARRIED 10 votes “for” / nil votes “against”. The meeting was closed to the public and press at 6.22pm.

Dr Peter Heyworth, member of the Airport Advisory Committee, was present to address the Committee as to why the Advisory Committee felt that Council should pass the recommendation.

The recommendation from the Advisory Committee was moved Cr Steck, seconded Cr Jones.

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

Cr Jones moved Cr Leigh seconded that the meeting be reopened to the public. The Mayor put the procedural motion to the vote and was CARRIED 10 votes “for” / nil votes “against”. The meeting was reopened at 6.42pm.

### **Outcome – Council Meeting 26 March 2013**

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

#### **Council Decision 73/13**

***The Airport Advisory Committee recommends that the City of Bunbury recognise and signpost the main entrance road into Bunbury Airport as ‘Tom Talbot Drive’.***

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

**10.2 Local Government Compliance Audit Return December 2012** (was listed as item 10.1.2 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Team Leader Corporate Administration
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix <a href="#">ADV-1</a>

**Summary**

Council is required to adopt the Statutory Compliance Audit Return for the calendar year 1 January 2012 to 31 December 2012. A copy of the reviewed return is **attached** at Appendix [ADV-1](#).

The Local Government (Audit) Regulations 1996 clause 14(3A) reads, “*The local governments audit committee is to review the compliance audit return and is to report to the council the results of that review*”.

For the information of Council, the audit committee met on Tuesday, 12 March 2013 to review the completed statutory compliance audit return for the year 1 January 2012 to 31 December 2012.

The audit committee reports that it reviewed the compliance audit return and at the completion of the review, is satisfied, that the responses provided therein accurately portray that the City has been fully compliant during the period under review.

**Council Committee Recommendation**

1. Council, under the provisions of clause 14(3A) of the Local Government (Audit) Regulations 1996, note and endorse the Audit Committees report on the review of the Statutory Compliance Return for the period 1 January 2012 to 31 December 2012; and
2. Council adopts the Statutory Compliance Audit Return for the City of Bunbury for the period 1 January 2012 to 31 December 2012 and authorises its endorsement by His Worship the Mayor and Chief Executive Officer.

**Background**

Each year the Department of Local Government requires Council’s to conduct an annual assessment of their compliance with key components of the Local Government Act 1995 and regulations and it is to be returned to the Department by 31 March 2013. The Audit Committee has confirmed following review on Tuesday, 12 March 2013 that Compliance has been achieved on all key components of the return for the period under review.

**Council Policy compliance**

There is no current Council Policy relevant to this item.

## **Legislative Compliance**

Completion of the Statutory Compliance Return is a requirement under the provisions of Section 7.13(1)(i) of the Local Government Act 1995 and Clause 13 of the Local Government (Audit) Regulations 1996. The City of Bunbury has fulfilled its commitment to completing this return annually since 1997.

The last return (2011) was adopted by Council at its meeting held 28 February 2012.

The Local Government (Audit) Regulations 1996 (gazetted 30 December 2011) have facilitated a revised structure to the Compliance Return which now restricts assessment and responses to those areas of compliance considered high risk.

Another amendment is a variation to the old clause 14(3) which now reads: *“After the audit committee has reported to the council under sub-regulation (3A), the compliance audit return is to be –*

- (a) presented to the council at a meeting of the council; and*
- (b) adopted by the council; and*
- (c) recorded in the minutes of the meeting at which it is adopted.*

The audit committee reports, it is satisfied compliance has been achieved.

## **Officer Comments**

The Chief Executive Officer, all Directors and relevant work area managers are provided with copies of their sections of the Statutory Compliance Audit Return forms for completion and return. The final return is then compiled in an on-line process at the end of the review period using information contained and examined as a result of the internal audits which are conducted on various aspects of the Return.

These adhoc internal audits assist the various work areas to ensure their operations meet the statutory requirements of the Local Government Act 1995 and associated Regulations, as well as providing management with information necessary to ensure continual compliance.

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

There are no budgetary implications associated with this compliance return.

## **Community Consultation**

There is no requirement for community consultation on this matter.

## **Councillor/Officer Consultation**

The Chief Executive Officer, all Directors and relevant work area managers have been consulted and requested to respond to relevant sections of this return and Councils audit committee members have reviewed the return and support its adoption.

This report serves to bring this issue to the attention of all elected members.

## **Delegation of Authority**

The Statutory Compliance Audit Return and the on-line submission process are compiled under delegated authority by the Team Leader Corporate Administration.

**Outcome – Council Committee Meeting 19 March 2013**

The recommendation from the Advisory Committee was moved Cr Jones, seconded Deputy Mayor Cr Craddock.

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

**Outcome – Council Meeting 26 March 2013**

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

**Council Decision 74/13**

1. ***Council, under the provisions of clause 14(3A) of the Local Government (Audit) Regulations 1996, note and endorse the Audit Committees report on the review of the Statutory Compliance Return for the period 1 January 2012 to 31 December 2012; and***
2. ***Council adopts the Statutory Compliance Audit Return for the City of Bunbury for the period 1 January 2012 to 31 December 2012 and authorises its endorsement by His Worship the Mayor and Chief Executive Officer.***

CARRIED

10 votes "for" / nil votes "against"

**10.3 Youth Advisory Council Membership** (was listed as item 10.1.3 on the meeting agenda)

<b>File Ref:</b>	A05254
<b>Applicant/Proponent:</b>	Youth Advisory Council Committee
<b>Author:</b>	Isabell Evans, Community Development Officer
<b>Executive:</b>	Stephanie Addison-Brown, Director Community and Customer Services
<b>Attachments:</b>	Nil

**Summary**

Council recently approved a report recommending the appointment of four (4) youth representatives to the Youth Advisory Council (YAC) Committee, leaving one (1) position vacant (Council decision 7/13).

Between the creation of the aforementioned report and its presentation to Council, the YAC Committee received one (1) additional nomination. This report recommends the appointment of this person, Ebony Hribar, to the YAC Committee thus effectuating a full Committee of Council.

**Council Committee Recommendation**

That Council approves the election of one (1) final youth representative to the Youth Advisory Council Committee, Ebony Hribar.

**Background**

Council recently resolved to re-elect the five (5) youth community representatives currently sitting on the YAC Committee as well as appointing four (4) new representatives to the advisory group (Council decisions 310/12 and 7/13).

However between the two (2) decisions, the YAC Committee received one (1) additional nomination from youth representative Ebony Hribar.

Miss Hribar is a frequent attendee of monthly Youth Reference Group meetings and consistently displays a hard-working, positive attitude and eagerness to become more involved with her fellow youth representatives. Thus Ebony would act as a suitable final member of a subsequently full Committee.

**Council Policy Compliance**

Not applicable.

**Legislative Compliance**

Section 5.10 of the *Local Government Act* (1995) refers to the appointment of committee members.

**Officer Comments**

Not applicable



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

There are no financial or budget implications relating to this item.

### **Community Consultation**

The vacant position on the YAC Committee was extensively promoted through local print and radio media, through visits to high schools within Bunbury, through on-line networks and the Youth Advisory Council's Facebook page and also through the current membership of the Council and its committee.

This issue was discussed at the YAC Committee meeting held 6 February 2013 and the recommendation passed.

### **Councillor/Officer Consultation**

This item brings the matter to the Council's attention. The Council representatives on this Committee are aware of the proposal.

### **Outcome – Council Committee Meeting 19 March 2013**

The recommendation from the Advisory Committee (as printed) was moved Cr Slater, 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 26 March 2013**

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

### **Council Decision 75/13**

***That Council approves the election of one (1) final youth representative to the Youth Advisory Council Committee, Ebony Hribar.***

CARRIED

10 votes "for" / nil votes "against"

**10.4 Australian Local Government Association – National General Assembly of Local Government Conference – Canberra 16 to 19 June 2013 Inclusive** (was listed as item 10.2.1 on the meeting agenda)

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

**Summary**

The Australian Local Government Association (ALGA) has advised of the Annual National General Assembly of Local Government Conference, to be held in Canberra from Sunday 16 to Wednesday 19 June 2013 inclusive.

**Council Committee Recommendation**

Council approve the attendance of His Worship the Mayor and the Chief Executive Officer at the Australian Local Government Association National General Assembly of Local Government Conference to be held in Canberra from Sunday 16 June to Wednesday 19 June 2013 inclusive.

**Background**

All Mayors, Shire Presidents and Chief Executive Officers from Australian Local Governments have been invited to the Annual Australian Local Government Association National General Assembly to be held in Canberra from Sunday 16 June to Wednesday 19 June 2013

The conference program, titled “*Foundations for the Future Twenty 13*”, will explore issues relevant to the City of Bunbury and which it will confront in regards to Financing Local Government, Financial Assistance Grants, Expenditure Priorities and Constitutional Recognition of Local Government.

**Council Policy Compliance**

Attendance at this conference will be facilitated through the provisions and conditions of Council Policy CEO1 “*Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members.*”

**Legislative Compliance**

The endorsement of this proposal and receipt of the subsequent reports will ensure that compliance has been met with all legislative matters including policy.

**Officer Comments**

It is expected that Council’s continued attendance at this national conference will only serve to benefit the determining of future long term strategic economic, social, environmental and sustainability issues including infrastructure. It will contribute to the potential development of policy and future planning processes to assist the City’s strategic capacity to provide good governance, service and facilities for its greater community.

