

Council (Standing) Committee

Notice of Meeting and Agenda 9 April 2013

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

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

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Notice of Meeting

TO: Council Committee Members

The next Ordinary Meeting of the Council (Standing) Committee will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, **9 April 2013** at 6.00pm.



Andrew Brien
Chief Executive Officer
(Date of Issue: 04/04/2013)

Agenda 9 April 2013

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

Council Members

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

1. Declaration of Opening / Announcements of Visitors

2. Disclaimer

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

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process. From time to time the proceedings of this meeting may also be streamed live via the internet to the public.

3. Announcements from the Presiding Member

4. Attendance

4.1 *Apologies*

4.2 *Approved Leave of Absence*

5. Declaration of Interest

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences

6. Public Question Time

Members of the Public please note that:

- (1) Questions are to be brief, to the point and MUST relate to an item listed in this agenda;
- (2) A completed Question Form is to be filled out and left in the tray provided in the Council chambers. Forms can be found inside the chambers at the back of the public gallery or on the Council's website;
- (3) Form must include name and address of the person asking the question.
- (4) The person asking the question must be present at the meeting;
- (5) Only three (3) questions are to be asked;
- (6) If your question requires research or cannot be answered at the meeting, it will be taken 'on notice' and you will receive a written response; and
- (7) Only a 'summary' of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Responses to Public Questions Taken 'On Notice'

6.2 Public Question Time

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

7.1 *Minutes*

7.1.1 Minutes – Council (Standing) Committee Meeting

The minutes of the Council (Standing) Committee meeting held 19 March 2013 have been circulated.

Recommendation

The minutes of the Council (Standing) Committee meeting held 19 March 2013 be confirmed as a true and accurate record.

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

File Ref:	Various
Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1 , MTBN-2 , MTBN-3 , MTBN-4 , MTBN-5 , MTBN-6

Recommendation

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

1. Title: Minutes – Bunbury-Setagaya Sister Cities Committee (07/03/2013)
Author: Jenni Brown, Executive Officer Setagaya
Appendix: [MTBN-1](#)
2. Title: Minutes – Art Collection Management Committee (11/03/2013)
Author: Caroline Lunel, Art Registrar / Curator
Appendix: [MTBN-2](#)
3. Title: Minutes – Bunbury Region RoadWise Committee (06/02/2013)
Author: Jason Gick, Manager Engineering
Appendix: [MTBN-3](#)
4. Title: Minutes – Bunbury Region RoadWise Committee (06/03/2013)
Author: Jason Gick, Manager Engineering
Appendix: [MTBN-4](#)
5. Title: Minutes – Policy Review and Development (Standing) Committee
(26/03/2013)
Author: Greg Golinski, Manager Corporate Performance
Appendix: [MTBN-5](#)
6. Title: Minutes – CBD Parking Strategy Committee (04/02/2013)
Author: Neil Dyer, Team Leader Parking
Appendix: [MTBN-6](#)

8. Presentations

8.1 *Petitions*

8.2 *Presentations*

8.3 *Deputations*

8.4 *Council Delegates' Reports*

8.5 *Conference Delegates' Reports*

9. Method of Dealing with Agenda Business

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Extending the Bunbury Setagaya Sister Cities Committee from Eight (8) Community Members to Ten (10) Community Members.

File Ref:	
Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Jenni Brown, Executive Officer Bunbury Setagaya Sister Cities Committee
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

That the Bunbury Setagaya Sister Cities Committee increase their committee membership from ten (10) to twelve (12) to include two (2) Youth Ambassadors.

Advisory Committee Recommendation

That the Bunbury Setagaya Sister Cities Committee membership is increased from eight (8) community members to ten (10) community members to include two (2) Youth Ambassadors aged between twelve (12) and twenty five (25) years old.

Background

Whilst attending the Sister Cities Australia conference, it became obvious to the attending committee members that we were missing a vital link within the committee, that being the voice of the youth. Our most successful project within the Bunbury Setagaya Sister Cities Committee is our Student Goodwill Tour however we have no youth involvement in the organising of the tour.

The Bunbury Setagaya Sister Cities Committee also lose contact with the students after the visit. With the involvement of two (2) Youth Ambassadors, they can assist with keeping in touch with the students, along with fresh ideas of what the young want to partake in whilst on tour.

The City of Bunbury and the Bunbury Setagaya Sister Cities Committee are currently bidding to host the Annual Sister Cities Conference in 2014. An important element of this conference is the Youth Conference. For this part of the conference to be successful, participation, contributions and a large commitment from youth will be required.

Council Policy Compliance

Not Applicable

Legislative Compliance

Section 5.10 of the Local Government Act deals with appointment of committee members

Officer Comments

With the inclusion of two (2) Youth Ambassadors the Bunbury Setagaya Sister Cities will have a fresh injection of concepts and ideas for both our existing programs and any new programs or exchanges we may wish to deliver and assist with longevity and succession planning of the committees programs.

Once a student has taken part in a Goodwill Tour, many come back inspired to put back into our committee and community. With the inclusion of the two (2) Youth Ambassadors, this will give them this opportunity.

The introduction of two (2) youth ambassadors onto the committee could assist the Bunbury Setagaya Sister Cities Committee in securing a proposed University Exchange with Seijo University in Setagaya, a proposal the committee has tried to finalise now for approximately three (3) years.

The Youth Ambassadors will be selected the same way as any other committee member (advertising, complete application form, selection process through the committee with recommendation to council), and have the same voting rights as committee members.

Analysis of Financial and Budget Implications

Nil.

Community Consultation

Not Applicable.

Councillor/Officer Consultation

Discussions have been held with Isabell Evans, Community Development Officer regarding YAC (Youth Advisory Committee) and membership. Our age range is the same as YAC's.

10.1.2 Policy Review and Development Committee – Change to Terms of Reference

File Ref:	
Applicant/Proponent:	Policy Review and Development (Standing) Committee
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to consider an additional clause in the Terms of Reference of the Policy Review and Development (Standing) Committee (PRDC), which will facilitate the opportunity for policies developed by other Advisory Committees of Council to be referred directly to Council for adoption, rather than through the PRDC.

Advisory Committee Recommendation

That the Terms of Reference of the Policy Review and Development (Standing) Committee be amended to include clause 5:

“To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.”

Background

At the PRDC meeting held on Tuesday 29 January 2013 some discussion took place regarding the appropriateness of the PRDC considering the endorsement of a Museum Collection policy, when the policy had been carefully considered and developed by that committee’s members.

The consensus view was that there is no need for a policy developed by another advisory committee to be referred to the PRDC for endorsement prior to submission to Council for adoption.

The same views were expressed in considering this recommendation at the PRDC meeting held on Tuesday 26 March 2013.

Council Policy Compliance

There is no Council policy which affects this recommendation.

Legislative Compliance

There is no specific legislation relevant to this matter.

Officer Comments

An amendment to the Terms of Reference of the PRDC as proposed is supported on the grounds that advisory committees of Council all have elected member representation along with appropriate advice from relevant council officers.

Such advice and experience is always considered when submitting proposals to council for consideration.

The terms of reference as currently structured require all administrative Council policies to be considered by the PRDC. This is not the view of the current members of the committee.

Analysis of Financial and Budget Implications

This amendment to the Terms of Reference will not have any financial or budgetary impact.

Community Consultation

There is no requirement for community consultation on this matter.

Councillor/Officer Consultation

PRDC members discussed this issue with the Chief Executive Officer and relevant staff at the committee meetings held on 29 January 2013 and 26 March 2013.

10.1.3 Art Collection Policy

File Ref:	
Applicant/Proponent:	Policy Review and Development (Standing) Committee
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix ADV-1

Summary

The purpose of this report is for Council to consider adopting a policy position relating to Art Collection

Advisory Committee Recommendation

That Council adopt the new policy “City of Bunbury Art Collection Policy” as amended and presented at Appendix ADV-1.

Background

Currently Council does not have an official policy position that stipulates any appropriate processes for the Art Collection Committee nor officers to follow in relation to the procurement, disposal, storage and/or exhibitions of collections of art or artworks.

Whilst the Art Collection Committee contributes significantly for the betterment of the City, the lack of a documented policy position and guideline has the potential to unwittingly create issues of non-compliance with provisions of the Local Government Act and associated regulations.

The proposed policy will provide evidence for officers and ratepayers alike, that Council does hold a firm position in this regard. An associated operational guideline provides for the administrative process that will be utilised to achieve the outcome desired by the policy.

Council Policy Compliance

This report recommends the introduction of a new Council Policy.

Legislative Compliance

Local Government Act 1995 and associated regulations.

Officer Comments

Members of the City of Bunbury Art Collection Committee and Council officers have developed the **attached** (Appendix [ADV-1](#)) policy for Council consideration.

The policy and associated guideline will provide guidance to the committee, the Registrar/Curator and other staff in matters relating to Councils Artworks collection.

Analysis of Financial and Budget Implications

The introduction of this policy will not have any impact on council’s financial or budgetary processes.

Community Consultation

There is no need for community consultation on this matter.

Councillor/Officer Consultation

Members of the City of Bunbury Art Collection Committee and Council officers have developed the attached policy for Council consideration.

