



# Bunbury City Council

## Minutes 16 April 2013

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**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

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## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

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



## **Bunbury City Council Minutes**

Minutes of an ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury held on Tuesday 16 April 2013.

### **Agenda 16 April 2013**

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

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

The Mayor declared the meeting open at 5.58pm.

The Mayor made mention of the attendance at the meeting of the Mayoress and Cr Cook's partner. He also welcomed everyone in the public gallery who was in attendance.

#### **2. Disclaimer**

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

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

#### **3. Announcements from the Presiding Member**

Nil

## 4. Attendance

Present:

<b>Council Members:</b>	
Presiding Member	His Worship the Mayor, Mr D Smith
Deputy Presiding Member	Deputy Mayor Cr S Craddock
Members	Councillor J Jones
	Councillor D Prosser
	Councillor A Leigh
	Councillor M Steck
	Councillor K Steele
	Councillor R Slater
	Councillor B Kelly
	Councillor M Cook
Councillor S Morris	
<b>Executive Leadership Team (Non-Voting):</b>	
Chief Executive Officer	Mr A Brien
Director Community and Customer Services	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting):</b>	
Manager Corporate Performance	Mr G Golinski
Manager Community, Culture and Engagement	Ms F Anderson
Manager Assets and Infrastructure	Mr D Inwood
Administration Officer Corporate	Ms N Hribar
<b>Others (Non-Voting):</b>	
Members of the Public	19 approx.
Members of the Press	1

### 4.1 Apologies

Nil

### 4.2 Approved Leave of Absence

Cr Neville McNeill is on an approved Leave of Absence from 15 to 24 April 2013 inclusive.

## 5. Declaration of Interest

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

Cr Jones declared an impartiality interest in the item titled *'Proposed Change of Use from Residential to Office/Consulting Rooms S/L 2 No.14 Plaza Street South Bunbury'* as she is a Director of the Aqwest board who own the land on the opposite side of Plaza Street. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Cook declared an impartiality interest in the item titled *'Request for Delegation of Authority for City of Bunbury Art Collection Management Committee'* as he is a member of the Art Collection Management Committee. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

The Mayor declared an impartiality interest in the items titled *'Art Collection Policy'* and *'Request for Delegation of Authority for City of Bunbury Art Collection Management Committee'* as he wife is the chairperson for the Art Collection Management Committee. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Steck declared an impartiality interest in the item titled *'Proposed Licence Agreement to rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve Cobblestone Drive, Bunbury'* as her partner donates an annual award to the Bunbury Rowing Club. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Prosser declared an impartiality interest in the item titled *'Proposed Licence Agreement to rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve Cobblestone Drive, Bunbury'* as he is a member of the Bunbury Rowing Club. He has elected to remain in the chambers, participate in the discussion and vote on the matter.



## 6. Public Question Time

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

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

### 6.1 Responses to Public Questions Taken 'On Notice'

Nil

### 6.2 Public Question Time

#### Mr Lloyd Horn, 9 Lumper Street Bunbury

Questions were asked in relation to item 10.1.7 *Request for Delegation of Authority for City of Bunbury Art Collection Management Committee*

*Question: If the CEO has the final say on which art works are to be purchased does that only apply to the works purchased with the \$20,000 for the Council's Art Collection or does that apply to works purchased with donated funds for example if someone was to donate \$200,000 for the purchase of art works would the Committee be able to purchase them or would the CEO of the day have final say on what gets purchased with that money?*

*Response:* CEO – any money that was donated to Council for a specific purpose such as the purchase of art wouldn't be under the control as such of Council or myself. It would go through to the gallery if that was the intent of the donation. If the donation was made purely for the purchase of art and they had no specific direction they wanted to do then it would come under the guise of what they intended the money to do but it wouldn't be my say as to how the money is spent.

*Question: If it was donated to the collection, you would have final say on what was purchased with that money?*

*Response:* CEO – No I wouldn't have a say. It's only Council funds that are allocated for that purpose that the delegation applies to so donations would be excluded. Any donation that was made to the City for the purpose of the purchase of art etc. would not be covered by the specific delegation which is given to me to expend that \$20,000 which is for the acquisition of the art works. That's Council money which is allocated for a specific purpose and is covered by the delegation. A donation would not be covered by that same delegation. It would have to be up to the original intent of what the donation was for and that would be for both money and artworks

*Question: How far will the CEO's ability to dictate the City's art collection extend in relation to the accession or de-accession of artworks?*

*Response: CEO – In relation to the application of the delegation, it is based on advice from the Registrar/Curator and the Art Collection Committee. It is not a personal position of mine. I take advice of the Committee and the Curator as to what artworks are purchased or in accordance with Council Policy what artworks are to be disposed of by the method that Council chooses to be appropriate. I don't have the say in it, I am taking the advice on it and I have the authority for the spending of the money.*

*Question: So you have the final say?*

*Response: CEO – I have the final say when it comes to the money. I am not having a say in what artworks are acquired. They make a recommendation to me on what is to be purchased and if it is within the budget then I can approve it.*

### **Mrs Tresslyn Smith, 8 Picton Crescent Bunbury**

Questions were asked in relation to item 10.1.3 *Art Collection Policy*

*Question: Is the Council aware that the Committee was told that the policy was a fait accompli and we couldn't change it?*

*Response: Mayor – the question of what each Councillor understood is not a question the CEO or I could answer.*

Director Community and Customer Services (DCCS) – At the Art Collection meeting held 11 March 2013 there was a discussion between Cr Cook and Mrs Smith in relation to the Art Collection Policy and it being referred to the Policy Committee. The following is from the notes of the minute taker “*Mrs Smith asked who was on the policy committee and if the policy would have to be changed. Cr Cook responded saying yes some words might be changed. Mrs Smith was concerned that there were no art experts on the policy committee. Cr Cook pointed out that he is on the policy committee and said not to worry we are operating under current policy. Rosemary Nicholson asked if we needed to review it again and the answer was no. Mrs Smith asked Cr Cook to point out anything major in policy change and Cr Cook said not to worry and the meeting moved on.*” That was the only dialogue in relation to the policy from the 11<sup>th</sup> March meeting. It was discussed and no concerns were raised or for it to be brought back to the Committee to the best of my knowledge.