The conference also provides an opportunity to meet with Federal Government Ministers whilst in Canberra. This is an opportunity that should not be missed and preliminary arrangements may be made to meet with relevant Ministers to push Bunbury's position on the Federal stage.

Some of the Federal Ministers already invited to attend and address the conference include;

- The Honourable Julia Gillard MP, Prime Minister (Invited);
- The Honourable Tony Abbott MP, Leader of the Opposition (Invited);
- The Honourable Simon Crean MP, Minister for Regional Australia, --Regional Development and Local Government (Invited);
- The Honourable Tanya Plibersek MP, Minister for Health;
- Senator Barnaby Joyce, Leader of the Nationals in the Senate;
- Shadow Minister for Local Government; and
- Senator Christine Milne, Leader of the Australian Greens,

Council has approved the attendance of His Worship the Mayor and Chief Executive Officer to this conference for the past several years. Unfortunately last year, His Worship the Mayor and Chief Executive Officer were unable to attend due to prior commitments in Setagaya and Jiaxing. Council's involvement continued however with the attendance of Deputy Mayor Craddock and Director of Works and Services Mr Phil Harris. It is considered vital in assisting the Australian Local Government Association to maintain the renewed focus on local government and to drive improved outcomes for the sector at the national level.

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

Councils 2012/2013 Budget contains sufficient funding allocations to accommodate attendance at this conference.

### **Community Consultation**

There is no requirement for community consultation on this proposal.

### **Councillor/Officer Consultation**

His Worship the Mayor and Chief Executive Officer are aware of this proposal. This report serves to bring the matter to the attention of all elected members.

### **Outcome – Council Committee Meeting 19 March 2013**

Cr Kelly had not returned to the chambers in time to vote on this matter.

The Executive recommendation (as printed) was moved Deputy Mayor Cr Craddock, 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 26 March 2013**

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

**Council Decision 76/13**

***Council approve the attendance of His Worship the Mayor and the Chief Executive Officer at the Australian Local Government Association National General Assembly of Local Government Conference to be held in Canberra from Sunday 16 June to Wednesday 19 June 2013 inclusive.***

CARRIED

10 votes “for” / nil votes “against”

**10.5 Schedule of Accounts Paid for the Period 1 to 28 February 2013** (was listed as item 10.4.1 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix <a href="#">DCS-1</a>

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 to 28 February 2013 is **attached** at Appendix [DCS-1](#). The schedule contains details of the following transactions:

1. Municipal Account - payments totalling \$4,542,328.13
2. Advance Account - payments totalling \$3,537,746.21
3. Trust Account - payments totalling \$69,095.86
4. Visitor Information Centre Trust Account - payments totalling \$20,638.40
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$587,532.80
6. Bunbury-Harvey Regional Council Advance Account - payments totalling \$531,833.70

***For Committee/Council Information Only.***

**Council Committee Recommendation**

The Schedule of Accounts Paid for the period 1 to 28 February 2013 be received.

**Outcome – Council Committee Meeting 19 March 2013**

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

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

**Outcome – Council Meeting 26 March 2013**

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

**Council Decision 77/13**

***The Schedule of Accounts Paid for the period 1 to 28 February 2013 be received.***

CARRIED  
10 votes "for" / nil votes "against"

**10.6 Financial Management Report for the Period Ending 28 February 2013**  
(was listed as item 10.4.2 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Director:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix <a href="#">DCS-2</a> , <a href="#">DCS-3</a> , <a href="#">DCS-4</a> , <a href="#">DCS-5</a> , <a href="#">DCS-6</a>

**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 28 February 2013
  - Actual income of \$41.95M is \$234K more than the year-to-date budgeted income of \$41.72M (refer explanation on next page).
  - Actual expenditure of \$25.37M is \$1.39M less than the year-to-date budgeted expenditure of \$26.77M (refer explanation on next page).
  - Actual operating surplus of \$16.58M is \$1.62M more than the year-to-date budgeted operating surplus of \$14.96M.
  
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 \$39.4M includes:		
* Cash and Investments	\$33.7M	\$14.1M
* Rates	\$4.83M	\$0.6M
* Other Current Assets	\$0.9M	\$1.3M
- Current Liabilities of \$6.3M includes:		
* Trade and Other Payables	\$2.8M	\$4.7M
Annual Leave and LSL Provisions	\$2.4M	\$2.9M
* Working Capital (Current Assets less Current Liabilities)	\$33.1M	\$6.8M
* Equity (Total Assets less Total Liabilities)	\$243.9M	\$228.2M
  
3. Capital Works (**attached** at Appendix [DCS-6](#))
  - Actual capital works of \$13.11M is \$8.45M less than the year-to-date budgeted capital works of \$21.56M, (refer explanation on next page).
  
4. Forecast Operating Deficit and Forecast Cash to 30 June 2013
  - The February 2013 draft Budget Review has been completed and the changes to operating income and expenditure will decrease the current budget Operating Deficit from \$5,038,592 to a forecast of \$4,975,852, a decrease of \$62,740.
  - The budgeted Forecast Cash (i.e. surplus funds) at 30 June 2013 will increase from \$943,888 to \$1,389,375, an increase of \$445,487.

**Council Committee Recommendation**

The Financial Management Report for the period ending 28 February 2013 be received.

**Background**

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix [DCS-2](#))
- Statement of Financial Activity (**attached** at Appendix [DCS-3](#))
- 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](#))

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

**Council Policy Compliance**

Not applicable.

**Legislative Compliance**

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.

**Officer Comments**

The following is an explanation of significant Operating and Capital variances identified in the Statement of Comprehensive Income and Statement of Financial Activity:

<b>Statement of Comprehensive Income</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Income</b>	
<b>Fees and Charges (Rating Fee Income)</b> – The variance is for income budgeted for the provision of ratepayer information. This income is currently being recognised in an alternative account, ‘Miscellaneous Fees and Charge Income’. An adjustment will be included in the February budget review to correct the budgets between these two accounts. There will be no impact on the end of year financial position.	(\$17,498)
<b>Operating Expenditure</b>	
<b>Material and Contracts (Contract Employment Expense)</b> – The use of contract labour is greater than original budget predictions due to delay in employment of staff. Additional expenditure in this category will be offset by reductions in actual salaries and wages paid. There is no anticipated impact on the end of year financial position.	(\$36,877)
<b>Material and Contracts (Equipment Lease or Hire Expense)</b> – An amount of \$30,385 has been expended on leasing of Lot	(\$40,408)

<p>757 Ocean Drive. An adjustment will be included in the February budget review for this expenditure and will be offset by an increase in budgeted income for lease costs reimbursed.</p> <p>Leasing fees for the Victoria Street Carpark are greater than year to date budget due to the reimbursement of rates and other charges associated with the lease. An adjustment will be made at the February budget review to reallocate budgeted funds available for this project from 'contractors expense'.</p> <p>There is no anticipated impact on the end of year financial position as a result of these adjustments.</p>	
<p><b>Material and Contracts (Bank Fee and Charges Expense)</b> – Bank fees associated with the payment of rates via internet and phone is greater than the year to date budget. This is a timing issue only and there is no anticipated impact on the end of year financial position.</p>	<p>(\$12,130)</p>
<p><b>Utilities (Sewerage Expense)</b> - Variance is due to timing in receipt of accounts. There is no anticipated impact on the end of year financial position.</p>	<p>(\$11,240)</p>
<p><b>Other Expense (Miscellaneous Non Cash Expense)</b> – Minor variance in relation to interest adjustments in the rating system. This is a non-cash item and will not impact the end of year financial position.</p>	<p>(\$795)</p>
<p><b>Non Operating Income and Expenditure</b></p>	
<p><b>Grants and Contributions for the Development of Assets</b> – Actual to budget year-to-date variation due to timing of receipt of grant revenue for capital projects including the following:</p> <p>Upgrade runway and taxiway lighting (\$112,000)          Upgrade landscaping Lot 431 Upper Esplanade (\$50,000)          Renew Sykes boat ramp and jetty (\$200,000)          Replace surface; Bunbury District Netball Courts (\$100,000)          Reconstruct section of Parade Road (\$200,000)          Upgrade Parade Road (\$120,000)          Construct median and turning lanes Picton Rd (\$80,000)          Implement Hands Oval Master Plan (\$1,340,000)          Replace ablution block Hay Park (\$300,000)          Upgrade Koombana Beach toilet and kiosk (\$280,000)          Various road reseal projects (\$328,352)</p> <p>This income is still expected to be received during 2012-13. As a result there will be no impact on the end of year financial position in relation to these items.</p> <p>An amount of \$708,414 in grant funds for the construction of the Hay Park South Multisports Pavilion is currently included in the year-to-date budget estimates. It is now anticipated this project will be completed in the 2013-14 financial year. Adjustments will be included in the February budget review to both income and expenditure for this project resulting in additional funds at year end. These funds will be required to fund the project in 2013-14.</p>	<p>(\$3,675,124)</p>