This report serves to draw the matter to the attention of all other elected members.

10.1.4 Asset Management Policy

File Ref:	
Applicant/Proponent:	Policy Review and Development (Standing) Committee
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix ADV-2

Summary

The purpose of this report is for Council to consider adopting a revised version of the City's current policy relating to Asset Management, being DWS 1: Infrastructure Asset Management.

Advisory Committee Recommendation

That Council adopt the revised Asset Management policy as presented at Appendix ADV-2.

Background

The City currently has a policy relating to asset management, being DWS 1: Infrastructure Asset Management. This policy was first adopted in August 2007 and last reviewed in June 2010.

Council Policy Compliance

This report advocates the revision of an existing Council Policy.

Legislative Compliance

The Asset Management framework for WA Local Government requires all local governments to develop and adopt an Asset Management Policy.

Officer Comments

It is suggested that the current policy needs to be amended to better reflect the requirements of the Integrated Planning and Reporting (IPR) framework for local government in WA, as well as the City's recently adopted Policy Framework.

The Asset Management framework for WA Local Governments (part of the IPR framework) requires all local governments to have in place:

- an Asset Management Policy;
- an Asset Management Strategy and Asset Management Plans for major asset classes;
- a process for evaluating Asset Management Plans and asset sustainability; and
- Asset Management linkages described in the Annual Report.

The revised draft policy (as **attached** at Appendix [ADV-2](#)) has been endorsed by the City's Asset Management Advisory Group the Executive Leadership Team, and also the Asset Management Committee, who resolved as follows in relation to this regard on 18 February 2013:

“That the Committee:

1. *Refer policy DCS XX: Asset Management as presented at Appendix 1 to the Policy Review and Development (Standing) Committee for consideration in line with that committee’s terms of reference.*
2. *Recommend that Council adopt the revised policy DCS XX: Asset Management as presented at Appendix 1.”*

The policy was presented to the Policy Review and Development (Standing) Committee (PRDC) as part of this Committee’s terms of reference. The matter was considered at the committee meeting held Tuesday, 26 March 2013.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

The proposed policy has been endorsed by the Asset Management Committee, the City’s Asset Management Advisory Group, as well as the Executive Leadership Team.

The PRDC considered the matter at its meeting held Tuesday 26 March 2013.

10.1.5 Corporate Revenue Debt Collection Policy

File Ref:	
Applicant/Proponent:	Policy Review and Development (Standing) Committee
Author:	Jack Dyson, Team Leader Corporate Administration
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix ADV-3

Summary

The purpose of this report is for Council to consider adopting a new policy relating to Corporate Revenue Debt Collection. The proposed policy is **attached** at Appendix [ADV-3](#).

Advisory Committee Recommendation

That Council adopt the new policy titled “Corporate Revenue Debt Collection” as presented at Appendix ADV-3

Background

Currently Council does not have an official policy position that stipulates an appropriate process for officers to follow in relation to the collection of outstanding debts.

Whilst significant effort is directed to debt collection, the lack of a policy position and guideline does from time to time create difficulty with some debtors, who demand to see Council’s position in writing.

The proposed policy will provide evidence for officers and ratepayers alike, that Council does hold a firm position in this regard. The associated guideline provides flexibility for officers to authorise alternative instalment payments in cases that clearly warrant such assistance.

Council Policy Compliance

This report recommends the introduction of a new Council Policy.

Legislative Compliance

Local Government Act 1995, subdivision 5, sections 6.54 to 6.62 are all relevant to this policy statement.

Officer Comments

The introduction of a documented policy in this matter is supported as it will strengthen or add value to existing internal audit processes as well as provide any external or independent auditors with a firm view of Council’s position.

Analysis of Financial and Budget Implications

The introduction of this policy may strengthen Council’s position in relation to its ability to enforce the debt collection provision under the auspices of the Local Government Act and associated regulations.

Community Consultation

There is no need for community consultation on this matter.

Councillor/Officer Consultation

Officers have developed the policy based on existing practices undertaken to reduce outstanding debts.

This policy has been endorsed by the Policy Review and Development (Standing) Committee.

10.1.6 Request to Address Councillor Membership to the City of Bunbury Art Collection Management Committee

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

Summary

At the City of Bunbury Art Collection Management Committee meeting of 11 March 2013 the following motion was passed:

“In accordance with point 2.2 of CEO7 guidelines, the Committee request Council declare Cr. Michelle Steck’s position on the committee become vacant and consider appointing a replacement member.”

Advisory Committee Recommendation

That Council:

1. Declare the position currently held by Cr Steck as vacant; and
2. Appoint an alternative Councillor to the position.

Background

The Art Collection Management Committee has two (2) Council representatives being Cr Murray Cook and Cr Michelle Steck.

As a small committee, representatives are required to regularly attend to ensure a quorum is achieved. The committee would appreciate the attendance and regular participation of Councillor Representatives.

It is noted that the last meeting attended by Councillor Steck is documented as the 25 June 2012.

The Council Policy “Establishment and Operation of Council Committees” states in its guidelines relating to committee membership to be kept current

- 2.2 If a committee member is absent from three (3) consecutive meetings of a committee without first having been granted formal leave of absence by the other members of the committee; the committee may recommend to Council that their seat on that committee become vacant and a replacement member be sought. Once Council has considered and approved the vacancy, the Executive Officer will advertise the vacancy.*

Council Policy Compliance

The Council Policy “Establishment and Operation of Council Committees” clause 2.2 is relevant to this matter.

Officer Comments

Attendance by elected members to committee meetings is essential particularly to ensure that a quorum is achieved and voting members participate in any decision making process.

On several occasions in the past quorums have not been achieved.

10.1.7 Request for Delegation of Authority for City of Bunbury Art Collection Management Committee.

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

Summary

At the City of Bunbury Art Collection Management Committee meeting of the 11 March 2013 the following motion was passed:

“The City of Bunbury delegated authority to expend allocated funds relevant to the City of Bunbury Art Collection Committee as allocated under the operating capital projects budget.

Moved: David Bailey

Seconded: Helena Sahn

Motion carried: 5/nil”

Advisory Committee Recommendation

That Council delegate authority to expend allocated funds relevant to the City of Bunbury Art Collection Management Committee as allocated under the operating capital projects budget.

Background

Currently delegation rests with the Chief Executive Officer who consults with the Arts Registrar/Curator and the committee prior to any purchases or disposals being implemented.

The details of Council Policy CEO-7 regarding delegation of authority was brought to the attention of the committee by Councillor Cook and resulted in discussion and the above motion passed by the committee.

CEO -7 states in the body of the policy that:

“Council when appointing committees or delegating new roles or duties to existing committees, will consider the issue of whether any power or function of Council be delegated to that committee. The committee may also, of its own initiative, request that Council consider delegating any said powers to the committee.”

Council Policy Compliance

Council policy CEO-7 relates to this matter

Legislative Compliance

Section 5.42 of the Local Government Act refers to matters of delegation of authority.

CEO Comments

Whilst the intent of the Committee is clear in relation to this matter, the easier and more cost effective approach is to leave the delegation to the CEO in consultation with the Arts Registrar/Curator and the Committee.

This is reflective of current arrangements and has not resulted in any problems in recent times. Based on the restrictive requirements of the Local Government Act, I would recommend that the current arrangements are continued.

Officer Comments

The City of Bunbury Art Registrar/Curator wishes to raise concerns that this delegation of authority will potentially impact on her professional expertise and ability to advise and recommend on the direction of the City of Bunbury Art Collection.

Bearing in mind the Art Registrar/Curator is a part time position, consideration of the impacts of this proposed delegation is required as there may be significant effects on the focus, roles and responsibilities of the position.

At present Council has only ever delegated authority to one (1) committee being the Advertising Devices Appeal Committee.

It noted that to be provided delegation of authority the following matters must be addressed:

- Each meeting will need to be publically advertised in local newspapers and on the website.
- Any meeting will be required to be open to the public (hence meeting facility possible public attendance will be required).
- Agendas and minutes must be made available to the public in advance of meetings.
- Resources to address appropriate minuting of public meetings so as not to affect the role of the Arts Registrar/Curator.
- Budget and resources to address the management of this process.

Analysis of Financial and Budget Implications

There will be considerable financial impact in that additional resources will be required to address the minuting and legislative requirements around managing a public meeting. This is in addition to advertising expenses relating to the advertising of public meetings.

Councillor/Officer Consultation

The committee representative includes councillor representation.

Delegation of Authority

Currently delegation rests with the Chief Executive Officer who consults with the Arts Registrar/Curator and the committee prior to any purchases or disposals being implemented – Delegation number 1.10.

Relevant Precedents

At present Council has only ever delegated authority to one (1) committee being the Advertising Devices Appeal Committee.

10.2 Chief Executive Officer Reports

10.2.1 Strategic Community Plan

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1 , CEO-2 , CEO-3

Summary

The purpose of this report is for Council to consider adopting the Strategic Community Plan: Bunbury 2030.

Executive Recommendation

That Council:

1. Note the submissions received in relation to the draft Strategic Community Plan.
2. Adopt the Strategic Community Plan as presented at Appendix CEO-1 as amended.
3. Request the Chief Executive Officer provide local public notice of the adoption of the Strategic Community Plan.