The Mayor asked for clarification if they were notes that the Director took or the minutes of the actual meeting. DCCS responded stating that it was the minute takers draft notes. She logged everything that everybody had said that she could get down in the time and then the minutes were formalised from there. This is as accurate a record of the dialogue as we have. The policy was discussed at six (6) different meetings last year with the final recommendation I believe at the November meeting for it to go to the Policy Committee for approval. There was one meeting in 2013 where it was raised “*where is it at?*” and the advice was given that we were waiting on the Policy

Committee. There was never a reference to it coming back to the Art Collection Committee.

The Mayor asked for clarification on whether the minutes of that meeting been endorsed by that Committee as yet? DCCS responded stating that the minutes of the 11 March meeting were endorsed in the April meeting.

*Question: Are the Councillors aware that the agenda says that “Members of the City of Bunbury Art Collection and Policy Committees and Council officers have been consulted in the development of the attached policy”, does that mean this last week or last year that they were consulted?*

*Response:* CEO – That is under the “Officer/Councillor Consultation” that was prepared as part of the report that came to Committee last week. That consultation would have been over an extended period through the meetings and through the recommendation that came forward from the Policy Committee. So that takes on board both.

*Question: The note on page 12 of the agenda item, I am unsure of what that means of when we were consulted.*

*Response:* CEO – The consultation would have occurred up until the drafting of the agenda item which came to Council Committee last week. It was prior to that so it does not mean between this week and last week. From last week and preceding that.

The following question is on item 10.1.7 *Request for Delegation of Authority for City of Bunbury Art Collection Management Committee*

*Question: Are the Councillors clear on what the question the Committee is asking about the delegated authority? It was to go to the Curator not to the Committee itself. Maybe the Curator and her Manager or Director.*

*Response:* Mayor – I think you made that point last week and I am sure that all the Councillors who were present last week would have noted that you indicated that the delegation the Committee was seeking was not to the Committee itself but rather to the Curator

DCCS – in the minutes of the 11 March meeting (of the Art Committee) the motion put forward by Cr Cook and seconded by Helena Sahm asked for delegation to the Committee. There was no discussion about the Curator having any delegation in the notes of that meeting.

### **Ms Amelia Swanson, (owner) 15 Morrissey Street Bunbury**

A question was asked in relation to item 10.5.4 *Petition to Rescind Development Approval for Respite Centre, 18 Morrissey Street Bunbury*

*Question: Were the residents and landowners informed of the process in granting the respite and family day care licence?*

*Response:* Director Planning and Development Services – This matter was requested to lay on the table at the last Council Committee meeting. This matter is formally going to be dealt with in the May sitting of Council. I have instructed

the Compliance Officer and other staff to ensure that local residents including the local landowner and operator be invited to present at Council.

*Question: So we will be informed of the processes?*

Response: DPDS - Correct

*Question: When do we expect to be notified?*

Response: DPDS – Sometime soon. The instruction went out late last week and I would imagine that you will receive formal notifications sometime during this week. I will ensure that it does occur.

*Question: I have heard nothing from the Council since I contacted James Washbourne in 2010. I would like some confirmation of the process that will be involved for the residents of that street please.*

Response: DPDS – Certainly.

## **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 Meeting**

The minutes of the Ordinary meeting of the Bunbury City Council held 26 March 2013 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 26 March 2013 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 16 April 2013**

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

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

#### **Council Decision 90/13**

***The minutes of the Ordinary meeting of the Bunbury City Council held 26 March 2013 be confirmed as a true and accurate record.***

CARRIED

11 votes "for" / nil votes "against"

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

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

#### **Council Committee Recommendation**

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

1. Title: Minutes – Bunbury-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](#)

#### **Outcome – Council Committee Meeting 9 April 2013**

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

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

#### **Outcome – Council Meeting 16 April 2013**

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

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

**Council Decision 91/13**

***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**
- 2. Title: Minutes – Art Collection Management Committee (11/03/2013)**  
**Author: Caroline Lunel, Art Registrar / Curator**
- 3. Title: Minutes – Bunbury Region RoadWise Committee (06/02/2013)**  
**Author: Jason Gick, Manager Engineering**
- 4. Title: Minutes – Bunbury Region RoadWise Committee (06/03/2013)**  
**Author: Jason Gick, Manager Engineering**
- 5. Title: Minutes – Policy Review and Development (Standing) Committee (26/03/2013)**  
**Author: Greg Golinski, Manager Corporate Performance**
- 6. Title: Minutes – CBD Parking Strategy Committee (04/02/2013)**  
**Author: Neil Dyer, Team Leader Parking**

CARRIED

11 votes "for" / nil votes "against"

## 8. Presentations

### 8.1 Petitions

#### 8.1.1 Petition – Picton Road Alterations

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Residents and Landowners of Morrissey Street
<b>Tabled by:</b>	Councillor Murray Cook
<b>Executive:</b>	<i>If petition adopted by Council refer to: Phil Harris, Director Works and Services</i>
<b>Attachments:</b>	Appendix <a href="#">PET-1</a>

A letter and petition has been received from the residents and landowners of Picton Road Bunbury expressing their concerns over the newly erected islands down Picton Road.

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

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

#### **Outcome – Council Meeting 16 April 2013**

Cr Cook tabled a letter and petition from the residents and landowners of Picton Road expressing their concerns over the alterations made to Picton Road and in particular the islands limiting the side street entry or exit on Charterhouse Close off Picton Road. The petition contains 40 signatures.

Pursuant to Standing Order 6.10, Cr Cook moved Cr Leigh seconded that the petition from the residents and owners of Picton Road shall be accepted and referred to the relevant officer for a report.