Statement of Financial Activity	YTD Actual to Budget Variance
<b>Operating Revenues</b>	
<b>Interest Received</b> – The additional interest received has been recognised in the February Budget Review.	\$114,514
<b>Operating Expenses</b>	
<b>Material and Contracts</b> – The forecast expenditure for material and contracts to 30 June 2013 has been reduced in the February Budget Review by \$249,863. The balance is a timing difference over many budget line items as to when the expenditure will occur during 2012/13.	\$1,191,411
<b>Other Expenses</b> – Favourable variance due to the timing of expenditure on various general ledger accounts.	\$220,293
<b>Capital Revenues</b>	
<b>Grants and Contributions for the Development of Assets</b> – See explanation above included in the Statement of Comprehensive Income variances.	(\$3,675,124)
<b>Interest Received on Capital Grants</b> – Favourable variance due to higher than expected investment funds held as at 28 February 2013. It is anticipated that an additional \$84,000 in interest income will be received on grant funds invested; mainly from the Bunbury Regional Entertainment Centre Upgrade project. These additional funds will be restricted specifically for use on this project as per the grant agreement conditions.	\$68,118
<b>Proceeds on Disposal of Assets</b> – Favourable variance due to timing of vehicle disposals. There is no anticipated impact on the end of year financial position.	\$143,546
<b>Capital Expenses</b>	
<p><b>Acquisition of Assets</b> – Variance due to delay in commencement or progress of various projects totalling \$8.45M of which \$5.6M will be completed by 30 June 2013. These project include:</p> <p>PR-1070 Construct median separation and turning lanes Picton Bunbury - Henley to Robertson Drive  PR-1394 Upgrade and renovate Wildlife Park cafe and office building  PR-1199 Upgrade streetscape Victoria St (Eliot St to Clifton St)  PR-1444 Implement the Hands Oval Master Plan - Stage 1  PR-1035 Design and construct extension - Bunbury Regional Entertainment Centre  PR-1593 Replace corporate heavy plant 2012/13  PR-1952 Renew Sykes boat ramp and jetty (Adjacent - Power Boat Club)  PR-2454 Replace pool dosing system at the South West Sports Centre  PR-1259 Replace ablution block Hay Park  PR-1858 Upgrade Koombana Beach toilet and kiosk  PR-1082 Reconstruct sections of King Road  PR-1081 Widen and Seal Minninup Road  PR-1250 Construct Glen Iris skate park</p>	\$8,455,035

<p>PR-2123 Construct animal care facility PR-2365 Undertake extensions to Withers Library PR-1084 Reconstruct section of Monkhouse Street PR-1078 Reconstruct section of Parade Road PR-1077 Reseal Blair Street PR-1357 Upgrade runway and taxiway lighting PR-1894 Rehabilitate Marlston foreshore PR-1258 Replace playground equipment at Sykes Foreshore PR-1342 Replace pumps at West Road pump station PR-1320 Upgrade Creek Street pump station PR-2523 Upgrade Soccer dome Hall</p> <p>The variance balance of \$2.85M is for projects that will be carried forward to 2013-14 including:</p> <p>PR- 1035 Design and construct extension - Bunbury Regional Entertainment Centre PR-1021 Construct Hay Park South multi sports pavilion</p> <p>This will result in an increase in the cash position at year end that will be required to fund these projects in 2013-14.</p>	
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### **Analysis of Financial and Budget Implications**

This Financial Management Report on the financial performance of the City is provided for Councillors information and does not have any financial or budget implications.

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

Council's Executive Leadership Team, Department Managers and Corporate Services staff monitors the City's monthly revenue and expenditure and (as required) refer any variances requiring remedial action to Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

### **Outcome – Council Committee Meeting 19 March 2013**

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

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

### **Outcome – Council Meeting 26 March 2013**

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

**Council Decision 78/13**

***The Financial Management Report for the period ending 28 February 2013 be received.***

CARRIED

10 votes “for” / nil votes “against”

### **10.7 Ranger Authorisation** (was listed as item 10.5.1 on the meeting agenda)

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

#### **Summary**

Council Rangers/Fire Control Officers are required to be authorised by Council to enable them to perform their duties

#### **Council Committee Recommendation**

That Council:-

1. Appoints Jason Scott McNabb as an Authorised Officer and an Authorised Person in accordance with the following legislation from his commence of employment with the City of Bunbury – 21 February 2013:
  - 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 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 Regulations (as amended); and
  - 1.8 *Cat Act 2011* and Regulations.
2. Appoints Jason Scott McNabb as:
  - 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 Section 4.49 of the *Local Government (Miscellaneous Provisions) Act 1960*

#### **Background**

Jason Scott McNabb commenced employment with the City of Bunbury as a Ranger/Fire Control Officer on 21 February 2013. The position requires that he be authorised in accordance with relevant legislation, enabling him to administer and enforce the provisions of various legislation.

#### **Council Policy Compliance**

The authorisation of Ranger/Fire Control Officers is a standard requirement to allow the Officer to perform duties.

### **Legislative Compliance**

Legislation requires Council authorise staff employed for the purpose of exercising the powers as conferred under each statute.

### **Officer Comments**

Not applicable

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

There are no known financial or budget implications related to this item.

### **Community Consultation**

Not applicable

### **Councillor/Officer Consultation**

Not applicable

### **Outcome – Council Committee Meeting 19 March 2013**

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

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

### **Outcome – Council Meeting 26 March 2013**

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

### **Council Decision 79/13**

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

- 1. *Appoints Jason Scott McNabb as an Authorised Officer and an Authorised Person in accordance with the following legislation from his commence of employment with the City of Bunbury – 21 February 2013:***
  - 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 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 Regulations (as amended); and***
  - 1.8 *Cat Act 2011 and Regulations.***
- 2. *Appoints Jason Scott McNabb as:***
  - 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 Section 4.49 of the Local Government (Miscellaneous Provisions) Act 1960.**

CARRIED

10 votes “for” / nil votes “against”

## **10.8 Tender for Programmed Painting to Various Council Buildings RFQ 2011 2012-13** (was listed as item 10.6.1 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mark Robson, Manager Contracts and Property
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Nil

### **Summary**

The City of Bunbury has advertised and invited responses from suitably experienced and qualified painting contractors to provide:

1. A routine painting service to eight (8) nominated buildings, this service has been awarded to both Programmed Property Services and Higgins Coating Services based on their respective prices, as costs were within the Director of Works and Services authority levels.
2. Provide a seven (7) year Programmed Painting Maintenance Service to three (3) buildings. This service requires Council endorsement as the total cost will exceed \$100,000 over the seven year term of this agreement.

Higgins Coating Services have since withdrawn their offer for the seven year program as they had not included all items contained in the scope of works.

### **Council Committee Recommendation**

Council accepts the annual fee of \$25,902 submitted by Programmed Property Services being for an initial full external repaint to the three nominated buildings followed by the provision of a seven (7) year maintenance painting programme and commits to providing continued funding each year until 2018 for the following buildings.

1. Southwest Sport Centre: 1 Rotary Drive
2. Old Train Station Building: Carmody Place
3. Graham Bricknell Music Shell: Blair Street

### **Background**

This request was advertised in the West Australian and the South West Times newspapers on 7 and 8 November 2012. The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/). A total of 166 tenderlink alerts were sent, six (6) companies downloaded the documentation and at closing two (2) responses was received from:

1. Programmed Property Services: 13 Palmer Crescent, Bunbury WA 6230
2. Higgins Coatings Pty Ltd: 1/35 Guthrie Street, Osborne Park WA

An evaluation panel comprising of the City's Manager Building and Trades, Manager Contracts and Property and the Senior Contracts and Procurement Officer, assessed the responses.

The responses were evaluated using the following criteria's:

- Compliance Criteria

- Qualitative Criteria
- Price

### **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 responses but has not affected the outcome.

### **Legislative Compliance**

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

### **Officer Comments**

Members of the evaluation panel support the option of placing these three (3) buildings onto a long term paint and paint maintenance programme to help preserve appearance and prolong their life span. The City would receive a quality repaint during the first year of the programme.

During subsequent years the buildings painted surfaces will be washed, cleaned and where necessary touched up to ensure that over the term of the programme the buildings are kept and presented in the best possible condition at all times.

Aside from keeping these buildings in good condition, and protecting the substrates, costs will be amortised over the term of the programme and reducing the occurrence of high spikes in annual budgets.

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

Funding for the seven (7) year Programmed Maintenance Painting Service component will require a commitment from Council to fully fund this program up to 2018 for the sum of \$25,920.00 per annum.

The routine painting component has been funded from Building and Trades operational maintenance budget.

### **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 Committee Meeting 19 March 2013**

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



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

**Outcome – Council Meeting 26 March 2013**

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

**Council Decision 80/13**

***Council accepts the annual fee of \$25,902 submitted by Programmed Property Services being for an initial full external repaint to the three nominated buildings followed by the provision of a seven (7) year maintenance painting programme and commits to providing continued funding each year until 2018 for the following buildings.***

- 1. Southwest Sport Centre: 1 Rotary Drive**
- 2. Old Train Station Building: Carmody Place**
- 3. Graham Bricknell Music Shell: Blair Street**

CARRIED

10 votes "for" / nil votes "against"

**10.9 Review of Chief Executive Officer Policy CEO 8 – Legal Representation for Council Members and Employees** (was listed as item 10.1.4 on the meeting agenda)

<b>File Ref:</b>	A04051
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jack Dyson, Team Leader Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix <a href="#">ADV-2</a> , <a href="#">ADV-3</a>

**Summary**

The purpose of this report is for Council to consider the adoption of revised and restructured CEO Policy CEO 8 ‘Legal Representation for Council Members and Employees’ which is required to comply with Council’s recently adopted framework for policy creation and review.

This matter was submitted to Council on 5 March 2013 where all Councillors declared an interest in the matter and therefore the item could not be considered. Subsequently an exemption under the provisions of section 5.69(3)(a) of the Local Government Act 1995 has been sought and now received from the Department of Local Government (see copy of the exemption letter **attached** at Appendix [ADV-3](#)).