Background

The newly legislated Integrated Planning and Reporting framework (IPRF) requires local governments to have an adopted Strategic Community Plan (the Plan) by 30 June 2013 (regulation 19C(1) of the Local Government (Administration) Regulations 1996).

At the Ordinary Council meeting held on 22 January 2013, Council resolved (refer decision 23/13) to advertise the draft Plan and invite public submissions relating to the content of the Plan.

The Plan was duly advertised and the submission period closed on 8 March 2013. The Plan was also listed for comment on the *yoursayBunbury* website.

A copy of the draft Plan is **attached** at Appendix [CEO-1](#).

Council Policy Compliance

Nil

Legislative Compliance

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

Officer Comments

The Strategic Community Plan (SCP) is an overarching document that sets out the vision, aspirations and objectives of the community.

The City has undertaken extensive community consultation in developing the draft SCP, a summary of which is contained within the document itself pursuant to regulation 19C(10) of the Local Government (Administration) Regulations 1996. A full copy of the Bunbury 2030 Community Consultation Report is also contained as **attached** at Appendix [CEO-3](#).

Submission #	Comment #	Submission Comment	Officer Response
1	1	The BWEA identified that 4 of the Objectives and one of the Goals within the City draft SCP are synergistic with the fundamental role of the BWEA, namely Goal 2, and Objectives 1.7; 3.1; 3.6; and 4.6.	Comments noted only.
2	1	Numbering of objectives a bit confusing.	Officer's opinion that numbering cannot be made any clearer.
2	2	Replicating two performance measures from Objective 2.3 to also be under Objective 3.1.	There is no need to replicate performance measures under multiple objectives as the data will be the same regardless of which objective the measure sits under. Where a performance measure relates to more than one objective, the primary objective has been chosen.
2	3	Would like to include an additional objective around "Improving Cycling Facilities".	Officer's consider that objectives 2.2 (Improve transport services and infrastructure) and 4.2 (Increase participation in sport and leisure activities) already encapsulate cycling infrastructure. Objectives should be broad level only. There are strategies that have already been created under these objectives that relate directly to cycling, namely 2.2.2 (<i>Construct, upgrade or renew footpaths and cycle ways</i>), and 4.2.2 (<i>Continue to plan and develop sport and leisure facilities and infrastructure</i>). These strategies do not appear in the SCP but rather the Corporate Business Plan.
3	1	Some minor wording amendments in the Mayor's forward.	Noted. It is likely that the "Mayor's Forward" will be modified prior to final publication.
3	2	No clear undertaking that the community will be consulted when the SCP is reviewed in the future.	Regulation 19C(9) of the Local Government (Administration) Regulations 1996 requires that a local government is to ensure that the electors and ratepayers of its district are consulted during the development and review of its SCP. Furthermore, regulation 19C(10) of the Local Government (Administration) Regulations 1996 stipulates that an SCP for a district is to contain a description of the involvement of the electors

			and ratepayers of the district in the development of the plan.
3	3	Amend wording of the City's Vision	Noted only. The wording of the vision has been through many iterations. This submission is the only one that comments on amending the wording of the Vision.
3	4	Suggestion that there needs to be more commitment to adhering to the City's Core Values.	Noted only.
3	5	Concern raised at the non-release of the Bunbury 2030 Community Consultation report.	This report is appended to this agenda which is publicly available.

A number of performance measures have also been proposed against each objective within the SCP, which will allow Council to report its progress against each objective every year in the Annual Report. Over time, these performance measures will assist to highlight trends in performance.

In relation to submissions received during the advertising period, these are summarised below:

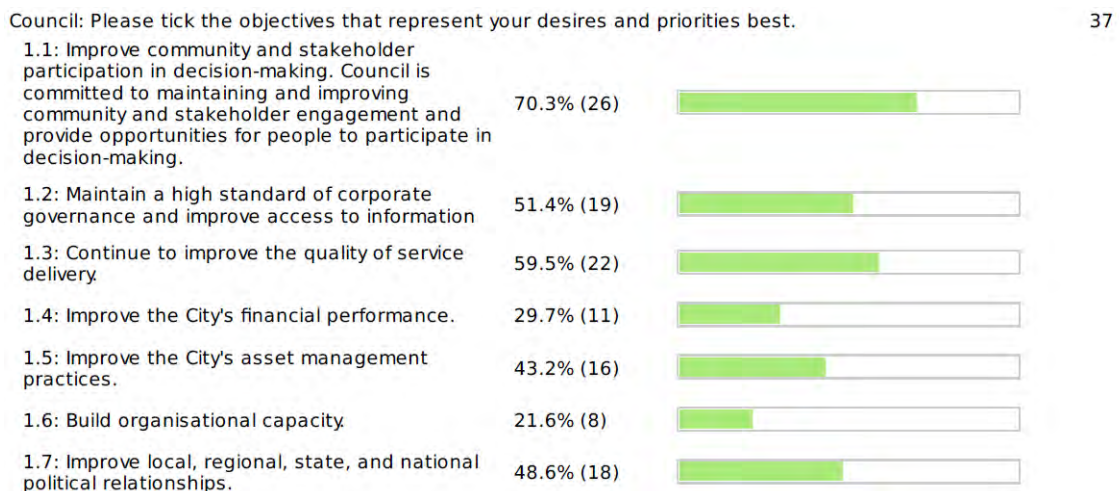
Formal Submissions
















Three (3) formal submissions were received in this regard; two (2) from individual members of the community and one (1) from the Bunbury Wellington Economic Alliance. Copies of the full submissions are **attached** at Appendix [CEO-2](#) for the information of Councillors, specific comments from which are summarised in the table overleaf:

yoursayBunbury Website

No comments were received through this media, however the forum did have 396 site visits and 134 document downloads during the submission period.

The webpage also provided people the opportunity to nominate those objectives within the Plan that best represent the respondents desires and priorities. Thirty seven (37) people provided responses in this regard, a summary of which appears below:



Economy: Please tick the objectives that represent your desires and priorities best.			37
2.1: Maintain support for local businesses.	59.5% (22)		
2.2: Improve transport services and infrastructure.	75.7% (28)		
2.3: Create an environment that will attract new businesses.	81.1% (30)		
Environment: Please tick the objectives that represent your desires and priorities best.			37
3.1: Improve urban design, diversity of land uses, and enabling infrastructure.	64.9% (24)		
3.2: Protect, improve and make better use of water resources.	54.1% (20)		
3.3: Conserve natural biodiversity.	62.2% (23)		
3.4: Improve recreational open space and facilities.	70.3% (26)		
3.5: Minimise the environmental and health impacts of pollution.	54.1% (20)		
3.6: Mitigate and adapt to the possible impacts of climate change.	43.2% (16)		
Social: Please tick the objectives that represent your desires and priorities best.			36
4.1: Promote Bunbury as a place that supports a range of housing and transport options.	52.8% (19)		
4.2: Increase participation in sport and leisure activities.	47.2% (17)		
4.3: Celebrate and conserve our culture and heritage.	47.2% (17)		
4.4: Enhance our sense of place, pride and participation in our community.	52.8% (19)		
4.5: Improve community health and well-being.	58.3% (21)		
4.6: Improve lifelong learning opportunities.	55.6% (20)		

Notwithstanding the fact that the sample size of respondents was small, an analysis of the responses shows no real trends or particular priorities nominated by the community.

With the exception of some possible word smithing changes in the preamble to the draft Plan, Officers consider that the Goals, Objectives and Performance Measures contained therein are appropriate and form a solid framework for Council's direction over the next 10 years. They are consistent with the themes raised by the community during the consultation processes, and the City has not received any adverse responses in relation to the draft Plan when it was advertised.

The draft Plan is now commended to Council for consideration.

Analysis of Financial and Budget Implications

Nil

Community Consultation

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

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

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

10.3 Director Community and Customer Service Reports

10.3.1 Request for Support for CinéfestOZ

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Felicity Anderson, Manager Community Culture and Engagement
Executive:	Stephanie Addison Brown, Director Community and Customer Service
Attachments:	Appendix DCCS-1

Summary

CinéfestOZ representatives presented to Council at a briefing session on 12 March 2013 during which they sought support and funding for the 2013-2014 financial year to develop and incorporate Bunbury as a partner and component of the already successful CinéfestOZ Film Festival in 2013 which was run in Busselton and Margaret River last year. The 2013 festival will take place in August.

CinéfestOZ organisers have requested a commitment from Council in respect to their 2013 proposal so that they may finalise plans, programming and marketing.

The total budget requested was \$40,000 which comprises a cash allocation of \$15,000 plus a City of Bunbury staffing/in-kind contribution of \$25,000.

Executive Recommendation

Council support and commit to funding the CinéfestOZ 2013 proposal.

Background

CinéfestOZ is a five day Australian and French Film Festival held each year throughout the Capes and Margaret River Wine Region of Western Australia. The organisers are seeking to grow the festival and incorporate the inclusion of the City of Bunbury being the second City of Western Australia and first City of the South West.

The event screens the latest and best of Australian and French feature films, short films and documentaries in a format that includes film premiere gala events, film industry activities and discussions complemented by fine food, wine and music of both cultures.