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

#### **Council Decision 92/13**

***Pursuant to Section 6.10 of the City of Bunbury Standing Orders, the Petition from the residents of Picton Road be accepted and referred to the relevant officer for a report.***

CARRIED

11 votes "for" / nil votes "against"



### 8.1.2 Petition – Request for the Installation of Traffic Lights at the Intersection of Dodson Road and South Western Highway (Northern End), Bunbury

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Anne Mitchell, Manager Morrissey Homestead
<b>Tabled by:</b>	Councillor Murray Cook
<b>Executive:</b>	<i>If petition adopted by Council refer to: Phil Harris, Director Works and Services</i>
<b>Attachments:</b>	Appendix <a href="#">PET-2</a>

A petition has been received from Anne Mitchell, Manager Morrissey Homestead, on behalf of the road users and interested parties requesting that the Council in conjunction with Main Roads WA and the Hon. John Castrilli MLA, install traffic lights to relieve congestion at the intersection of Dodson Road and South Western Highway (northern end) Bunbury.

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

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

#### **Outcome – Council Meeting 16 April 2013**

Cr Cook tabled a petition from the Morrissey Homestead on behalf of the users and interested parties of the Dodson Road and South Western Highway intersection requesting that City of Bunbury in conjunction with Main Roads WA and Hon. John Castrilli MLA install traffic lights at the northern end of the Dodson Road and South Western Highway intersection to relieve the traffic congestion and make the area safer for all road users. The petition contains 479 signatures.

Pursuant to Standing Order 6.10, Cr Cook moved Cr Leigh seconded that the petition from Morrissey Homestead and others shall be accepted and referred to the relevant officer for a report.

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

#### **Council Decision 93/13**

***Pursuant to Section 6.10 of the City of Bunbury Standing Orders, the Petition from Morrissey Homestead and others be accepted and referred to the relevant officer for a report.***

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

## 8.2 Presentations

Nil

## 8.3 Deputations

**Anne Mitchell, Manager Morrissey Homestead** addressed the Council and made the following statement in support of the petition requesting the installation of traffic lights at the intersection of Dodson Road and South Western Highway (northern end). *Morrissey Homestead Inc. request that the City of Bunbury in conjunction with Main Roads WA and with the assistance of the Hon. John Castrilli MLA, request that the congested and dangerous, South Western Highway and Dodson Road (northern) intersection is upgraded in the 2013/2014 financial year.*

She made the following points:

- *A traffic accident that requires a vehicle to be towed away occurs approximately once every six to eight weeks.*
- *During peak hours vehicles queue to the railway line.*
- *During non-peak hours vehicles queue beyond the clearway.*
- *Main Roads WA say no accidents recorded since October 2010, is as she believes, because the police did not attend.*
- *Police have been called on many occasions and have not attended as it is not considered as a priority.*
- *Morrissey Homestead Inc. has received funding to move the driveway south towards the lake, however this will not improve the egress regress of the intersection.*
- *In September, 2012 the traffic Count was 14,500 vehicles per day.*
- *The opening of the by-pass was deemed lesson traffic flows, however this is unlikely to be the case considering most vehicles using the intersection will travel the shortest route from Australind/Eaton to Davenport/Halifax and Collie to Dalyellup.*
- *Development on Vittoria Road/Australind Bypass will increase traffic flows*

**Alison Homes, 20 Morrissey Street Bunbury** addressed the Council in regards to the item titled '*Petition to Rescind Development Approval for Respite Centre, 18 Morrissey Street Bunbury*'. Ms Holmes is the owner of 18 Morrissey Street and stated that her husband and herself started the respite/day care centre before her husband was involved in a motor vehicle accident which caused him to require constant care. The centre was run by Activ for five and a half years but the premises at 18 Morrissey Street has been left vacant since January. She has lived next door to the centre and has had no issues with the noise. She has however received complaints from neighbours against the property at 20 Morrissey Street. Her husband no longer resides at the house and is in full time care in Perth.

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

Nil

#### **8.5 Conference Delegates' Reports**

Nil

### **9. Method of Dealing with Agenda Business**

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.4, 10.3.1, 10.4.1, 10.4.2, 10.4.3, 10.5.1, 10.5.3, 10.5.4, 10.6.1 and 10.6.2.

Items 10.1.1, 10.1.2, 10.1.3, 10.1.5, 10.1.6, 10.1.7, 10.2.1, 10.4.4, and 10.5.2 of the meeting agenda were then discussed and voted on separately and in the order they appeared on the agenda. The items voted “by exception” are listed first.

Item 10.4.5 was withdrawn from the agenda and was not discussed at the meeting upon recommendation from the Executive.

## 10. Reports

### 10.1 **Asset Management Policy** *(was listed as item 10.1.4 on the meeting agenda)*

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Policy Review and Development (Standing) Committee
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix <a href="#">ADV-2</a>

#### **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.

#### **Council 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

### **Outcome – Council Meeting 16 April 2013**

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

### **Council Decision 94/13**

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

CARRIED

11 votes “for” / nil votes “against”

## 10.2 Request for Support for CinéfestOZ (was listed as item 10.3.1 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Felicity Anderson, Manager Community Culture and Engagement
<b>Executive:</b>	Stephanie Addison Brown, Director Community and Customer Service
<b>Attachments:</b>	Appendix <a href="#">DCCS-1</a>

### 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.

### Council Committee 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 Sycle 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)

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

It was requested that the votes be recorded as follows:

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

### **Outcome – Council Meeting 16 April 2013**

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

#### **Council Decision 95/13**

#### ***Council support and commit to funding the CinéfestOZ 2013 proposal.***

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



**10.3 Schedule of Accounts Paid for Period 1 to 31 March 2013** (was listed as item 10.4.1 on the meeting agenda)

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

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 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