**Council Committee Recommendation**

That Council adopt the Chief Executive Officers Administrative policy CEO 8 “Legal Representation for Elected Members and Employees” as revised and **attached** at Appendix [ADV-2](#).

**Background**

At the September 2012 Meeting of the Policy Review and Development (Standing) Committee, it was resolved that the committee endorse the proposed method of review for existing policies, in that they be revised by the relevant directorate and referred back to committee for consideration.

It was determined that the CEO policies be reviewed, revised and amended before referring back to committee in the newly adopted Policy Framework as the first matters of policy to undergo review.

These policies were considered by the Policy Review and Development (Standing) Committee at its meeting held on 30 October, where it was resolved to refer the policies to a future meeting of the Committee, which would enable Officers to incorporate the suggested modifications raised by Committee members in discussion.

The policies were further discussed at the subsequent Policy Review and Development (Standing) Committee meeting held on 20 November 2012, however the meeting was adjourned (closed) without any formal recommendation to amend these policies.

**Council Policy Compliance**

There are no Council policies that relate to the creation and adoption of policy.

### **Legislative Compliance**

Every Council policy notes any relevant references to legislation and other statute where applicable.

### **Officer Comments**

CEO policy CEO 8, as **attached** at Appendix [ADV-2](#) and as revised provides clear direction for Council and staff in the implementation of processes relative to each of the policy topics.

A Corporate Guideline which complements this Council Policy in line with the policy framework recently adopted by Council is also **attached** at Appendix [ADV-2](#).

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

There are no financial or budgetary implications likely to arise from the proposed adoption of this reviewed policy.

### **Community Consultation**

There is no requirement for community consultation on this matter as it merely identifies Councils strategic objectives in relation to the issues to which they refer.

### **Councillor/Officer Consultation**

This report to committee serves to draw to the attention of elected members of the proposal to adopt this revised policy.

### **Outcome – Council Committee Meeting 19 March 2013**

All Councillors present declared a financial interest in this matter (see section 5) and have received an exemption from the Department of Local Government to enable them to participate in the discussion and vote on the matter.

The recommendation from the Advisory Committee (as printed) was moved Cr Cook, seconded Deputy Mayor Cr Craddock.

During the discussion of the item, Cr Morris moved Cr McNeill seconded the procedural motion 11.1(d) that “the motion be now put”. The Mayor put the procedural motion to the vote and was CARRIED 7 votes “for” / 3 votes “against”.

At this point in proceedings (7.59pm) Cr Kelly left the chambers and was not present to vote on the substantive motion.

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

### **Outcome – Council Meeting 26 March 2013**

All Councillors present declared a financial interest in this matter (see section 5) and have received an exemption from the Department of Local Government to enable them to participate in the discussion and vote on the matter.

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

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

**Council Decision 81/13**

***That Council adopt the Chief Executive Officers Administrative policy CEO 8 “Legal Representation for Elected Members and Employees” as revised and attached at Appendix ADV-2.***

CARRIED

9 votes “for” / 1 vote “against”

**10.10 Department of Sport and Recreation CSRFF Applications February 2013**  
(was listed as item 10.3.1 on the meeting agenda)

<b>File Ref:</b>	SLAL - 006310
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Bill Carlsen, Team Leader Community Recreation
<b>Executive:</b>	Stephanie Addison-Brown, Director Community and Customer Services
<b>Attachments:</b>	Appendix <a href="#">DCCS-1</a> , <a href="#">DCCS-2</a> , <a href="#">DCCS-3</a> , <a href="#">DCCS-4</a>

**Summary**

Council has received four (4) external CSRFF small grant applications which were submitted in the February 2013 round:

1. Forza Dragon Boat Club. – Boat Compound and Shed  
This application seeks a financial contribution from Council. The project is identified in Sycle as PR-1443 forward planning for funding 2013/14.
2. Bunbury Car Club – Upgrade Back Straight Bunbury Speedway  
This application does not seek any financial contribution from Council. An application for funding to support this project through the CSRFF scheme in 2012 was not successful. The project is identified in Sycle as PR-3224.
3. Bunbury and Districts Hockey Stadium Inc. – Replace Boundary Fence This application seeks a financial contribution from Council. This project is identified in Sycle as PR-3227.
4. Bunbury Football Club – 5kwh Solar Power System for Club Rooms This application does not seek any financial contribution from Council. This project is identified in Sycle as PR-3226.

The Department of Sport and Recreation (DSR) requires the provision of a Council resolution supporting and applying priority to these applications for funding before they can be considered. Applications to DSR in this round are due by 29 March 2013.

The table below identifies the cost (excluding GST) of each proposed project together including detail of the request for funding from Council.

<b>Funding Source</b>	<b>Forza Dragon Boat Club</b>	<b>Bunbury Car Club</b>	<b>Bunbury and Districts Hockey Stadium Inc</b>	<b>Bunbury Football Club</b>
Council Contribution	(18,000)	NIL	(39,951)	NIL
Applicant's Cash	10,142	19,333	31,701	10,900
Voluntary Labour	3,000		8,250	500
Donated Materials	1,000			
Loans and Sponsorship		19,333		
Other state or federal funding				
CSRFF Grant Requested	10,141	19,333	39,951	3,600
Development Bonus Requested				
<b>Total Cost of Project</b>	<b>42,283</b>	<b>58,000</b>	<b>119,853</b>	<b>11,400</b>

### **Council Committee Recommendation**

1. Forza Dragon Boat Club Compound and Shed
  - 1.1 Council approves the CSRFF application from the Forza Dragon Boat Club as priority 1.
  - 1.2 Council endorses the allocation of \$18,000 for the Forza Dragon Boat Club Boat Compound and Shed from the 2013/2014 budget on the condition that the Club is successful in obtaining a grant from the CSRFF.
2. Bunbury Car Club Upgrade Back Straight Bunbury Speedway
  - 2.1 Council approves the CSRFF application from the Bunbury Car Club as priority 2.
3. Bunbury and Districts Hockey Stadium Inc. Replace Boundary Fence
  - 3.1 Council does not endorse the allocation of \$39,951 for the Bunbury and Districts Hockey Stadium Inc. project 'Replace Boundary Fence' in the 2013/2014 budget.
4. Bunbury Football Club 5kwh Solar Power System for Club Rooms
  - 4.1 Council does not approve the CSRFF application from the Bunbury Football Club.

### **Background**

The Department of Sport and Recreation ("DSR") administers the CSRFF grant funding program for small, annual and forward-planning grants. Applications for the current round are to be submitted to DSR's South West Regional Office no later than 29 March 2013. Successful applicants are expected to be advised in May 2013.

The CSRFF program operates on a reimbursement system with grants paid to the grantee only. The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balance of the final one-third of requisite funds required is to be sourced by the applicant.

It is a requirement that applicants first discuss their proposal with the DSR Regional Manager to be able to receive the formal application CSRFF form. The DSR will also identify any shortcomings and offer assistance to bring an application up to an acceptable standard.

The Department of Sport and Recreation requires the Council to demonstrate support (or otherwise) for each project and rank the supported projects in order of priority according to criteria set by DSR.

A summary of the four applications received in 2013 together with the proposed priority ranking is provided in the next table. The justification for the prioritisation of projects is further explained under the heading "Officer Comments".

Individual grant applications from the relevant clubs are **attached** at Appendix [DCCS-1](#), [DCCS-2](#), [DCCS-3](#), [DCCS-4](#).

<b>Applicant</b>	<b>Project Summary</b>	<b>Council Funds Required</b>	<b>Proposed Priority Ranking</b>
Forza Dragon Boat Club	Boat Compound and Shed	\$18,000	1
Bunbury Car Club Speedway	Upgrade Back Straight Bunbury Speedway	No Council Funds Required	2
Bunbury & Districts Hockey Stadium Inc.	Replace Boundary Fence.	\$39,951	3
Bunbury Football Club	5kwh Solar Power System for Club Rooms	No Council Funds required.	4

### **Policy Compliance**

There are no Council policies applicable to CSRFF applications.

### **Legislative Compliance**

Not applicable

### **Officer Comments**

CSRFF Project Priority Ranking Matrix

<b>Applicant</b>	<b>Forza Dragon Boat Club</b>	<b>Bunbury Car Club Speedway</b>	<b>Bunbury &amp; Districts Hockey Stadium Inc.</b>	<b>Bunbury Football Club</b>
Project identified in five year plans provided by club 1-5	5	0	0	0
Project potential for increased physical activity in the community 1-5	3	0	2	0
Project potential to deliver economic benefit to Bunbury 1-5	2	3	1	0
Facility Shared (not shared = 1) (leased or purpose built = 2) 1-5	2	2	2	2
Consideration of alternative design & options provided. 1-5	0	0	0	0
Inclusion of Recreation Staff in early project planning 1-5	5	1	0	0
<b>Total Points</b>	<b>14</b>	<b>6</b>	<b>5</b>	<b>2</b>

### Forza Dragon Boat Club – Boat Compound and Shed

Since 2005 the Forza Dragon Boat Club has worked vigorously to raise money and recover from the impacts of a fire that destroyed leased premises. It is not a large club and financial restraint has limited its capacity to fully fund construction of a boat compound and shed.

Storage at the Rowing Club is oversubscribed and with no other suitable alternative in Bunbury, the club is not able to maximise its potential to attract greater membership it believes it can by expanding into other paddling disciplines that include kayaking, canoeing, outriggering and stand up board paddling.