The proposal to form a sustainable partnership with the City of Bunbury will allow for current and future audience growth and an increase of visitors.

Activities proposed may include:

- Gala Event
- School screenings
- School incursions and workshops
- WA Short Film Event
- General screenings
- Community screenings
- Other concepts/options of workshops and screenings

The formal proposal received from CinéfestOZ is **attached** at Appendix [DCCS-1](#). This was provided to all Councillors after the presentation of 12 March 2013.

The Bunbury Regional Entertainment Centre has also committed to support the event if it runs in Bunbury.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

It is noted that through during the research and development of a new Tourism Brand for Bunbury, culture and the strong, yet broad cultural experiences in Bunbury were identified as a key marketable strength for the City and something that people identify Bunbury with.

Support of this event will build on that cultural element and provide another quality layer of cultural experiences for both the local community and visitors, both reinforcing the brand and adding social value to the region through the interaction with schools and the wider community.

Analysis of Financial and Budget Implications

Support for this project will require a commitment of \$40,000. \$15,000 will be funded through operational saving in 2012/13 and the in-kind contribution will be incorporated into the 2013/14 budget.

The project is listed in Sytle as PR2865 “Support the 2013 CinéfestOZ Festival”

Community Consultation

This is a proposal by CinéfestOZ was made directly to the Council for consideration.

CinéfestOZ have held discussions with both City of Bunbury staff and the Board and management team of the Bunbury Regional Entertainment Centre.

Councillor/Officer Consultation

CinéfestOZ presented to Councillors at the briefing 12 March 2013.

CinéfestOZ have held discussions with City of Bunbury officers including the Manager Community Culture and Engagement and Team Leader of Events, Tourism and Promotion.

Strategic Relevance

The City of Bunbury Tourism Strategy states

“P5 Identify and support infrastructure to support events to attract visitors to Bunbury

P5.2 Identify key tourism related sporting and cultural events, opportunities and develop plans for the provision of required infrastructure.”

Further, the Tourism Futures South West Tourism Action Plan developed by the South West Development Commission and stakeholders identifies Arts and Culture as a core experience for visitors noting the strong arts and culture community in the region.

Economic, Social and Cultural Issues

Economic

It is expected the event will provide increased economic benefit for the City of Bunbury, through the establishment of a peak cultural event attracting an audience from the City, adjoining areas and Perth market and beyond.

Social and Cultural

The proposal identifies the following social and cultural benefits:

- Creation of social and cultural film events that enriches the recreational opportunities for local community.
- The audience for Australian film is further developed with a range of ages and groups in the City of Bunbury and beyond (e.g. General film screenings, schools program and community screenings)
- An event that has engaged with diverse sectors of the community (e.g. Film enthusiasts, schools program participants, local audience with an interest in film a chance for social interaction around this and visitors to the region)

10.4 Director Corporate Services Reports

10.4.1 Schedule of Accounts Paid for Period 1 to 31 March 2013

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

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 31 March 2013 is **attached** at Appendix [DCS-1](#). The schedule contains details of the following transactions:

1. Municipal Account - payments totalling \$7,580,436.62
2. Advance Account - payments totalling \$5,727,200.48
3. Trust Account - payments totalling \$10,054.17
4. Visitor Information Centre Trust Account - payments totalling \$36,893.90
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$392,503.72
6. Bunbury-Harvey Regional Council Advance Account - payments totalling \$405,788.88

Executive Recommendation

The Schedule of Accounts Paid for the period 1 to 31 March 2013 be received.

10.4.2 Financial Management Report for the Period Ending 31 March 2013

File Ref:	
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-2 , DCS-3 , DCS-4 , DCS-5 , DCS-6

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix [DCS-2](#))
 Actual Financial Performance to 31 March 2013
 - Actual income of \$42.93M is \$242K more than the year-to-date budgeted income of \$42.69M (refer explanation on next page).
 - Actual expenditure of \$27.94M is \$1.98M less than the year-to-date budgeted expenditure of \$29.92M (refer explanation on next page).
 - Actual operating surplus of \$14.99M is \$2.22M more than the year-to-date budgeted operating surplus of \$12.77M.

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 \$34.7M includes:		
* Cash and Investments	\$32.3M	\$14.1M
* Rates	\$1.3M	\$0.6M
* Other Current Assets	\$1.1M	\$1.3M
- Current Liabilities of \$5.9M includes:		
* Trade and Other Payables	\$2.4M	\$4.7M
* Annual Leave and LSL Provisions	\$2.4M	\$2.9M
- Working Capital (Current Assets less Current Liabilities)	\$28.8M	\$6.8M
- Equity (Total Assets less Total Liabilities)	\$243.4M	\$228.2M

3. Capital Works (**attached** at Appendix [DCS-6](#))
 - Actual capital works of \$16.82M is \$10.02M less than the year-to-date budgeted capital works of \$26.84M, (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 (yet to be adopted) 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.

Executive Recommendation

The Financial Management Report for the period ending 31 March 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:

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Fees and Charges (Rating Fee Income) – 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 is 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.	(\$21,179)
Operating Expenditure	
Material and Contracts (Contract Employment Expense) – The use of contract labour is greater than original budget due to the need to complete the high number of operating and capital projects in 2012-13. An adjustment is included in the February budget review to reflect the anticipated expenditure in this category.	(\$39,123)
Material and Contracts (Equipment Lease or Hire Expense) – An amount of \$30,385 has been expended on leasing of Lot 757 Ocean Drive. An adjustment is included in	(\$46,233)

<p>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. This will be offset by a reduction in 'contractors expense' associated with this project.</p> <p>There is no anticipated impact on the end of year financial position as a result of these adjustments.</p>	
<p>Non-Operating Income and Expenditure</p>	
<p>Grants and Contributions for the Development of Assets – 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 (\$100,500) Renew Sykes boat ramp and jetty (\$200,000) Upgrade/repair Koombana Beach Toilet Block (\$280,000) Reconstruct section of Parade Road (\$113,333) Implement Hands Oval Master Plan (\$881,276) Replace ablution block Hay Park (\$300,000) Various road reseal projects (\$188,279)</p> <p>This above 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 have been 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>(\$2,862,396)</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Interest Received – The additional interest received has been recognised in the February budget review.	\$155,959
Operating Expenses	
Material and Contracts – 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. This will be monitored on a monthly basis and new forecasts entered to provide revised end of year estimates to 30 June 2013.	\$1,774,896
Capital Revenues	
Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.	(\$2,862,396)
Interest Received on Capital Grants – Favourable variance due to higher than expected investment funds held as at 31 March 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 and has been included in the February budget review. These additional funds will be restricted specifically for use on this project as per the grant agreement conditions.	\$93,553
Capital Expenses	
<p>Acquisition of Assets – Variance due to delay in commencement or progress of various projects totalling \$10M of which \$8.75M will be completed by 30 June 2013. These project include:</p> <p>PR-1018 Deconstruct timber jetty and construct wharf PR-1035 Design and construct extension - Bunbury Regional Entertainment Centre PR-1077 Reseal Blair Street PR-1081 Widen and seal Minnipup Road PR-1082 Reconstruct sections of King Road PR-1084 Reconstruct section of Monkhouse Street PR-1085 Reseal road projects PR-1250 Construct Glen Iris skate park PR-1259 Replace ablution block Hay Park PR-1311 Expand path and cycleway network PR-1331 Rehabilitate foreshore marine walls PR-1357 Upgrade runway and taxiway lighting PR-1394 Upgrade and renovate Wildlife Park cafe and office building PR-1444 Implement the Hands Oval Master Plan - Stage 1 PR-1593 Replace corporate heavy plant PR-1782 Implement “Lighting Up Bunbury” project PR-1858 Upgrade Koombana Beach toilet and kiosk PR-1894 Rehabilitate Marlston foreshore PR-1935 Upgrade, re-sleeve and improve drainage network PR-2123 Construct animal care facility</p>	\$10,017,896

<p>PR-2365 Undertake extensions to Withers Library PR-2454 Replace pool dosing system at the South West Sports Centre</p> <p>The variance balance of \$1.25M 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.

10.4.3 Proposed Closure Portion of Road Reserve – Relocation of Truncation, 47 King Road Bunbury.

File Ref:	
Applicant/Proponent:	Bryce and Melissa Ingram
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-7

Summary

An application was received from the owners of 47 King Road Bunbury and presented to Council on 22 January 2013 requesting the closure/relocation of the truncation on the corner of their property facing King Road an area of approximately 4m². A location plan is **attached** at Appendix [DCS-7](#).

Executive Recommendation

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

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

Background

The “applicant” has complied with all costs to date.

All comments from the Public and Service Providers are to be reported back to Council in accordance with section 58 of the Land Administration Act 1997 and Section 87 of the Land Administration Act 1997. All Service Providers, the public and Council Officers have been contacted or advised and there are no objections to the proposed relocation of the truncation. Service Providers comments are as follows:

Aqwest	Please be advised Aqwest have no comments in relation to the above subdivision.
Water Corporation	The Water Corporation has no assets within the land portion and has no objection to the closure of the identified portion of the road reserve.
Department of Planning	The Department of Planning has no objection to the above proposal in accordance with the plan supplied.
Western Power	Has no objections to the above proposal, however in the event WP has to install an asset on this property to supply the Lot Western Power staff will require 24 hour unencumbered access, the position and type of locks used on any fencing are to be accessible to Western Power employees and a standard key be provided along with a separate padlock to allow 24 hour access to for routine and emergency maintenance.