**Council Committee Recommendation**

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

**Outcome – Council Committee Meeting 9 April 2013**

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

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

**Outcome – Council Meeting 16 April 2013**

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

**Council Decision 96/13**

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

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

**10.4 Financial Management Report for the Period Ending 31 March 2013** (was listed as item 10.4.2 on the meeting agenda)

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

**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.

### **Council Committee 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:

<b>Statement of Comprehensive Income</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Income</b>	
<b>Fees and Charges (Rating Fee Income)</b> – The variance is for income budgeted for the provision of ratepayer information. This income is currently being recognised in an alternative account, ‘Miscellaneous Fees and Charge Income’. An adjustment 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)
<b>Operating Expenditure</b>	
<b>Material and Contracts (Contract Employment Expense)</b> – 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)
<b>Material and Contracts (Equipment Lease or Hire Expense)</b> – An amount of \$30,385 has been expended on	(\$46,233)

<p>leasing of Lot 757 Ocean Drive. An adjustment is included in the February budget review for this expenditure and will be offset by an increase in budgeted income for lease costs reimbursed.</p> <p>Leasing fees for the Victoria Street Carpark are greater than year to date budget due to the reimbursement of rates and other charges associated with the lease. 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><b>Non-Operating Income and Expenditure</b></p>	
<p><b>Grants and Contributions for the Development of Assets –</b>                  Actual to budget year-to-date variation due to timing of receipt of grant revenue for capital projects including the following:</p> <p>Upgrade runway and taxiway lighting (\$112,000)                  Upgrade landscaping Lot 431 Upper Esplanade (\$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
<b>Operating Revenues</b>	
<b>Interest Received</b> – The additional interest received has been recognised in the February budget review.	\$155,959
<b>Operating Expenses</b>	
<b>Material and Contracts</b> – The forecast expenditure for material and contracts to 30 June 2013 has been reduced in the February budget review by \$249,863. The balance is a timing difference over many budget line items as to when the expenditure will occur during 2012-13. 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
<b>Capital Revenues</b>	
<b>Grants and Contributions for the Development of Assets</b> – See explanation above included in the Statement of Comprehensive Income variances.	(\$2,862,396)
<b>Interest Received on Capital Grants</b> – 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
<b>Capital Expenses</b>	
<p><b>Acquisition of Assets</b> – 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 Minninup 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

### **Outcome – Council Meeting 16 April 2013**

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

### **Council decision 97/13**

***The Financial Management Report for the period ending 31 March 2013 be received.***

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

**10.5 Proposed Closure Portion of Road Reserve – Relocation of Truncation, 47 King Road Bunbury** (was listed as item 10.4.3 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Bryce and Melissa Ingram
<b>Author:</b>	Jane Porter, Senior Property Officer
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix <a href="#">DCS-7</a>

**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 4m<sup>2</sup>. A location plan is **attached** at Appendix [DCS-7](#).

**Council Committee Recommendation**

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

1. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Local Government Act 1995.
2. The 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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



**Outcome – Council Meeting 16 April 2013**

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

**Council Decision 98/13**

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

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

CARRIED

11 votes "for" / nil votes "against"

## 10.6 Local Planning Policy Review – Draft Local Planning Policy: Grand Canals Design Guidelines *(was listed as item 10.5.1 on the meeting agenda)*

<b>File Ref:</b>	A04151
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Ann-Kristin Jank, Senior Strategic Planner
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix <a href="#">DPDS-1</a>

### 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](#).

### Council Committee 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 adaptation options. The entire Pelican Point locality is potentially at risk of sea level rise and adaptation 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

### **Outcome – Council Meeting 16 April 2013**

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

### **Council Decision 99/13**

#### ***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.**

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

**10.7 Draft Nenke Way Structure Plan – Precinct 1 Lots 58, 59, 60, 61, 62 and 120 South Western Highway Glen Iris** (was listed as item 10.5.3 on the meeting agenda)

<b>File Ref:</b>	P07781
<b>Applicant/Proponent:</b>	Harley Global
<b>Author:</b>	Teshome Tadesse, Senior Town Planning Officer
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix <a href="#">DPDS-6</a> , <a href="#">DPDS-7</a> , <a href="#">DPDS-8</a>

**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.

**Council Committee 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 sulphate 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 1,103m<sup>2</sup> to 2,197m<sup>2</sup> 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 this whether or not this proposal is satisfactory for public consultation.

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 Nenke 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 1,103m<sup>2</sup> to 2,197m<sup>2</sup>.
- 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 GBR.

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 GBR. 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 GBR.

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

#### 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.

### **Outcome – Council Committee Meeting 9 April 2013**

Mr Alan Graham was present at the meeting to answer any questions that the Committee had.

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

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

### **Outcome – Council Meeting 16 April 2013**

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

### **Council Decision 100/13**

#### ***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 sulphate 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.**

CARRIED

11 votes “for” / nil votes “against”

### **10.8 Petition to Rescind Development Approval for Respite Centre, 18 Morrissey Street Bunbury** (was listed as item 10.5.4 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Gary Fitzgerald, Manager Development Assessment and Building Certification Peter Morrison, Compliance Officer
<b>Executive:</b>	Bob Karaszewych, Director Planning and Development Services
<b>Attachments:</b>	Nil

#### **Summary**

A Petition had been received from eighteen (18) residents and landowners in Morrissey Street, Beverley Place and Eades Street requesting that Council “rescind the permit” (Development Application 02/58 ) for a “respite centre” at 18 Morrissey Street, Bunbury.

#### **Council Committee Recommendation**

Pursuant to Standing Order 11.1(b) the debate on the matter is to be adjourned until the next round of meetings.

#### **Executive Recommendation**

That:

1. Council note and adopt the report.
2. Council notify all petitioners of the outcome of investigations.

#### **Background**

Councillor Brendan Kelly presented the Petition to Council on 19 March 2013.