Storage would also ensure security of equipment and would improve the immediate aesthetics of the surrounding area.

The Forza Dragon Boat Club has actively participated in workshops arranged by the City and regularly liaised with City officer in relation to the application.

#### Bunbury Car Club

The Bunbury Car Club seating facilities are now 35 years old and are considered inadequate and unsafe for spectator usage. As well as providing safe seating, the new facilities should assist in attracting more patrons due to better provision of facilities. The Bunbury Car Club spent \$100,000 of their own funds improving the “main straight” in the 2011 off season and this improvement in safety and attendance has shifted focus on to the current project.

The Bunbury Car Club has discussed the proposed construction works and upgrades with the Planning and Development Services and the Community Recreation teams. There is a development application with Planning and Development Services, which is currently being processed.

The Bunbury Car Club Committee indicated that there have been injuries to the public due to unsafe facilities and feedback has been provided that there is a need to upgrade the area to prevent further occurrences.

#### Bunbury and Districts Hockey Stadium Inc

Bunbury and Districts Hockey Stadium Inc has previously been supported in its successful bid to source funds from CSRFF for major projects including an artificial turf upgrade and the subsequent upgrade of facility lighting.

The application for Council to consider is for replacement fencing around the Hockey Stadium and synthetic playing surfaces. Through internal discussions with the Director Works and Services, it transpires the City is currently investigating other measures to improve security and maintenance at the Hockey Stadium, hence the recommendation for the City not to contribute funds towards this project at this time.

#### Bunbury Football Club

The Bunbury Football Club 5kwh Solar Power System for Club Rooms project requires no financial support from Council, however, this project has not been discussed with City officers and planning approval for installation of solar panel has not been sought. The Director Works and Services advised that further consultation and exploration would be necessary before a detailed proposal could be brought to Council for approval.

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

The funding requested will not impact on the current 2012/13 budget.



The two (2) applications requiring funding (\$18,000 for the Forza Dragon Boat Club project and \$39,951 for the Bunbury and Districts Hockey Stadium project) will require funding from Council's 2013-2014 budget.

Financial support from Council for the Bunbury Car Club project and the Bunbury Football Club has not been requested on this occasion.

### **Community Consultation**

All four (4) applicant sporting bodies have consulted with their own members on their proposed projects.

### **Councillor/Officer Consultation**

#### Forza Dragon Boat Club

In April 2011 the Forza Dragon Boat Club attended and actively participated in workshops arranged by the City to gain feedback from sporting groups in regard to their future facility requirements. It has continued to liaise with the Community Recreation Team and more recently met with the Community Recreation Liaison Officer and Community Recreation Team Leader during February to further discuss its application. This project has been discussed with the Director Strategic Integration and aligns with the proposed direction for the Leschenault Inlet Master Plan.

#### Bunbury Car Club

The Bunbury Car Club project was in response to a survey of participants and spectators conducted by club officials in late 2011. Their project received approval from Development Services but the first CSRFF application submitted in 2012 was received late and without prior consultation.

The club met with the Community Recreation Liaison Officer and Community Recreation Team Leader to discuss its 2013 application last month.

#### Bunbury and Districts Hockey Stadium Inc

Bunbury and Districts Hockey Stadium Inc met with the Community Recreation Liaison Officer, Club Development Officer, Hockey Club representatives and an officer from the DSR on site in January 2013.

Through discussions with the Director Works and Services it transpires that there are higher priority projects for the City to fund at Hay Park and the City is currently investigating other measures to improve security and maintenance at the Hockey Stadium.

#### Bunbury Football Club

There was no prior consultation with the Bunbury Football Club before its notice of its application was received by the Community Recreation Team.

### **Strategic Relevance**

The applications are consistent with Council's Recreation Plan and Recreation Implementation Plan 2007-12 Strategic Theme 6: Facility Development.

### **Life-cycle Maintenance Costs (Capital Works Projects Only)**

As part of the CSRFF small grants application process applicants are required to provide evidence of management planning and how they will support ongoing maintenance costs.

All external applicants have supported their projects with cash, indicating their ability to fund facility maintenance.

### **Relevant Precedents**

The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balances of one-third funds required are to be sourced by the applicant.

Council has previously considered CSRFF grant applications for third parties and internal applications.

### **Outcome – Council Committee Meeting 19 March 2013**

Cr Kelly returned to the chambers at 8.01pm and was present for the vote on the remaining items on the agenda.

Cr McNeill declared a proximity interest in this matter (see section 5). He vacated the chambers at 8.01pm and did not take part in the discussion or vote on the matter.

Deputy Mayor Cr Craddock moved Cr Cook seconded that all four (4) CSRFF applications were to be approved.

During the discussion on the matter, Deputy Mayor Cr Craddock and Cr Cook removed their support for the motion and moved and seconded the Executive recommendation (as printed).

It was requested that the votes be taken in separate parts.

At this point in proceedings (8.27pm) Cr Slater left the chambers and was not present for the voting on this matter.

The Mayor put the motion to the vote in separate parts as follows:

- Point 1: 8 votes "for" / nil votes "against" CARRIED
- Point 2: 8 votes "for" / nil votes "against" CARRIED
- Point 3: 6 votes "for" / 2 votes "against" CARRIED. It was requested that the votes be recorded as follows:
  - For: Deputy Mayor Cr Craddock, Cr Jones, Cr Steck, Cr Kelly, Cr Cook, Cr Morris
  - Against: Mayor D Smith, Cr Leigh
- Point 4: 5 votes "for" / 3 votes "against" CARRIED. It was requested that the votes be recorded as follows:
  - For: Deputy Mayor Cr Craddock, Cr Jones, Cr Steck, Cr Cook, Cr Morris
  - Against: Mayor D Smith, Cr Leigh, Cr Kelly

The Mayor put the motion in its entirety 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: Deputy Mayor Cr Craddock, Cr Jones, Cr Steck, Cr Cook, Cr Morris  
Against: Mayor D Smith, Cr Leigh, Cr Kelly

Cr Slater and Cr McNeill returned to the chambers at 8.30pm and were present for the discussion and vote for the remaining items on the agenda.

### **Outcome – Council Meeting 26 March 2013**

Cr McNeill declared a proximity interest in this matter (see section 5). He vacated the chambers at 6.23pm and did not take part in the discussion or vote on the matter.

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

Cr Cook foreshadowed the following motion in the event that point 4 does not get passed:

- “4. Bunbury Football Club 5kwh Solar Power System for Club Rooms  
4.1 Council approves the CSRFF application from the Bunbury Football Club”*

It was requested that the vote on this matter be taken in separate parts.

The Deputy Mayor put the motion to the vote in separate parts the results of which form the Council's decision on the matter:

- Point 1: 9 votes “for” / nil votes “against” CARRIED  
Point 2: 9 votes “for” / nil votes “against” CARRIED  
Point 3: 7 votes “for” / 2 votes “against” CARRIED  
Point 4: 2 votes “for” / 7 votes “against” LOST

Cr Cook moved Cr Leigh seconded the foreshadowed motion. It was requested that the mover and seconder agree to add the following to the end of point 4.1 of the foreshadowed motion:

*“...on the condition that there is no cost to the Council as a result of any successful grants funding.”*

This amendment was agreed to. The Deputy Mayor put the foreshadowed motion (as amended) to the vote and was CARRIED 9 votes “for” / nil votes “against”.

Cr Kelly moved Cr Steck seconded a further point 5 which ranks the projects in order of priority as follows:

- “5. The priority order of projects for submission will be:  
1. Forza Dragon Boat Club Compound and shed  
2. Bunbury Car Club Upgrade Back Straight Bunbury Speedway  
3. Bunbury Football Club 5kwh Solar Power System for Clubrooms”*

The Deputy Mayor put the amendment to the vote and was CARRIED 8 votes “for” / 1 vote “against”.

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

**Council Decision 82/13**

1. **Forza Dragon Boat Club Compound and Shed**
  - 1.1 **Council approves the CSRFF application from the Forza Dragon Boat Club as priority 1.**
  - 1.2 **Council endorses the allocation of \$18,000 for the Forza Dragon Boat Club Boat Compound and Shed from the 2013/2014 budget on the condition that the Club is successful in obtaining a grant from the CSRFF.**
2. **Bunbury Car Club Upgrade Back Straight Bunbury Speedway**
  - 2.1 **Council approves the CSRFF application from the Bunbury Car Club as priority 2.**
3. **Bunbury and Districts Hockey Stadium Inc. Replace Boundary Fence**
  - 3.1 **Council does not endorse the allocation of \$39,951 for the Bunbury and Districts Hockey Stadium Inc. project 'Replace Boundary Fence' in the 2013/2014 budget.**
4. **Bunbury Football Club 5kwh Solar Power System for Club Rooms**
  - 4.1 **Council approves the CSRFF application from the Bunbury Football Club on the condition that there is no cost to the Council as a result of any successful grants Funding**
5. **The priority order of projects for submission will be:**
  1. **Forza Dragon Boat Club Compound and shed**
  2. **Bunbury Car Club Upgrade Back Straight Bunbury Speedway**
  3. **Bunbury Football Club 5kwh Solar Power System for Clubrooms**

CARRIED

8 votes "for" / 1 vote "against"

Cr McNeill returned to the chambers at 6.46pm. He was present for the discussion and vote on the remaining items on the agenda.