Alinta Does not have gas distribution assets currently installed at the location however before any works are to commence applicant is to prove, pothole and protect any installed gas services. Truncations are normally located on a corner block; the relocation of the truncation will place the truncation on the correct side of the block; the corner of King Road and Keril Place.

The proposed relocation was advertised in the South Western Times on 14 February 2013 for a period of 35 days, Council has received no objections or comments from the public.

Council Policy Compliance

Not Applicable.

Legislative Compliance

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

Officer Comments

If approved by Council, the “applicant” will supply the City with a Deposited Plan from a licensed surveyor approved by State Land Services.

Once Council have received the Deposited Plan the following will be forwarded to the Department of Regional Development and Lands and the City will apply to State Land Services to close the road in accordance with the Council resolution and the Act:

- Council Resolution (including indemnity from Council to Department of Regional Development and Lands).
- Small location plan.
- All responses including adjoining Property Owners wishing to purchase part or the entire portion, if any.
- WAPC comments.
- Service Providers comments.

Analysis of Financial and Budget Implications

No financial implications either gain or loss to the City of Bunbury.

Community Consultation

As per Section 58 of the Land Administration Act 1997 for a period of 35 days in the South Western Times, the City’s public notice boards and the City’s website.

10.4.4 Budget Review February 2013

File Ref:	
Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix, DCS-8 , DCS-9 , DCS-10 , DCS-11 , DCS-12 , DCS-13

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-9 – DCS-14 for the period ending February 2013:

- Budget Review Significant Items (with comments) Appendix [DCS-8](#)
- Statement of Comprehensive Income Appendix [DCS-9](#)
- Statement of Financial Activity Appendix [DCS-10](#)
- Balance Sheet for the period Appendix [DCS-11](#)
- Statement of Net Current Assets Appendix [DCS-12](#)
- Capital Works Expenditure Summary Appendix [DCS-13](#)

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 Expenditure:

- 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.

At the Council meeting held 26 March 2013, Council resolved to refer the discussion on the February 2013 Budget Review to a Briefing Session (Council decision 83/13). This matter was discussed at the Briefing Session held 2 April 2013 and is now resubmitted for Council's decision.

Note that no changes have been made to the report presented to the Council meeting held 26 March 2013.

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-8](#) and the Financial Statements **attached** at Appendices DCS-9 – DCS-13.

Community Consultation

Not applicable

Councillor/Officer Consultation

The Audit Committee met on 12 March and 13 March 2013, and a Councillor Briefing Session held 2 April 2013 to review the February 2013 Budget Review.

10.5 Director Planning and Development Services Reports

10.5.1 Local Planning Policy Review – Draft Local Planning Policy: Grand Canals Design Guidelines

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

Summary

In conjunction with the current local planning policy review programme, the draft “Local Planning Policy: Grand Canals Design Guidelines” has been recently reviewed, advertised and adopted.

After road testing of the reviewed policy, concerns had been raised by statutory planners in regard to the need for additional clarification of clause 8.2.2 of the policy. To ensure that assessments are comparable and consistent, it is proposed to include the need for dwellings to provide a uniform setback from the canal wall in keeping with the established local character and amenity of the area, in addition to ensuring structural integrity of the canal wall.

A copy of the draft revised Local Planning Policy: Grand Canals Design Guidelines is **attached** at Appendix [DPDS-1](#).

Executive Recommendation

That Council:

1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the revised draft Local Planning Policy: Grand Canals Design Guidelines for public comment for a period of not less than 21 days.
2. Subject to no objections being received during the advertising period, Council adopts the revised Local Planning Policy: Grand Canals Design Guidelines without modification.

Background

As part of the ongoing local planning policy review programme, this policy had been presented to Council on 5 March 2013.

Council Policy Compliance

Clause 2.3 of TPS7 sets out the procedure for making or amending a local planning policy.

Legislative Compliance

In accordance with clause 2.3 of the Scheme, amendments to local planning policies are

required to be advertised for public comment.

Officer Comments

After road testing of the reviewed Local Planning Policy: Grand Canals Design Guidelines, concerns had been raised by statutory planners in regard to the need for additional clarification of clause 8.2.2 of the policy, as follows:

“8.2.2 Buildings and structures shall be setback a minimum of 6.0m from the canal wall to provide a uniform setback from the canal wall in order to protect the established local character and amenity of the area and to ensure no additional loads are placed on the canal wall.”

In accordance with TPS7, the revised policy is required to be re-advertised.

The City is a partner in the Peron-Naturalist Region group of coastal local governments on a project to respond to Climate Change adoption options. The entire Pelican Point locality is potentially at risk of sea level rise and adoption measures are likely to be implemented in relation to existing infrastructure/development and new development.

Analysis of Financial and Budget Implications

There are no known financial or budget implications.

Community Consultation

As with all other reviewed local planning policies, the revised draft Local Planning Policy: Grand Canals Design Guidelines is required to be advertised for public comment in accordance with clause 2.3 of the Scheme.

Councillor/Officer Consultation

Planning and Development Services has participated in the preparation of the revised draft Local Planning Policy: Grand Canals Design Guidelines. The Executive Leadership Team has been briefed and supports the revision of the design guidelines.

10.5.2 Proposed Change of Use from Residential to Office/Consulting Rooms S/L 2 No. 14 Plaza Street, South Bunbury

File Ref:	P02962
Applicant/Proponent:	Gordon Golby
Author:	Gary Fitzgerald, Manager Development Assessment and Building Certification Teshome Tadesse, Senior Town Planning Officer
Executive:	Bob Karaszewych Director Planning and Development Services
Attachments:	Appendix DPDS-2 , DPDS-3 , DPDS-4 , DPDS-5

Summary

The application is for a Change of Use (residence) to “Office/Consulting Rooms” – Strata Lot (S/L 2) No 14 Plaza Street.

Office/Consulting Rooms is consistent with Schedule 2, Special Use 21 of Town Planning Scheme No. 7 (TPS7). However, the scale of the activity generates six (6) car parking spaces that cannot be adequately accommodated onsite, hence vehicle manoeuvrability, access and egress is difficult coupled with the intrusion of vehicle parking spaces into the road reserve is problematic from a public safety perspective.

Given this, officers contacted the property owner on an alternative to Office/Consulting Rooms, such as a “home business” or “home occupation” that generates far fewer vehicle parking spaces, but this was to no avail.

Executive Recommendation

That Council resolves to:

1. Refuse the proposed Change of Use from “Residential” to “Office/Consulting Rooms” – S/L 2, No. 14 Plaza Street (application reference DA 2012/266/1) in accordance with Town Planning Scheme No.7 for the following reasons:
 - 1.1 The proposal does not comply with Schedule 2, Condition 4 of Special Use 21 in terms of car parking requirements. The site plan indicates a garage (which can accommodate only two staff parking spaces) and 5 car parking bays within the front building setback that encroach into the road reserve.
 - 1.2 The proposal does not comply with Clause AD2.1.1 of City’s Local Planning Policy (LPP): Access and Parking for Pedestrians, Bicycles and Vehicles that provides for a non-residential vehicle to enter and leave premises in a forward direction. It is also inconsistent with the Australian Standard AS/NZS 2890.1:2004 relating to off-street parking that discourages parking such that causes reversing directly onto a public road (Reversing movements to public roads shall be prohibited wherever possible – Part 3.2.2).
 - 1.3 The site plan shows a disabled car parking bay that is inconsistent with acceptable dimensions for disabled parking (4.8m wide x 5.4m length).
 - 1.4 The proposal is inconsistent with Clause AD2.2.1 of City’s Local Planning Policy (LPP) that provides for vehicle parking areas not to exceed 50% of

the primary street frontage width of the lot/development site, where located in the front setback area.

- 1.5 The proposed car parking that encroaches into the road reserve would exacerbate the reoccurring verge parking problem (parking on road reserve) in the immediate locality.
- 1.6 The proposal is inconsistent with Clause 10.2.1(p) of TPS 7, as it does not provide adequate provision for manoeuvring and parking of vehicles on site.

2. Advise the applicant of the decision.

Background

The City recently provided preliminary comments to the applicant/owner in relation to the potential of the premises in terms of alternative land uses. The City in its letter dated 30 November 2012 (copy **attached** at Appendix [DPDS-2](#)), advised the applicant that six (6) car parking spaces are required on site for the proposed change of use from “Residential” to “Consulting Rooms” and an advice note that officers would not support the parking, access and egress proposal.

Council Policy Compliance

The proposal does not comply with Local Planning Policy Access and Parking for Pedestrians, Bicycles and Vehicles in reference to access from and to non-residential vehicle and car parking in relation to lot frontage (Clause AD2.1.1 and AD2.2.1 respectively).

Legislative Compliance

The proposal does not comply with TPS7; in that it is inconsistent with Condition 4 (car parking requirements) of Schedule 2 Special Use 21, and Clause 10.2.1(p) that outlines the importance of manoeuvring and parking of vehicles in the consideration of planning approval.