The City granted Planning Approval (7 May 2002) for a “Community Purpose”, defined as:

*“Means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.”*

The Petition’s reference to “Respite Centre” is incorrect as approval was for a “Home Care and Family Day Care Facility”, which is defined as a permitted “Community Purpose”.

#### **Council Policy Compliance**

Not applicable.

#### **Legislative Compliance**

Development Approval (dated 25 March 2002) was issued pursuant to the provisions of the *Planning and Development Act 1928 (As Amended)* and the City of Bunbury Town Planning Scheme No 6.

### **Officer Comments**

On 18 March 2013, the operator of the “Home Care and Family Day Care Facility” at 18 Morrissey Street lodged a Development Application under the City of Bunbury Town Planning Scheme No 7 for a Change of Use (adjoining residence 20 Morrissey Street) to “Residential Building” as defined in the Residential Design Codes of Western Australia. A “Home Care and Family Day Care Facility” could reasonably be defined as a permissible use that requires development approval. Simultaneously, an application for Registration of a Lodging House under the Health Act 1911 was made. The City is awaiting further information from the applicant to complete assessment on both applications.

The City had received an earlier complaint on 14 October 2010.

On that occasion, ‘Holmes Vacations’ a home care and family day care facility was then operated by Activ Foundation in accordance with the relevant State and Commonwealth Acts and Regulations, and in accordance with the conditions of the Development Permit issued by the Council.

The complaint also related to the retaining wall surrounding the above address, on checked building records the City found that it had been constructed in accordance with the approved by building licence issued. Further, that both the Development and Building Approval were granted pursuant to Legislation, policies and procedures.

The City had on that occasion spoken to Activ Foundation who advised that a maximum of six (6) occupants were on the premises; in accordance with the Development Permit. On 21 October 2010, the complainant was advised of the above findings.

In relation to the recent Petition, the Environmental Protection (Noise) Regulations 1997 were promulgated to deal with noise generated by stereos, equipment, construction, and such like, not noise generated by “yelling and screaming” or such like anti-social behaviour. The nature of those complaints is a matter for WA Police.

Staff inspected premises (18 Morrissey Street) on 8 April 2013. The owner/operator was not present at the time of inspection. No noise was observed coming from the premises and there was only one vehicle parked in the driveway and the house was in a well-kept condition.

Given the above, staff concluded that there were no evident sign of any breach of planning approval; nonetheless a request for a meeting with the owner has been made to discuss the complaint.

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

Not applicable

### **Community Consultation**

The application for a Home Care and Family Day Care Facility at 18 Morrissey Street in 2002 was publicly exhibited and nine (9) adjacent residents specifically notified of the application, prior to officers assessment, report and determination made by the Council to approve the application.

### **Councillor/Officer Consultation**

The Petition had been presented to Councillors at the 19 March 2013 Council Meeting.

Staff Environmental Health, Development Assessment and Compliance areas within the Planning and Development Services Division had liaised and contributed to the report.

### **Outcome – Council Committee Meeting 9 April 2013**

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

Pursuant to Standing Order 11.1(b) Cr Slater moved Cr Leigh seconded the procedural motion that the debate on the matter be adjourned until the next round of meetings.

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

### **Outcome – Council Meeting 16 April 2013**

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

#### **Council Decision 101/13**

***Pursuant to Standing Order 11.1(b) the debate on the matter is to be adjourned until the next round of meetings.***

CARRIED

11 votes "for" / nil votes "against"

**10.9 Closure of Rodwell Place Public Access Way** (was listed as item 10.6.1 on the meeting agenda)

<b>File Ref:</b>	A03824
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Alison Baker, Executive Assistant Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix <a href="#">DWS-1</a>

**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.”*

**Council Committee 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.

#### **Outcome – Council Committee Meeting 9 April 2013**

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

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

#### **Outcome – Council Meeting 16 April 2013**

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

#### **Council Decision 102/13**

***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.***

CARRIED

11 votes "for" / nil votes "against"



### **10.10 Kelly Park Lighting PR-3240** (was listed as item 10.6.2 on the meeting agenda)

<b>File Ref:</b>	F00107-02
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Phil Harris, Director Works and Services
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix <a href="#">DWS-2</a>

#### **Summary**

During public question time at the 26 March 2013 meeting of Council, Mr Darren Kenny from the Carey Park Football Club requested that the City of Bunbury provide funding assistance for the provision of lighting at Kelly Park to assist with the increased demand placed on the ground by the Hands Oval upgrade.

The Carey Park Football Club has indicated that they will provide in kind support in the form of materials, labour, plant and equipment and project management.

#### **Council Committee Recommendation**

Council resolves to approve the procurement and installation of lighting and associated electrical cabling at Kelly Park subject to

1. The provision of in kind support by the Carey Park Football Club as indicated in attachment [DWS-2](#)
2. A report to be provided to council at the completion of the works
3. The Carey Park Football Club agreeing to cover electricity consumption costs.
4. Funding of \$60,000 for the project to be transferred from
  - PR – 1331 Rehabilitate Foreshore Marine Walls \$40,000
  - PR – 1334 Replace Perimeter Fence Kelly Park \$20,000

#### **Background**

The redevelopment of Hands Oval has resulted in an increased demand for playing and training facilities at other sports grounds within the City of Bunbury. In addition the temporary relocation of Bunbury Forum Force to Payne Park has reduced the overall capacity of venues with facilities suitable for senior level football.

The Carey Park Football Club has been approached by a number of displaced user groups from Hands Oval with requests to utilise Kelly Park for training particularly late in the day when lighting is required.

The existing lighting at Kelly Park was installed approximately 40 years ago by the Carey Park Football Club, is now in poor condition. The current lighting is not suitable for an upgrade and has a very limited coverage. As a result of the limited light coverage and excessive use last year the City of Bunbury has recently replaced sections of turf that had been compacted and denuded of grass.

Lighting improvements associated with Hands Oval upgrade cost in the vicinity of \$1m to achieve AFL standard lamination.