### 10.11 Budget Review February 2013 (was listed as item 10.4.3 on the meeting agenda)

<b>File Ref:</b>	A00281-07
<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix, <a href="#">DCS-2</a> , <a href="#">DCS-3</a> , <a href="#">DCS-4</a> , <a href="#">DCS-5</a> , <a href="#">DCS-6</a> , <a href="#">DCS-7</a>

#### Summary

Council adopted the 2012/13 Budget on 18 July 2012 of \$82.3M, comprising of \$40.4M capital works, \$1.1M debt reduction and \$40.8M in operating expenditure.

Budget reviews are being conducted in October and February each year as part of the financial management processes within the City of Bunbury. The scope of the budget review is to ensure budgeted income and expenditure agree with forecast estimates to 30 June 2013; and to make approved budget amendments to the financial statements to reflect Council's anticipated financial position at year end. Council previously adopted the October 2012 Budget Review on 11 December 2012.

The February 2013 draft Budget Review has been completed and the changes to operating income and expenditure will decrease the Operating Deficit from \$5,038,592 (in the October budget review) to \$4,975,852, a decrease of \$62,740.

The budgeted surplus funds at 30 June 2013 will increase from \$943,888 (in the October budget review) to \$1,389,375, an increase of \$445,487.

The following supporting documents are **attached** at Appendix DCS-2 – DCS-7 for the period ending February 2013:

- Budget Review Significant Items (with comments) Appendix [DCS-7](#)
- Statement of Comprehensive Income Appendix [DCS-2](#)
- Statement of Financial Activity Appendix [DCS-3](#)
- Balance Sheet for the period Appendix [DCS-4](#)
- Statement of Net Current Assets Appendix [DCS-5](#)
- Capital Works Expenditure Summary Appendix [DCS-6](#)

#### **Council Committee Recommendation**

Pursuant to Standing Order 11.1(b) the debate on the matter be adjourned and referred back to a Briefing Session for further discussion and clarification.

#### **Executive Recommendation**

Council adopt the February 2013 Budget Review with the following budget variations and the current budget be amended accordingly:

Operating Income:

- Increase in Rates \$4,873
- Increase Grants and Subsidies \$44,799
- Decrease Contributions Reimbursements (\$7,965)
- Decrease Fees and Charges (\$27,835)
- Increase Interest Received \$98,567
- Increase Other Revenue \$27,679

Operating Revenue:	
- Increase Employees Costs	(\$476,112)
- Decrease Material and Contracts	\$249,863
- Decrease Utilities	\$158,975
- Increase Other Expense	(\$10,104)
Capital Revenue:	
- Decrease Grant Contributions for Assets	(\$1,189,698)
- Increase Interest Received on Capital Grants	\$84,000
- Decrease Proceeds from New Loans	(\$945,109)
- Decrease Transfers from Restricted Cash	\$681,521
Capital Expenditure:	
- Decrease in Materials and Contracts	\$1,758,882
- Increase in Cost Allocations	(\$6,849)
Increase in Closing Funding Surplus 30 June 2013	\$445,487

*\*Note: An Absolute Majority Vote is required by Council*

### **Background**

The Executive Leadership Team and Department Managers have reviewed the 2012/13 Budget for the period ending February 2013. Budget review items have been identified and supporting financial statements prepared incorporating year to date budget forecasts to 30 June 2013.

The Audit Committee met on 12 March and 13 March 2013 and also reviewed the February 2013 Budget Review, although no recommendation was made in this regard.

The February 2013 Budget Review is presented to Council for consideration.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\*Absolute majority required.*

Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

### Officer Comments

Council's Executive Leadership Team together with Corporate Services staff monitor the City's monthly revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

Approved budget amendments are recorded in the financial statements to reflect Council's current budget and financial position at all times.

### Analysis of Financial and Budget Implications

The changes to operating income and expenditure will decrease the Operating Deficit from \$5,038,592 (in the October budget review) to \$4,975,852, a decrease of \$62,740.

The budgeted surplus funds at 30 June 2013 will increase from \$943,888 (in the October budget review) to \$1,389,375, an increase of \$445,487.

There are a number of capital projects with budgets that have moved from 2012/13 and 2013/14 and vice versa. This will affect the timing of when grant funds will be received or spent, and when loan borrowings are required; including:

- Bunbury Regional Entertainment Centre extension	(885,035)
- Hay Park South multi sports pavilion	\$(2,412,016)
- Somerville Drive extension	\$2,198,982

The increase in employee costs of \$476,112 is made up of the following changes:  
Salary increases approved by Council:

- Executive Officer Sister City Relationship with Setagaya	\$35,000
- Monitoring CCTV camera network	\$25,000
- Partial reversal of employee cost savings identified in the October Budget Review	\$310,203
- Increase in Workers Compensation Insurance (LGIS adjustment for subsequent claims paid relating to 2010/11 and 2011/12)	\$111,509
- Saving on staff uniforms	<u>\$(5,600)</u>
	\$476,112

Details of all the changes contained within the February 2013 Budget Review are shown in the Budget Review Significant Items **attached** at Appendix [DCS-7](#) and the Financial Statements **attached** at Appendices DCS-2 – DCS-6.

### Community Consultation

Not applicable

### Councillor/Officer Consultation

The Audit Committee met on 12 March and 13 March 2013 and reviewed the February 2013 Budget Review.

### Outcome – Council Committee Meeting 19 March 2013

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

During the discussion Cr Steck moved Cr McNeill seconded the procedural motion 11.1(d) that "the motion be now put". The Mayor put the procedural motion to the vote and was LOST 4 votes "for" / 6 votes "against".

After further discussion Deputy Mayor Cr Craddock moved, Cr Kelly seconded procedural motion 11.1(b) that “the debate be adjourned” until a briefing session can be had to discuss the issues raised.

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

**Outcome – Council Meeting 26 March 2013**

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

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

Cr Prosser moved Cr Leigh seconded the recommendation (as printed) from the Council Committee.

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

**Council Decision 83/13**

***Pursuant to Standing Order 11.1(b) the debate on the matter be adjourned and referred back to a Briefing Session for further discussion and clarification.***

CARRIED

6 votes “for” / 4 votes “against”

It was requested that the votes be recorded as follows:

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



**10.12 Proposed – Lot 30, Lot 4 (DP: 24628), Lot 410 (DP: 31754) Jeffrey Road Glen Iris, No. 27 Vittoria Road Vittoria** (was listed as item 10.5.2 on the meeting agenda)

<b>File Ref:</b>	A05658
<b>Applicant/Proponent:</b>	TME Town Planning Management Engineering Pty Ltd
<b>Author:</b>	Kelly Shore, Planning Officer
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development Services
<b>Attachments:</b>	Appendix <a href="#">DPDS-1</a> , <a href="#">DPDS-2</a>

**Summary**

Scheme Amendment 65 was presented to the City by Town Planning Management Engineering Pty Ltd (TME) to facilitate changes to Special Use Zone No. 54 in association with a future proposal for a Masters Hardware Store development.

**Council Committee Recommendation**

That Council in accordance with the *Planning and Development Act 2005* resolve to:

1. Grant final approval to Scheme Amendment No. 65 to the City of Bunbury Town Planning Scheme No. 7 scheme text and map, as detailed in the prepared Local Planning Scheme Amendment Report by:
  - (a) rezoning portions of Lots 4 and 410 Jeffrey Road from “Development Zone – Residential” to “Special Use Zone No. 54”; and
  - (b) deleting condition 1.5 regarding the 1000m<sup>2</sup> maximum net lettable area of the total floorspace of a “showroom” use on any individual lot (including a strata or survey strata lot) or tenancy.
2. Forward Modified Scheme Amendment report to the Western Australian Planning Commission for final approval.
3. Inform submitters of the Council resolution.

**Background**

At its Ordinary Meeting of 30 October 2012, Council resolved to initiate Scheme Amendment 65 to modify Special Use Zone No. 54 – Gateway Commercial Precinct of Town Planning Scheme No. 7 by:

- (a) rezoning portions of Lots 4 and 410 Jeffrey Road from “Development Zone – Residential” to “Special Use Zone No.54”; and
- (b) deleting condition 1.5 regarding the 1000m<sup>2</sup> maximum net lettable area of the total floorspace of a “showroom” use on any individual lot (including a strata or survey strata lot) or tenancy.

**Council Policy Compliance**

The initiating report that was presented to Council on 30 October 2012 (see **attached** at Appendix [DPDS-1](#)) elaborated on the existing adopted Council policies that are applicable to this Scheme Amendment. In particular, the following documents were analysed for compliance:

- Local Planning Policy: Commercial Development along the Australind Bypass,

- Glen Iris - Moorlands Local Area Plan: Study
- Local Planning Strategy for Activity Centres & Neighbourhoods (LPSCAN)

In summary it is considered that the LPP: Commercial Development along the Australind Bypass is irrelevant at this point in time and should not be taken into consideration given the adoption of Glen Iris Structure Plan since then and in the consideration of the most recent Amendment No. 29 to TPS 7.

The Glen Iris – Moorlands Local Area Plan: Study identifies the area as part of the “*Commercial Gateway Precinct*”, this was facilitated by Scheme Amendment 29, which was gazetted on 1 July 2011, and is in line with the Glen Iris Structure Plan, which was granted final endorsement by the Western Australian Planning Commission (WAPC) on 22 September 2010.