Officer Comments

Town Planning Scheme No. 7 (TPS 7)

Strata Lot (S/L) 2 is zoned Special Use 21 under TPS7. Permitted land uses, includes Offices, Consulting Rooms and Residential R40. The proposal is a change of use from “Residential” to “Office/Consulting Rooms”. The proposed Office/Consulting Rooms use is consistent with the land use nomination as listed in Special Use 21.

The zoning map under TPS7 is **attached** at Appendix [DPDS-3](#).

However, the proposal does not satisfy Condition 4 (car parking requirements) of Schedule 2, Special Use 21, which states the following:

- “4. *Car Parking – A person shall not develop or use land or erect, use or adapt any building for use as an office, professional office, or consulting room unless car parking spaces are provided in the ratio of 1 car parking space for each 50m² of gross floor area or part thereof.*”

The applicant has submitted floor plans (ground and upper floors) as part of the change of use proposal to office/consulting rooms. The floor plans equate to a total of 282.5m² Gross Floor Area (GFA), therefore six (6) car parking spaces are required on site in accordance with Condition 4 Special Use 21.

The site plan indicates five (5) car parking bays that encroach onto the road reserve and two (2) staff car parking (existing garage). The existing garage accounts for two (2) spaces on site. Other than those spaces, five (5) parking spaces do not conform to TPS7 as they encroach into the road reserve.

The proposed car parking bays number 4 and 5 do not satisfy the acceptable standard dimensions (2.5 x 5.3), as they substantially encroach into the road reserve. In addition, the site plan shows a disabled car parking bay that is inconsistent with the acceptable parking bay dimensions for disabled parking (4.8m wide x 5.4m length).

A series of photos that show the verge car parking problem in the immediate locality are **attached** at Appendix [DPDS-4](#).

Hence, approval would create undesirable precedent in terms of not having reasonably satisfied car parking requirements.

The plans submitted by the applicant are **attached** at Appendix [DPDS-5](#).

The City's Local Planning Policy (LPP) Access and Parking Clause AD2.1.1 provides that *non-residential vehicles to enter and leave premises in a forward direction*. The proposal is inconsistent with the Policy in that the car parking arrangement will not allow vehicles to enter and leave premises in a forward gear without encroaching into the road reserve.

It should also be noted that Australian Standard AS/NZS 2890.1:2004 relating off street parking discourages parking that reverses directly into a public road. Part 3.2.2, in part, reads "*Reversing movements to public roads shall be prohibited wherever possible.*"

In addition, the proposal is inconsistent with Clause AD2.2.1 Local Planning Policy (LPP) that provides for vehicle parking areas not to exceed 50% of the primary street frontage width of the lot/development site, where located in the front setback area. The site plan shows that almost all the frontage will be used for car parking purposes inconsistent with the Policy.

In conclusion, the proposed change of use is inconsistent with TPS7 requirements in terms of manoeuvring and parking of vehicles – Clause 10.2.1 (p) of TPS7; therefore should be refused.

Analysis of Financial and Budget Implications

It is considered that there are no financial or budget implications to the City.

Councillor/Officer Consultation

The proposal has been discussed within Development Assessment staff and relevant divisional staff prior to the finalisation of this report.

Relevant Precedents

On 10 September 2012, the City granted Planning Approval for proposed change of use to "Consulting Rooms" for Strata Lot 1 No.13 Fielder Street that abuts the subject land. Unlike

the this proposal, all required car parking spaces had been provided on site on Strata Lot 1, No. 13 Fielder Street.

10.5.3 Draft Nenke Way Structure Plan – Precinct 1 Lots 58, 59, 60, 61, 62 and 120 South Western Highway Glen Iris

File Ref:	P07781
Applicant/Proponent:	Harley Global
Author:	Teshome Tadesse, Senior Town Planning Officer
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-6 , DPDS-7 , DPDS-8

Summary

The draft Nenke Way Structure Plan – Precinct 1 addresses requirements for access arrangements onto the South Western Highway (interim and indicative layout and possible future Nenke Way Link) and provides for essential services to serve the proposed Low Residential Density (R15) lots within the developable area of the plan.

Accordingly, the draft plan is now considered ready for public consultation.

Executive Recommendation

That Council resolves to:

1. Release the draft Nenke Way Structure Plan – Precinct 1 (Lots 58, 59, 60, 61, 62 & 120 South Western High Way, Glen Iris for the purpose of comprehensive community consultation for a period of 42 days in accordance with Clause 6.2.5.2 (a) of the City of Bunbury Town Planning Scheme No.7 (TPS7), subject to the incorporation of the following requirements in Part 1 – Statutory Section of the Draft Structure plan:

Under Clause 5.3 - Conditions of Subdivision Approval:

- (f) *A geotechnical investigation is to be undertaken by a suitably qualified person(s) to an appropriate depth into natural soil, in order to certify that the fill onsite is free of contaminants and to determine its geotechnical stability and suitability for development. The geotechnical investigation is also to determine the likelihood of acid sulfate soil disturbance occurring during future development. The investigation is to be undertaken to the satisfaction of the local government.*
- (g) *Significant trees contained within the area of the Draft Nenke Way Structure Plan – Precinct 1 to be marked and retained prior to subdivision occurring on site.*

A plan detailing location of these plans is to be provided is to be marked on a plan and provided to the City to the satisfaction of the Manager Planning and Development Assessment.

In the absence of subdivision, planning approval shall be required for all development within the structure plan area.

Planning approval shall not be granted by the local government for development within the structure plan area unless a geotechnical investigation has been prepared in accordance with clause 5.3(f) and significant trees are marked for retention within the Draft Nenke Way Structure Plan – Precinct 1.

2. Advise the applicant its decision.

Background

Council at its Ordinary Meeting of 28 July 2009 had considered the Draft Nenke Way Structure Plan. The draft plan was prepared as an integral part of Scheme Amendment 31 to TPS 7. Council's decision on the draft plan reads as follows:

“Council Decision 145/09

1. *Pursuant to the City of Bunbury Town Planning Scheme No.7, Council resolves NOT to adopt the proposed draft Nenke Way Structure Plan as modified (Appendix 1 under separate cover to this report).*
2. *Pursuant to the Planning and Development Act 2005, Council resolves to finally adopt Scheme No.7, as modified, by annotating the Scheme Map to show the subject area within a “Development Investigation Policy Area” boundary (Appendix 2 under separate cover to this report).*
3. *Write to all landowners informing them Council's decision with an explanation of the meaning of a “Development Investigation Policy Area”*

The current Draft Nenke Way Structure Plan has been prepared by Harley Global (private planning consultant). The draft plan is being developed to facilitate low density residential development (R15 coding) at the eastern portion of the Nenke Way locality which is referred to as Precinct 1 (not the entire Nenke Way locality).

The plan provides for the creation of three (3) residential Lots ranging from 1,103m² to 2,197m² in area. The draft plan acknowledges the balance of the Nenke Way locality as Nenke Way Structure Plan – Precinct 2 and nominates this site as a future structure plan area in line with the DIPA designation of the balance of the area, in the current scheme.

The location plan is **attached** at Appendix [DPDS-6](#).

In accordance with Clause 6.2.5.2 (a) of TPS 7, Council is empowered to determine the Proposed Structure Plan is satisfactory for public advertising.

The draft Nenke Way Structure Plan – Precinct 1 map and report are **attached** at Appendix [DPDS-7](#).

Council Policy Compliance

The City's Local Planning Policy (LPP): *Development within 100m from the toe of the Preston River Levee* provides provisions and standards applicable to control new development within 100m of the toe of the Preston River Flood Plain.

In Part 2 section of the Draft Nenke Way Structure Plan – Precinct 1 it is asserted that *“...the proposed Structure Plan allows for residential lots that can and will meet the necessary requirements.”*

It is considered that any future residential development on the subject land will be subject to applicable City's policies, in particular LPP: *Development Within 100m from the toe of the Preston River Levee*.

Legislative Compliance

The Scheme provisions that are considered to be most relevant in the preparation and advertising of the draft plan are, in particular Clause 6.2 of TPS7, which specifies the way in

which a Structure Plan should be prepared in terms of planning requirements and the process of adoption of a proposed plan. At this stage, the Draft Structure Plan is presented to Council for determination to allow the public consultation process to commence in accordance with the Scheme requirements.

It is considered that the draft plan is satisfactory for public advertising subject to minor modifications in Part 1 – Statutory Section of the Draft Structure Plan report. Following the closure of the consultation period, public submissions will be compiled in a report format for Council's consideration and determination.

Officer Comments

Discussions have been undertaken with the applicant and the City in relation to the modification of the draft plan in terms of applicable statutory and non-statutory requirements so as to make it ready for public advertisement.

Nenke Way Structure Plan – Precinct 1

The overall Nenke Way Development Investigation Policy Area is located approximately 5km from the City along the South Western Highway. This investigation area is a well-defined locality bounded by South Western Highway in the south and bordered by Regional Open Space (ROS) and Preston River in the North. The DIPA has a total of 30 lots. However, the Draft Nenke Way Structure Plan – Precinct 1 has been prepared for a portion of the overall DIPA and includes six (6) Lots (Lots 58, 59, 60, 61, 62 and 120 South Western Highway). The draft plan area covers 1ha towards the eastern portion of the overall Neke Way locality.