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

Not Applicable

### **Officer Comments**

The developments associated with Hands Oval and Hay Park Multi-Purpose Pavilion has displaced a number of user groups creating strain on remaining infrastructure and resources. While the problems are recognised as being short term the immediate impact of providing alternate venues or maintaining existing assets in a safe and usable condition are being managed by the combined efforts of the Sport and Recreation and Open Space teams. Unfortunately as a result of concurrent works there are insufficient facilities of a suitable lighting standard for training purposes to meet existing demand, a consideration that has been noted in the draft Hay Park Master Plan.

The Carey Park Football Club has been proactive in raising their concerns with Council; they have also been prepared to use initiative in undertaking considerable research into possible cost effective options to address the lighting shortfalls.

In recent weeks City of Bunbury staff has worked closely with the Carey Park Football Club to review and cost the proposals and are now able to recommend a short term solution that can be funded within existing budgets while allowing for future upgrade.

A set of four (4) light towers complete with lighting assemblies, control boxes and internal cabling of an identical standard to the Bunbury Speedway lighting towers have been located and are available for immediate delivery. The light towers include engineering design details including base footings.

Should Council endorse the Executive Recommendation the Carey Park Football Club will procure the light towers and materials and make all arrangements for installation. The City of Bunbury would oversee the project to ensure appropriate compliance standards are achieved.

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

Funding of \$60,000 has been identified within

-	PR – 1331 Rehabilitate Foreshore Marine Walls	\$40,000
-	PR – 1334 Replace Perimeter Fence Kelly Park	\$20,000

This could be transferred to the Project PR-3240 – Kelly Park Lighting

### **Community Consultation**

Not Applicable

### **Councillor/Officer Consultation**

Not Applicable

**Outcome – Council Committee Recommendation 9 April 2013**

Mr Darren Kenny, representing the Carey Park Football Club was present at the meeting to answer any questions that the Committee had.

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

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

**Outcome – Council Meeting 16 April 2013**

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

**Council Decision 103/13**

***Council resolves to approve the procurement and installation of lighting and associated electrical cabling at Kelly Park subject to***

- 1. The provision of in kind support by the Carey Park Football Club as indicated in attachment DWS-2***
- 2. A report to be provided to council at the completion of the works***
- 3. The Carey Park Football Club agreeing to cover electricity consumption costs.***
- 4. Funding of \$60,000 for the project to be transferred from***
  - PR – 1331 Rehabilitate Foreshore Marine Walls \$40,000***
  - PR – 1334 Replace Perimeter Fence Kelly Park \$20,000***

CARRIED

11 votes "for" / nil votes "against"

**10.11 Extending the Bunbury Setagaya Sister Cities Committee from Eight (8) Community Members to Ten (10) Community Members** (was listed as item 10.1.1 on the meeting agenda)

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

**Council 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

### **Outcome – Council Meeting 16 April 2013**

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

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

### **Council Decision 104/13**

***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.***

CARRIED

10 votes "for" / 1 vote "against"

## **10.12 Policy Review and Development Committee – Change to Terms of Reference** (was listed as item 10.1.2 on the meeting agenda)

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

### **Council 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

### **Outcome – Council Meeting 16 April 2013**

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

During the debate on the matter Cr Jones moved Cr Steele seconded procedural motion 11.1(d) that the question be put. The Mayor put the procedural motion to the vote and was CARRIED 10 votes "for" / 1 vote "against".

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

### **Council Decision 105/13**

***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."***

CARRIED

10 votes "for" / 1 vote "against"

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Leigh, Cr Steele, Cr Slater, Cr Kelly, Cr Cook, Cr Morris.

Against: Cr Steck

### **10.13 Art Collection Policy** (was listed as item 10.1.3 on the meeting agenda)

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

#### **Summary**

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

#### **Council Committee Recommendation**

*Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders that the debate be adjourned until the next round of meetings in order for further information to be obtained.*

#### **Advisory Committee Recommendation**

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

#### **Background**

The Art Collection Committee was formally established as a Committee of Council on 6 March 2007.

Since the establishment of this this Committee on 6 March 2007, there has not been any formal policy position adopted by Council around the procurement, disposal, storage and/or exhibition of artworks, although it is acknowledged that the Committee did have in place policies and procedures prior to being formalised as a committee of Council. The purpose of this report is for Council to consider adopting a policy that will formalise these processes.

The following statement is an extract from the minutes of the Art Collection Committee meeting of 12 November 2012, relating to the endorsement of a draft policy around Art Collection:

*“The Arts Registrar/Curator presented a draft of the amended Art Collection Policy for discussion. Further amendments have been made to finalize the document and a report will be prepared seeking endorsement by Council.*

*Moved: Helena Sahn  
Seconded: Cr. Murray Cook  
Motion Carried”*

Additionally, there were some subsequent minor amendments made by the Chairperson in liaison with the then Team Leader Arts and Culture, documented through an email trail of 19 – 21 November 2012.

Once these amendments were incorporated, the “Policy” was to then be referred to the Policy Review and Development Committee for consideration, in line with that Committees’ terms of reference.



Council adopted a new policy framework on 25 September 2012, which refers to Council policy being underpinned by corporate guidelines. Policies were intended to be a short “statement of intent”, supported (where necessary) by a corporate guideline that outlined further detail around how the policy would be implemented.

Prior to the Arts Collection Committee’s policy being presented to the Policy and Review development Committee, it was reformatted by the Team Leader Corporate Administration and the Arts Registrar/Curator to reflect the Council’s adopted policy framework.

At the Art Collection Committee meeting held in February 2013, the following was advised and noted in the minutes:

*“The Curator informed the Committee that the Art Collection Policy is being transposed onto a new format before it will go up to Council.”*

There was no request for the reformatted policy to be brought back to the Arts Collection Committee for further review or consideration.

The policy was duly presented to the Policy Committee, with a recommendation that the Policy be adopted by Council.

### **Council Policy Compliance**

This report recommends the introduction of a new Council Policy.