The LPSCAN, adopted by Council on 22 March 2011 identifies the ‘Gateway Commercial Precinct’ as ‘Other Mixed Business Areas’ and is described in the document as being a distinct mixed business area on one of the main approaches into Bunbury.

### **Legislative Compliance**

The amendment report has been advertised in the press and by notices on site in accordance with the *Town Planning Regulations 1967*.

### **Officer Comments**

On balance, there is in-principle support for the proposed deletion of clause 1.5 of the Special Use Zone 54 conditions (i.e. the removal of the 1,000m<sup>2</sup> nla maximum floorspace limitation for showrooms) in this special use zone.

The Scheme Amendment has been proposed by the applicant in order to facilitate the development of a Masters Hardware store that services the southwest region. At present, the site is limited by the Scheme under Condition 1.5 of Special Use 54, as follows:

*“The maximum net lettable area of the total floorspace of a Showroom use on any individual lot (including a strata or survey strata lot) or tenancy is 1,000m<sup>2</sup>.”*

This Scheme Amendment proposes the deletion of this condition altogether. This does not propose an increase in the net lettable area of the site as a whole, but lifts the restriction of the tenancy size specifically, allowing for one larger tenancy, in replacement of multiple 1000m<sup>2</sup> showroom tenancies.

The additional land, being portions of Lots 4 and 410 Jeffrey Road, to be changed from “*Development Zone – Residential*” to “*Special Use Zone No.54*” are the result of land purchases negotiations by the applicant, to form part of the proposed development site. This amendment is supported on the basis that it does not propose any changes to what would be adjoining land uses identified on the Glen Iris Structure Plan.

The subdivision of Lots 4 and 410 will reduce the Residential (R80) Zone, and in turn create the potential for a possible ‘mixed use’ commercial development on the fringe of the Special Use Zone that would provide a buffer between the commercial and residential uses. This may only be possible in the event that the proposed service road should become a public road in future to service Lot 18 Australind Bypass and Lots 4 and 410 Jeffrey Road.

At this stage of formally considering the Scheme Amendment, it is premature to consider a Detailed Area Plan (DAP) for the site of the Masters Store at Lot 17 Australind Bypass. The

City has been working with the applicant to resolve preliminary issues on the DAP concept plan. However, there are outstanding issues that will need to be resolved prior to considering the DAP before Council. For this reason, the Scheme Amendment can be dealt with prior to resolving the greater design issues of the site(s) as part of the DAP process. Some of the issues that are still under consideration for a future DAP submission include:

- Location of a service road required from Vittoria Road within Lot 17.
- Access to Lot 18 being secured as a Right of Way or access to a public road.
- The future use of Lot 409 Jeffrey Road, owned by the Western Australian Planning Commission for the Floodway Levee.
- The finalisation of the Vittoria Road Corridor Study.
- The proposed Drainage Basin on Lot 17 as indicated on the approved Glen Iris - Structure Plan.

It is not considered appropriate to formally assess the two (2) applications concurrently. At present staff are working with consultants, the applicant and landowners to resolve those matters, prior to formalising the DAP assessment.

#### Vehicle Parking and Access:

The City has engaged the services of Opus International Consultants to complete a Vittoria Road Corridor Study for its entire length. As part of the study they will review traffic study submitted with the scheme amendment, along with the Gateway Precinct Traffic Study done in 2010. The study will also allow for future proposed residential and neighbourhood centre development proposed further south along Vittoria Road, and expected growth and network modifications in the greater Glen Iris area. It should be noted that the 2010 Study had allowed for the traffic that would have been generated by the current Special Use Zone No. 54 requirements under the scheme.

Staff are continuing to liaise with land owners and stakeholders that are affected by the road upgrade to come to an agreeable solution. Due to the complexity of the negotiations for the upgrade of Vittoria Road, this process is being undertaken concurrently to the Scheme Amendment, as the upgrade is an outcome that affects all of the developments in the area. However, it should be noted that negotiations in *no way* pre-empt the planning and Council approval process.

This work is vital considering the potential impact on the local road network likely to result from a greatly expanded development scenario for the gateway commercial precinct. Consequently, it may be anticipated that development of this scale and intensity will necessitate the upgrade of a section of Vittoria Road prior to any development commencing. Such matters would be properly considered post approval of any Scheme Amendment.

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

The proposed development will necessarily require significant road modifications, including the upgrading of the Australind Bypass / Vittoria Road intersection and the construction of roundabouts; and therefore there *may* be financial implications for the City of Bunbury. The details of any works required and the development contribution arrangements for the provision of necessary infrastructure have not yet been determined at this point in time, but it is likely that supplementation of the existing Glen Iris Cost Share Arrangements associated with the Glen Iris Structure Plan will be required.

### **Community Consultation**

The Scheme Amendment was publicly advertised for a period of 52 days from 5 December 2012 – 25 January 2013. An additional ten (10) calendar days were added on top of the statutory requirement of 42 days under the *Town Planning Regulations 1967* to account for the City's administration building being closed for a ten (10) day period over Christmas.

The Schedule of Submissions **attached** at Appendix [DPDS-3](#) sets out all comments received by the City during the public consultation period, and a response is provided where relevant.

### **Councillor/ Officer Consultation**

The proposal was presented at the internal (cross-directorate) Development Coordination Unit (DCU) where it was discussed in a multi-disciplinary environment. Internal referrals were requested by Health, Building, Development Engineer, Strategic Planning; and Parks and Gardens and their comments and requirements have been taken into consideration.

Extensive consultation with Development Engineering has occurred throughout the process.

The Director of Planning and Development Services has been liaising with elected members regarding the progress of the application.

### **Outcome – Council Committee Meeting 19 March 2013**

Mr Stuart Thompson from TME, was present at the meeting to address the Committee and to respond to any questions that they may have had. He stated that out of the fifteen (15) submissions received from the public only three (3) were against the proposal. The reasons behind the submissions against the proposal were due to the suggested increase in traffic along Vittoria Road and the safety of the school children. Mr Thompson stated that these issues will be dealt with as part of the ongoing phases of the project. There are traffic studies that are currently being conducted which are looking at Vittoria Road as whole to answer any current and future developmental needs. Mr Thompson stated that TME and Council staff have attended meetings with Grace Christian School to address their concerns in regards to the safety of the school children having to cross the road and are looking at methods of alleviating that issue.

Cr Steck moved the Executive recommendation with the deletion of point 1(b). There was no seconder to the motion so therefore the motion lapsed for the want of a seconder.

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

It was requested that the votes for the matter be taken in separate parts.

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

Point 1: 8 votes "for" / 2 votes "against" CARRIED  
Point 2: 9 votes "for" / 1 vote "against" CARRIED  
Point 3: 8 votes "for" / 2 votes "against" CARRIED

### **Outcome – Council Meeting 26 March 2013**

Cr Slater moved Cr Kelly seconded the following motion:

*“That Council in accordance with the Planning and Development Act 2005 resolves:*

1. *Not to grant final approval to Scheme Amendment No. 65 to the City of Bunbury Town Planning Scheme No. 7 scheme text and map, as detailed in the prepared Local Planning Scheme Amendment Report by:*
  - (a) *rezoning portions of Lots 4 and 410 Jeffrey Road from “Development Zone – Residential” to “Special Use Zone No. 54”; and*
  - (b) *does not delete condition 1.5 regarding the 1000m<sup>2</sup> maximum net lettable area of the total floorspace of a “showroom” use on any individual lot (including a strata or survey strata lot) or tenancy.*
2. *Advise the Western Australian Planning Commission of the decision.*
3. *Inform submitters of the Council resolution.”*

The Deputy Mayor put the motion to the vote and was LOST 3 votes “for” / 7 votes “against”.

The recommendation (as printed) from the Council Committee was moved Cr Cook, seconded Cr Leigh.

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

**Council Decision 84/13**

***That Council in accordance with the Planning and Development Act 2005 resolve to:***

1. ***Grant final approval to Scheme Amendment No. 65 to the City of Bunbury Town Planning Scheme No. 7 scheme text and map, as detailed in the prepared Local Planning Scheme Amendment Report by:***
  - (a) ***rezoning portions of Lots 4 and 410 Jeffrey Road from “Development Zone – Residential” to “Special Use Zone No. 54”; and***
  - (b) ***deleting condition 1.5 regarding the 1000m<sup>2</sup> maximum net lettable area of the total floorspace of a “showroom” use on any individual lot (including a strata or survey strata lot) or tenancy.***
2. ***Forward Modified Scheme Amendment report to the Western Australian Planning Commission for final approval.***
3. ***Inform submitters of the Council resolution.***

CARRIED

7 votes “for” / 3 votes “against”

It was requested that the votes be recorded as follows:

- For: Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Leigh, Cr Cook, Cr McNeill, Cr Morris
- Against: Cr Slater, Cr Kelly, Cr Steck,

## 11. Applications for Leave of Absence

### 11.1 Request for Leave of Absence – Councillor Neville McNeill

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Councillor Neville McNeill
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Summary/Background**

Councillor Neville McNeill requests leave of absence from all Council-related business from the dates listed below:

1. 15 April to 24 April 2013 (inclusive)
2. 27 April to 5 May 2013 (inclusive)
3. 8 May to 12 May 2013 (inclusive)
4. 30 May to 4 June 2013 (inclusive)
5. 3 September to 29 September 2013 (inclusive)

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six consecutive ordinary meetings of the Council.