Clause 6.2.3.1 of TPS 7 specifies the need for the preparation of a Structure Plan in the DIPA. Specifically, Clause 6.2.4.3 of TPS 7 states that “A Structure Plan may relate to only part of Development Investigation Area.”

The draft plan has been prepared for a specific part of the investigation area in the east. The preparation of a structure plan over a portion of locality is in line with the Scheme requirements.

A copy of the zoning map under TPS7 is **attached** at Appendix [DPDS-8](#).

Clause 6.2.4.4 of TPS 7 outlines the required details in the preparation and consideration of a Structure Plan. Amongst other things, the required details include: the structure plan area, key opportunities and constraints, the planning context, proposed land uses, the proposed road network and infrastructure and such like.

The draft plan includes the following:

- Access arrangement onto the South Western Highway i.e. interim and an indicative layout for the future four way intersection (South Western Highway and Dodson Road) as recommended by the MRWA.
- Possible Future Nenke Way Link to the balance of Nenke Way locality in the west.
- Three low density (R15) residential lots ranging from 1,103m² to 2,197m².
- The balance of Nenke Way locality (DIPA) titled as “Nenke Way Structure Plan – Precinct 2 i.e. future structure plan area.
- Significant vegetation within the plan area.
- Existing line of the Levee Bank at 6.30m AHD and the Conservation Category Wetland (CCW) Policy Boundary.
- The location of essential services in the immediate locality; and

- The Regional Open Space (ROS) in accordance with the GBRS.

The Draft Nenke Way Structure Plan map is **attached** at Appendix [DPDS-9](#).

In addition to the above, in PART 1 – Statutory Section of the plan text, it recommends the following specific subdivision conditions:

- “(a) The proposed access onto South Western Highway is to be constructed to the satisfaction of Main Roads WA (Main Roads WA).*
- (b) Lots to be filled as a minimum to the same level as the top of the existing flood levee bank prior to development, to the satisfaction of the Local Government (Local Government)*
- (c) The installation of an appropriate interface between the private lots and the Preston River foreshore (e.g. open style fencing) (Local Government).*
- (d) Revegetation to occur on the portion of the site between the southern toe of the levee bank and the Conservation Category Wetland boundary to the satisfaction of the Department of Environment and Conservation (DEC).*
- (e) A Foreshore Management Plan to be prepared and implemented to the satisfaction of the Department of Water (Department of Water).”*

The Greater Bunbury Region Scheme (GBRS)

The large portion of the draft plan is zoned “Urban” under the GBRS. In addition, the northern portion of Lots 58, 59, 61 and 120 South Western Highway and a substantial portion of Lot 62 comes under “Regional Open Space” with the north-east portion of Lot 62 shown as “Waterways” under the GBRS.

The draft plan report states that all development will occur in the “Urban” zone under the GBRS.

Environmental

The subject site is located within the Preston River Flood Plain. Protection from possible flooding event is one of the factors that should be considered for development to occur on site. The draft plan outlines a substantial part of the land is flat with a height of approximately 6m AHD and that the site will be filled at least to the top of the levee bank at 6.3m AHD. It is noted that the levee bank traverses the site east-west and that it is located between possible development site and the river. Achieving the required Finished Floor Level at development stage and the presence of levee bank within the subject site are considered to be sufficient measures to mitigate flood events. The DEC’s advice to applicant that “...the installed levee now prevents the regular flooding of the land should be noted in this regard.

The site is also identified as being “high to moderate risk of acid sulphate soils within 3m of natural soil surface”. The City, at the preliminary environmental assessment stage, advised the applicant to undertake an Acid Sulphate Soil Investigation and incorporate it into the draft plan. The applicant argues that there is an existing estimated land fill between 1.5m and 2m and a further 1m fill may be required that brings the fill level between 2.5m and 3m. Given that excavations to install services are estimated to a maximum of 1.5m, the applicant argues no implications on the potential to disturb Acid Sulphate Soils within the site.

The City notes the applicant’s justification; however no Geotechnical Investigation has been undertaken to prove up the land fill materials are free from any contaminants. It is not

known as to whether the land fill materials are acceptable for development to occur on site. It is also noted that no acid sulphate soil investigations is addressed in the Part 1 – Statutory Section. It is therefore recommended that Geotechnical Investigation requirement be incorporated in Part 1 – Statutory Section of the draft plan report so as to simultaneously address the matter of Acid Sulphate Soil and to deal with the content of the land fill materials on site to the satisfaction of the City.

The site contains significant vegetation cover which requires protection. The draft plan identifies trees within the structure plan area. The applicant is required to retain existing significant trees on site. It is suggested that an additional notation (as outlined in the Executive Recommendation) be incorporated into the draft Nenke Way Structure Plan – Precinct 1 to address protection of significant trees within the site.

Preliminary consultation with Service Agencies

The applicant has approached Main Roads WA, the Department of Environment and Conservation (DEC), the Department of Water (DoW) and the Department of Planning DoP to get preliminary comments in their specific area of expertise.

The proposed access onto South Western Highway has been designed in line with the agreed outcome with the Main Roads WA, and the City is supportive of the proposed interim access and the four way intersection layout onto the South Western Highway.

The DEC has advised the applicant that, a nil setback can be considered from the Conservation Category Wetland (CCW) on the basis that the location of the Levee Bank within the draft plan site, which separates the river and the CCW and that the levee, prevents the regular flooding of the land. In addition, the DEC has strongly advised the applicant to retain the existing trees on site.

The DoW has advised the applicant that the Foreshore Management Plan may be required at the subdivision stage. Accordingly, the applicant has incorporated the requirement under the statutory section of the draft plan report.

It should be noted that the government agencies will be formally consulted by the City during public advertising and referral process.

It is considered that the draft plan specifically facilitate residential development on the subject site with essential services provided for each lot. It helps to unlock the undeveloped eastern part of the Nenke Way locality. In addition, the incorporation of the possible future Nenke Way link provides an opportunity for possible future structure plan for Precinct 2 for the balance of Nenke Way locality in the West. The preparation of a structure plan over Precinct 2 may not happen immediately, but the link provides the possibility when it is required and necessary to prepare a structure plan for Precinct 2.

At this stage, it is considered that the draft plan is considered ready to be released for comprehensive consultation, subject to minor modifications to the draft plan so as to incorporate a Geotechnical Investigation and retention of significant trees requirements in Part 1 Statutory Section of the draft plan, prior to subdivision or development occurring on the subject land.

Analysis of Financial and Budget Implications

There are no financial or budget implications to the City

Community Consultation

The proposed Draft Nenke Way Structure Plan – Precinct 1 will be advertised for 42 days following decision by Council to release the Draft Structure Plan for consultation.

Councillor/Officer Consultation

Discussions have been undertaken internally, prior to the current format of the draft Nenke Way Structure Plan – Precinct 1. Consensus has been reached in that the draft plan can be advertised for public viewing and comment.

Delegation of Authority

Pursuant to Clause 6.2.5.2 of TPS 7, Council determination is required to allow the Draft Nenke Way Structure Plan – Precinct 1 to be advertised for public viewing and consultation.

10.6 Director Works and Services Reports

10.6.1 Closure of Rodwell Place Public Access Way

File Ref:	A03824
Applicant/Proponent:	Internal Report
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1

Summary

At the Council Meeting held on the 5 March 2013, Council Decision 48/13 resolved:

“Pursuant of Standing Order 6.10 the petition from residents of Rodwell Place shall be accepted and referred to the relevant officer for a report.”

Executive Recommendation

Council authorises officers to liaise with adjoining property owners and service authorities to review the usage and to progress the closure of the Rodwell Street Public Access Way.

Background

Councillor Steele presented a petition containing twenty four (24) signatures from nearby residents requesting that Council consider closing the Lot 166, Public Access Way located between No. 11 and No. 12 Rodwell Place, East Bunbury due to alleged anti-social behaviour.

A location map is **attached** at Appendix [DWS-1](#).

The Public Access Way had a concrete path constructed in 2001/02 and contains water / sewer infrastructure. It provides a pedestrian link from the areas of Perkins Avenue and Rodwell Street to Bill Beaton Park.

The Public Access Way terminates at Lot 658 Perkins Avenue which is a Reserve under Management Orders to the City of Bunbury.

Council Policy Compliance

Not applicable

Legislative Compliance

The Land Administration Act 1997 provides direction on closures of Public Access Ways.

Officer Comments

Initial discussions with the Department of Regional Development and Lands indicates that they are supportive of the closure to public access subject to due process with Lot 166 remaining as a drainage reserve.

Water Corporation and Aqwest require ongoing access to Lot 166 and Lot 658.

Officers from the City have commenced discussions with the Department of Regional Development and Lands to review the current status and future dealings with approximately 122 Laneways in the City of Bunbury.

It is proposed that the Public Access Way only closure would be limited to fencing in the event that future residents on Rodwell Street seek to have the laneway reopened.