### **Legislative Compliance**

Local Government Act 1995 and associated regulations.

### **Officer Comments**

Following discussion at the Council Committee meeting held on 9 April 2013, officers have reconsidered the composition of the Corporate Guideline relating to Art Collection, which is now presented as a verbatim copy of the full document that has previously been endorsed by the Arts Collection Management Committee. The policy documents now comprise the original draft policy and the corporate guideline, which is the full verbatim copy as endorsed by the Arts Collection Committee (see **attached** at Appendix [ADV-1](#)).

### **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 and Policy Committees and Council officers have been consulted in the development of the attached policy.

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

### **Outcome – Council Committee Meeting 9 April 2013**

The Mayor declared an impartiality interest in this matter (see Section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Mrs Tresslyn Smith and Ms Helena Sahn, representatives of the Art Collection Management Committee addressed the Committee. The following is a summary of their address: *Many of the members of the committee have raised concerns regarding the language of the policy. The Committee has had a collection policy that they adhered to. There is a concern that the policy document is not sufficient for the Committee to retain its deductible gift status. They were involved in the formulation of an extensive policy document but then were told that the policy was not a policy it was guidelines*”.

The recommendation (as printed) was moved Cr Steele, seconded Cr Slater (pro forma).

Pursuant to Standing Order 11.1(b) Deputy Mayor Cr Craddock moved Cr Cook seconded the procedural motion, that the debate on this matter be adjourned until the next round of meetings in order for further information to be obtained.

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

### **Outcome – Council Meeting 16 April 2013**

The Mayor declared an impartiality interest in this matter (see Section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Cr Steck requested the Mayor to not chair the meeting during the debate on this matter. The Mayor stepped down as Presiding Member at 7.05pm and Deputy Mayor Cr Craddock presided over the meeting during the debate and voting on the matter.

Mrs Tresslyn Smith, 8 Picton Crescent Bunbury, addressed the Council and made the following statement: *The Collection Committee has always operated under a policy. The Committee is worried that the policy in its proposed form will not meet the Deductible Gifts Status with the Australian Tax Office (ATO). We would like the policy to be referred back to the Art Collection Management Committee for further discussion.*

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

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

#### **Council Decision 106/13**

***Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders that the debate be adjourned until the next round of meetings in order for further information to be obtained.***

CARRIED  
9 votes “for” / 2 votes “against”

It was requested that the votes be recorded as follows:

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

The Deputy Mayor stepped down from the chair of the meeting and the Mayor resumed Presiding over the remainder of the meeting at 7.15pm.

**10.14 Corporate Revenue Debt Collection Policy** (was listed as item 10.1.5 on the meeting agenda)

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

**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](#).

**Council 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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

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

It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Craddock, Cr Jones, Cr Leigh, Cr Steele, Cr Slater, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris

Against: Mayor D Smith.

### **Outcome – Council Meeting 16 April 2013**

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

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

### **Council Decision 107/13**

***That Council adopt the new policy titled "Corporate Revenue Debt Collection" as presented at Appendix ADV-3.***

CARRIED

9 votes "for" / 2 votes "against"

It was requested that the votes be recorded as follows:

For: Deputy Mayor Cr Craddock, Cr Jones, Cr Prosser, Cr Leigh, Cr Steele, Cr Slater, Cr Kelly, Cr Cook, Cr Morris

Against: Mayor D Smith, Cr Steck

**10.15 Request to Address Councillor Membership to the City of Bunbury Art Collection Management Committee** (was listed as item 10.1.6 on the meeting agenda)

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

**Council Committee Recommendation**

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders that the debate be adjourned until the Council meeting to be held 16 April 2013.

**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.

### **Outcome – Council Committee Meeting 9 April 2013**

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

Pursuant to Standing Order 11.1(b) Cr Leigh moved Cr Slater seconded the procedural motion that the debate on this matter be adjourned until the next week’s Council meeting (16 April 2013).

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

### **Outcome – Council Meeting 16 April 2013**

The recommendation (as printed) from the Council Committee was moved Cr Cook, seconded Cr Leigh (pro forma) with the addition of Councillor Steele as the nominated Councillor to replace Cr Steck.

The Mayor put the motion to the vote in separate parts, the outcome of which forms the Council’s decision on the matter.

Point 1: 11 votes “for” / nil votes “against” CARRIED

Point 2: 11 votes “for” / nil votes “against” CARRIED

### **Council Decision 108/13**

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

- 1. Declare the position currently held by Cr Steck as vacant; and***
- 2. Appoint Councillor Steele to the position.***

### **10.16 Request for Delegation of Authority for City of Bunbury Art Collection Management Committee** (was listed as item 10.1.7 on the meeting agenda)

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

#### **Council Committee Recommendation**

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders that the debate be adjourned in order for further information to be obtained.

#### **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.

### **Outcome – Council Committee Meeting 9 April 2013**

The Mayor declared an impartiality interest in this matter (see Section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Cr Cook declared an impartiality interest in this matter (see Section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Mrs Tresslyn Smith and Ms Helena Sahn, representatives of the Art Collection Management Committee addressed the Committee. The following is a summary of their address: *The Committee believes that the granting of the delegation will benefit them in the times that the CEO is not available. There are times where the windows of opportunity are very small and being able to get a hold of the CEO at those times can be hard. We believe that is a case of justice and common sense and would make things smoother.*

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

Pursuant to Standing Order 11.1(b) Cr Slater moved Cr Steele seconded the procedural motion that the debate on this matter be adjourned in order for further information to be obtained.

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

### **Outcome – Council Meeting 16 April 2013**

The Mayor declared an impartiality interest in this matter (see Section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Cr Cook declared an impartiality interest in this matter (see Section 5). He remained in the chambers, participated in the discussion and voted on the matter.