#### **Executive Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Neville McNeill is granted leave of absence from all Council-related business for the following dates:

1. 15 April to 24 April 2013 (inclusive)
2. 27 April to 5 May 2013 (inclusive)
3. 8 May to 12 May 2013 (inclusive)
4. 30 May to 4 June 2013 (inclusive)
5. 3 September to 29 September 2013 (inclusive)

#### **Outcome – Council Meeting 26 March 2013**

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

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

#### **Council Decision 85/13**

***Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Neville McNeill is granted leave of absence from all Council-related business for the following dates:***

- 1. 15 April to 24 April 2013 (inclusive)***
- 2. 27 April to 5 May 2013 (inclusive)***
- 3. 8 May to 12 May 2013 (inclusive)***
- 4. 30 May to 4 June 2013 (inclusive)***
- 5. 3 September to 29 September 2013 (inclusive)***

CARRIED 10 votes "for" / nil votes "against"

## **12. Motions on Notice**

Nil

## **13. Questions on Notice**

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

Nil

### ***13.2 Questions from Members***

Nil

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

Nil

## 15. Meeting Closed to Public

Pursuant to Standing Order 6.2 of the City of Bunbury Standing Orders Cr Slater moved Cr Cook 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 Deputy Mayor put the motion to the vote and was CARRIED 10 votes “for” / nil votes “against”. The meeting was closed to the public and press at 8.10pm.

### 15.1 Matters for which the Meeting may be Closed

#### 15.1.1 Tender for: Demolition of Existing Timber Jetty and Ramps and Construct Two New Floating Jetties and Ramps at Sykes Foreshore, Bunbury. RFT 1213-00023.

<b>File Ref:</b>	A05189
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mark Robson, Manager Contracts and Property
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-1</a>

#### Summary

The City of Bunbury was recently successful with Grant applications for upgrades to marine infrastructure within the Leschenault Inlet and has advertised for a suitably qualified and experienced contractor to provide the Design and Construction of two (2) new floating jetties and concrete boat launching ramps based on the concept drawings supplied by Searle Consulting Pty Ltd and approved in principal by the Department of Transport.

The existing marine infrastructure at the Sykes Foreshore has deteriorated and now requires replacement to accommodate the current and future capacity of recreational boats using this site.

The existing timber jetty is to be demolished as part of the works with the new infrastructure to be suited for launching vessels with up to 4 tonne displacement.

#### **Council Committee Recommendation**

Council accepts the tendered Lump Sum Fee submitted by CDJ Engineering and Consultancy Services for the Demolition of Existing Jetty and Ramps and the Design and Construction of two (2) new floating jetties and boat launching ramps to the Sykes Foreshore.

#### **Background**

This tender was advertised in the West Australian and the South West Times newspapers on 16 and 17 January 2013. The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/). A total of 962 tenderlink alerts were released, 19 companies downloaded the documentation and at closing eight (8) responses was received from:

1. CDJ Engineering and Consultancy Services: 181 Spencer Street, Bunbury WA 6230.



2. Advantearing Civil Engineers: 8/10 Southport Street, Leederville WA 6007.
3. Engineering Water Systems: 26 Dellamrata Road, Wangara WA 6065.
4. Ertech Geomarine: 118 Motivation Drive, Wangara WA 6065.
5. Mayo Marine Services: 294 Victoria Road, Gladestone NSW 2111.
6. Mandurah Jetty Construction: 187 Breakwater Parade, Mandurah WA 6210.
7. Walcon Marine Australia: 2 Quarry Way, Mandurah WA 6210.
8. Swan Marine Construction: 8 Jerboa Place, Australind WA 6233.

An evaluation panel comprising of the City's Works and Services Team Leader Programs and Projects, Engineering Projects Officer, the Manager Contracts and Property, Senior Contracts and Procurement Officer and an independent Marine Engineering Consultant assessed the responses.

The tenders were evaluated using the following criteria's:

- Compliance Criteria
- Qualitative Criteria
- Price

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

### **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*".

### **Officer Comments**

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

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

Funding for this project has been provided in the 2012/13 budget through a combination of Councils contribution of 25% and the Department of Transport's: Recreational Boating Facilities Scheme contribution of 75%.

The recommended tenderers offer is within the available budget and is identified as Cycle as PR-1952 "*Renew Sykes Foreshore boat ramp*" facilities.

### **Life-cycle Maintenance Costs (Capital Works Projects Only)**

The design and modern use of materials used in the new infrastructure will reduce the annual maintenance costs and extend the life of the infrastructure.

### **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 Committee Meeting 19 March 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 26 March 2013**

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

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

### **Council Decision 86/13**

***Council accepts the tendered Lump Sum Fee submitted by CDJ Engineering and Consultancy Services for the Demolition of Existing Jetty and Ramps and the Design and Construction of two (2) new floating jetties and boat launching ramps to the Sykes Foreshore.***

CARRIED

10 votes "for" / nil votes "against"

### 15.1.2 Appointments to Bunbury Regional Arts Management Board

<b>File Ref:</b>	A00168-10
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-2</a>

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

#### **Outcome – Council Committee Meeting 19 March 2013**

As this item has been listed as strictly confidential the minutes of this item have been recorded under confidentiality and any recommendations from the Committee will remain confidential until the Ordinary Council meeting on 26 March 2013 when the Council makes its decision in regards to this matter.

#### **Outcome – Council Meeting 26 March 2013**

The recommendation from the Council Committee was moved Cr Slater, seconded Cr Cook.

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

#### **Council Decision 87/13**

***Council endorse the appointment of the following applicants to fill the vacancies on the Bunbury Regional Arts Management Board with the specified term:***

- 1. Mr Graham Teede for a term of two (2) years from the date of endorsement effective immediately.***
- 2. Dr Simon Hemsley for a term of two (2) years from the date of endorsement effective immediately.***

CARRIED

7 votes "for" / 3 votes "against"

It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Craddock, Cr Prosser, Cr Leigh, Cr Slater, Cr Kelly, Cr Cook, Cr McNeill

Against: Cr Jones, Cr Steck, Cr Morris

### 15.1.3 Tender for Installation of Urban Stone Pavers to Victoria Street Bunbury RFQ 1213-00033.

<b>File Ref:</b>	PR-2460
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Mark Robson, Manager Contracts and Property
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-4</a>

#### **Summary**

The City has planned for the upgrading a further section of Victoria Street between Wellington and Symmons Streets in the CBD. This particular section has been carried over from the 2011/12 financial year and released with a revised design and layout which incorporates paving to the parking areas and footpaths to both sides of Victoria Street.

#### **Executive Recommendation**

Council accepts the tendered Lump Sum Fee submitted by All Firm Pty Ltd being for the removal of the existing brick pavers, and the laying of Urban Stone paving bricks including installation of telecommunication and drainage infrastructure along both sides of Victoria Street, between Symmons and Wellington Streets, Bunbury.

#### **Background**

This tender was advertised in the West Australian and the South West Times newspapers on 27 and 28 February 2013. The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/) a total of 617 tenderlink alerts were released, seven (7) companies downloaded the documentation and at closing two (2) responses was received from:

1. All-Firm Pty Ltd: 7/53 Prindiville Drive Wangara WA 6065
2. Plan Earth Pty Ltd PO Box 966 Northam WA

An evaluation panel comprising of the City's Works and Services Team Leader Programs and Projects, Engineering Projects Officer, and the Manager Contracts and Property, assessed the responses.

The tenders were evaluated using the following criteria:

- Compliance Criteria
- Qualitative Criteria
- Price

Evaluation of the tender prices (and ranking) has been assessed but because the results are "commercial in confidence" details are listed in a Confidential Report ([CRUSC-4](#)) that has been circulated to members **under separate cover**.

#### **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".

### **Officer Comments**

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

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

Funding for this project has been provided in the 2012/13 budget.

The recommended tenderers offer is within the available budget and is identified in Cycle as PR-1199 "Upgrade Streetscape/townscape in Victoria Street.

### **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 26 March 2013**

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

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

#### **Council Decision 88/13**

***Council accepts the tendered Lump Sum Fee submitted by All Firm Pty Ltd being for the removal of the existing brick pavers, and the laying of Urban Stone paving bricks including installation of telecommunication and drainage infrastructure along both sides of Victoria Street, between Symmons and Wellington Streets, Bunbury.***

CARRIED

10 votes "for" / nil votes "against"

#### 15.1.4 Proposed Release of Peter Alexander Report – Director Bunbury Regional Art Galleries

<b>File Ref:</b>	A00168-10
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-5</a>

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report [CRUSC-5](#)).

#### **Outcome – Council Meeting 26 March 2013**

The recommendation was moved Cr Prosser, seconded Cr Slater.

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

#### **Council Decision 89/13**

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

- 1. Authorise the release of Mr Peter Alexander's Report titled "Appendix to the 2010 Bunbury Regional Art Galleries (BRAG) Study The Final Chapter" released 8 January 2013 to the Director, Sonya Dye subject to the signing of a confidentiality agreement.***
- 2. Provide a revised confidentiality agreement to all BRAMB Members consistent with the discussions held on 14 March 2013.***
- 3. Request BRAMB to consider the report and meet with Council prior to the end of May 2013.***

CARRIED

9 votes "for" / 1 vote "against"

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

Cr Cook moved Cr Steck seconded that the meeting be reopened to the public. The Deputy Mayor put the procedural motion to the vote and was CARRIED 10 votes “for” / nil votes “against”. The meeting was reopened at 8.54pm.

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

### **16. Closure**

The meeting was declared closed at 8.54pm