Analysis of Financial and Budget Implications

The financial implication of closing the laneway to pedestrians is confined to the erection of fencing, associated advertising and staff times is estimated to be in the vicinity of \$3,000.

Community Consultation

The petition presented to Council contained twenty four (24) signatures representing property owners in the immediate vicinity. In accordance with legislative requirements further consultation including advertising in local newspaper is required.

Councillor/Officer Consultation

Officers from Contracts and Properties, Planning and Development Services and Works and Services have been involved with this proposed closure.

11. Applications for Leave of Absence

12. Motions on Notice

12.1 Motion on Notice – Reducing the Number of Elected Members – City of Bunbury Council

File Ref:	
Applicant/Proponent:	Councillor Murray Cook JP
Author:	Councillor Murray Cook JP
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Cook submitted the following motion for the Council Committee Meeting on 9 April 2013:

"That the City of Bunbury advise the Minister and Department of Local Government that it plans to reduce the number of Elected Members from 13 to 9 from the date of the October 2013 Local Government Elections."

Comments - Cr Cook

In support of his motion, Cr Cook states that, *"This resolution seeks to reduce the number of Elected Members who govern the City of Bunbury from 13 to 9 – Mayor, Deputy Mayor and seven (7) Ordinary Councillors."*

It appears that the State Government's preferred Elected Member count is nine (9) and this resolution would support that desire. With the likely introductions of higher Elected Member Attendance Fees, the timing is right to consider the reduction in number. It is felt that governance and decision making process will not be adversely affected by this change. Like-wise, it is unlikely that Community Engagement, representation or advocacy would have a negative impact. It is likely that debate will be more focussed and there is the potential to improve meeting efficiency without the loss of quality decisions."

Executive Comments

Throughout the local government Structural Reform process, the Minister has suggested the Councils look at reducing the numbers of elected representatives to somewhere between six (6) and nine (9). A number of local authorities across the state have considered this proposal and reduced their numbers accordingly. The City of Busselton has recently resolved to reduce its elected member representation from eleven (11) to nine (9).

In the event that this motion is supported, staff will prepare the appropriate submission.

Cr Cook's Motion

That the City of Bunbury advise the Minister and Department of Local Government that it plans to reduce the number of Elected Members from 13 to 9 from the date of the October 2013 Local Government Elections.

12.2 Motion on Notice – Reintroduction of the Ward System

File Ref:	
Applicant/Proponent:	Councillor Ross Slater
Author:	Councillor Ross Slater
Executive:	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
Attachments:	Nil

Cr Slater submitted the following motion for the Council (Standing) Committee Meeting on 9 April 2013:

1. *That Council revert to the original four ward system (North, South, East and West) with each ward represented by three (3) Councillors*
2. *That the change to wards be approved in time to allow Mayoral/Councillor candidates to campaign for the October 2013 Local Government Elections."*

Comments - Cr Slater

In support of his motion, Cr Slater states that, *"the four (4) ward system was very successful in the past by allowing for the citizens within each of the four geographic city segments, the privilege of being represented by a more personal core group. Although each Councillor is responsible for the whole City area and its citizens, a far more focussed area makes for a better relationship between the public of that area and their selected representatives.*

With approx. 17,000 dwellings in the City of Bunbury, the ward system allows for Mayoral/Councillor candidates to limit their door knocking to a quarter of the dwellings, thereby resurrecting the campaign factor overlooked in recent times. People appreciate meeting candidates because it gives them a chance to raise issues and get to know their representatives.

Although Council has initiated 'your city, your say' and has improved its electronic media, nothing replaces the personal interaction between people. Unfortunately we are witnessing a move away from personal touch and the Saturday polling stations where City citizens in the past treated voting day as an outing and social get together. With changing times, it is not healthy, nor is it necessary to change the human element in elections. Non-compulsory local government elections have become a sterile affair where postal voting, junk mail and media ads have replaced interactive effort and public interest.

The short time between close of nominations and polling day is insufficient time to campaign effectively over a large area, especially when postal voting is entertained. Many voters have returned their paperwork well before 'the day' which virtually negates campaigning during the final week.

In this particular case, it is important to get back to basics, where Councillors are known, contacted and confided in within an 'electorate'. Exactly the same principle as with state and federal representatives. They are not only responsible for the overall state or country but also a focussed electorate.

Furthermore, should at any time in the future amalgamation occur between the City, Shire of Harvey, Shire of Dardanup and Shire of Capel, each of those districts (shires) become a ward in their own right with equal representation.”

Executive Comments

Section 2.2 and Schedule 2.2 of the Local Government Act 1995 deal with the matter of Districts being divided into wards.

In effect, the process requires the Governor, on the recommendation of the Minister to make an order dividing a district into wards.

Schedule 2.2 lists the provisions about names, wards and representation.

The issue of implementing a review of this nature also requires community consultation and consideration of a variety of factors including Communities of Interest, Physical and Topographic Features, Demographic Trends, Economic Features and the ratio of Councillors to electors in each ward.

In relation to point 2 of Cr Slater’s motion, it is considered improbable that the work required to initiate a proposal of this nature can be achieved in time for the October 2013 local government elections.

In the event that this motion is supported, staff will prepare the appropriate submission.

Cr Slater’s Motion

1. That Council revert to the original four ward system (North, South, East and West) with each ward represented by three (3) Councillors
2. That the change to wards be approved in time to allow Mayoral / Councillor candidates to campaign for the October 2013 Local Government Elections.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

13.2 Questions from Members

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

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.1.1 Appointment of the 2013 Setagaya Tour Leader

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Jenni Brown, Executive Officer Bunbury-Setagaya Sister Cities Committee
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-1

Summary

To appoint a tour leader for the 2013 Bunbury Setagaya Student Goodwill Tour, involving leading up to sixteen students and four adults to Setagaya during October.

Executive Recommendation

That Council endorse the recommendation of the following staff member to the Bunbury Setagaya Sister Cities Committee as the 2013 Student Tour.

1. Appointing Nicola Albiston to the Bunbury Setagaya Sister Cities Committee as the Tour Leader to Setagaya for the 2013 Student Tour.

Background

The 2012 Goodwill Tour was a success. From the interview/selection day with the students, through to the students participating in the Christmas Carnival, everyone involved found this tour ran smoothly. Most of this success can be attributed to 2012 Goodwill Tour Leader being a City of Bunbury staff member. Staff members have an understanding of the procedures required of local government.

It was therefore decided City of Bunbury staff should be approached once again for the Tour Leaders position. The position was advertised internally to all staff requesting "Expressions of Interest" as the 2013 Setagaya Goodwill Tour Leader. Staff were requested to submit a 500 word or less application informing us why they were the best candidate of the tour leader role.

At the closure date, we had seven (7) staff members submitting their expressions of interest (Copies of the expressions of interest are provided in a Confidential Report [CRUSC-1](#) circulated under separate cover).

Being staff of the City of Bunbury all applicants, their enthusiasm, work ethic and suitability for this project were already known by the review panel. On the review of all six (6) applications, the unanimous decision was made to appoint Nicola Albiston to the position.

Council Policy Compliance

There is no council policy compliance applicable to this agenda item

Legislative Compliance

There is no legislative policy compliance applicable to this agenda item

Officer Comments

The appointment of the Tour Leader will ensure this long standing venture continues supporting the Executive Officer to the Bunbury Setagaya Sister Cities Committee.

Analysis of Financial and Budget Implications

The base rate of pay whilst on the trip will be paid to the staff member. The Tour Leader's flights, travel expenses, food and accommodation are paid for via an allocated contribution (Tour Leader Levy) from the participating families.

Community Consultation

Consultation was held with the Bunbury Setagaya Sister Cities Committee at their February and March meetings regarding the appointment of the 2013 Tour Leader.

Councillor/Officer Consultation

Consultation was held with the 2012 Goodwill Tour Leader, Manager of Human Resources and the Chief Executive Officer, City of Bunbury

Strategic Relevance

Not Applicable

Life-cycle Maintenance Costs (Capital Works Projects Only)

Not Applicable

Economic, Social, Environmental and Heritage Issues

Economic

The 2013 Outgoing Tour will have impact on the local economy by engaging a local travel agent to assist with some of the travel components and hiring a meeting room for the students to meet at least once a month. There is the possibility of the students hosting a fundraiser (i.e. sausage sizzle outside of Bunnings) to assist with a day tour within Japan to Mt Fuji or a ride on the Japanese Bullet Train.

Social

The Goodwill Tour is the most successful and long standing program which the Bunbury Setagaya Sister Cities Committee organise. Over 200 students from the Bunbury Region have represented Bunbury on this tour.

The tour appoints up to sixteen (16) year seven students and four (4) adults to visit our Sister City Setagaya for up to ten (10) days. In return the City of Bunbury receives sixteen (16) students and four (4) adults in Bunbury for five (5) days.

The homestay experience is unforgettable. Students stay with a Japanese family and enjoy traditional Japanese culture. Many past students still maintain contact with their homestay families, developing friendships that will last a lifetime.

Environmental

Not applicable

Heritage

Not applicable

Relevant Precedents

The Bunbury Setagaya Sister Cities Committee have made the request for a tour leader in previous years, which the request has been granted.

16. Closure