Pursuant to Standing Order 11.6(b) of the City of Bunbury Standing Orders Cr Kelly moved Cr Cook seconded that the debate on this matter be continued. The Mayor put the procedural motion to the vote and was CARRIED 10 votes "for" / 1 vote "against". It was requested that Cr Slater's vote against the procedural motion be recorded.

Prior to the Council meeting the Chief Executive Officer circulated to the Councillors a memorandum containing advice received from the Department of Local Government on delegations to Committees and an alternate Executive recommendation. It was requested that the advice be printed as follows:

*"Section 5.17(1)(c) of the Local Government Act 1995 states:*

*A local Government can delegate to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –*

- (i) the local government's property; or*
- (ii) an event in which the local government is involved.*

*If allocation in the budget for expenditure is within the parameters of the type of expenditure that would involve the “proper management” of powers or duties that can be delegated to that committee, then the committee would have the power to make any decisions in that regard without referring it back to Council i.e. In regard to the local government’s property or an event in which the local government is involved.*

*It has been determined on advice that powers or duties necessary or convenient for the proper management of the local government’s property does not extend to the acquisition or disposal of property.*

*In terms of procurement (e.g. acquisition of property) the Art Collection Committee does not appear to have the power to make decisions concerning the purchase of property or goods on behalf of the local government. Such a decision would either need to be made by Council or the CEO under delegated authority, which could be delegated by the CEO to another employee of the City.*

*The Department can only comment that the existing arrangement with the Art Collection Committee and the current delegation to the CEO is the only lawful option under the legislation for dealing with this issue, other than for Council to make the necessary decisions.”*

The alternate recommendation reads as follows:

*“That Council advise the City of Bunbury Art Collection Management Committee, that based on advice it has received from the Department of Local Government, it cannot agree to its request to delegate authority to the Committee as requested, as it is deemed to be in contravention with the relevant provisions of the Local Government Act.”*

The alternate Executive recommendation was moved Cr Kelly, seconded Cr Steck.

During the debate, Cr Cook foreshadowed the following motion:

*“The CEO commit to providing the Curator with the delegated authority to approve within budget, expenditure on new works of art for the City’s Art Collection Management Committee as recommended by the Art Collection Management Committee and the Curator.”*

After further debate Cr Jones moved Cr Morris seconded procedural motion 11.1(d) that the question be put. The Mayor put the procedural motion to the vote and was CARRIED 10 votes “for” / 1 vote “against”

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

**Council Decision 109/13**

***That Council advise the City of Bunbury Art Collection Management Committee, that based on advice it has received from the Department of Local Government, it cannot agree to its request to delegate authority to the Committee as requested, as it is deemed to be in contravention with the relevant provisions of the Local Government Act.***

CARRIED  
9 votes “for” / 2 votes “against”

**10.17 Strategic Community Plan** (was listed as item 10.2.1 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Greg Golinski, Manager Corporate Performance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix <a href="#">CEO-1</a> , <a href="#">CEO-2</a> , <a href="#">CEO-3</a>

**Summary**

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

**Council Committee 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 much iteration. 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


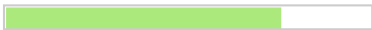



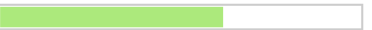








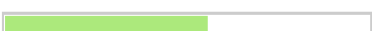
Three (3) formal submissions were received in this regard; two (2) from individual members of the community and one (1) from the Bunbury Wellington Economic Alliance. Copies of the full submissions are **attached** at Appendix [CEO-2](#) for the information of Councillors, specific comments from which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

Council: Please tick the objectives that represent your desires and priorities best.		37
1.1: Improve community and stakeholder participation in decision-making. Council is committed to maintaining and improving community and stakeholder engagement and provide opportunities for people to participate in decision-making.	70.3% (26)	
1.2: Maintain a high standard of corporate governance and improve access to information	51.4% (19)	
1.3: Continue to improve the quality of service delivery	59.5% (22)	
1.4: Improve the City's financial performance.	29.7% (11)	
1.5: Improve the City's asset management practices.	43.2% (16)	
1.6: Build organisational capacity	21.6% (8)	
1.7: Improve local, regional, state, and national political relationships.	48.6% (18)	

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.

**Outcome – Council Committee Meeting 9 April 2013**

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

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

**Council Decision 110/13**

***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.***

CARRIED

10 votes "for" / 1 vote "against"



**10.18 Budget Review February 2013** (was listed as item 10.4.4 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix, <a href="#">DCS-8</a> , <a href="#">DCS-9</a> , <a href="#">DCS-10</a> , <a href="#">DCS-11</a> , <a href="#">DCS-12</a> , <a href="#">DCS-13</a>

**Summary**

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

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

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

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

The following supporting documents are **attached** at Appendix DCS-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](#)

**Council Committee 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.

## Outcome – Council Committee Meeting 9 April 2013

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

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

It was requested that the votes be recorded as follows:

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

**Outcome – Council Meeting 16 April 2013**

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

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

**Council Decision 111/13**

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

***Operating Income:***

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

***Operating Expenditure:***

-	<b><i>Increase Employees Costs</i></b>	<b>(\$476,112)</b>
-	<b><i>Decrease Material and Contracts</i></b>	<b>\$249,863</b>
-	<b><i>Decrease Utilities</i></b>	<b>\$158,975</b>
-	<b><i>Increase Other Expense</i></b>	<b>(\$10,104)</b>

***Capital Revenue:***

-	<b><i>Decrease Grant Contributions for Assets</i></b>	<b>(\$1,189,698)</b>
-	<b><i>Increase Interest Received on Capital Grants</i></b>	<b>\$84,000</b>
-	<b><i>Decrease Proceeds from New Loans</i></b>	<b>(\$945,109)</b>
-	<b><i>Decrease Transfers from Restricted Cash</i></b>	<b>\$681,521</b>

***Capital Expenditure:***

-	<b><i>Decrease in Materials and Contracts</i></b>	<b>\$1,758,882</b>
-	<b><i>Increase in Cost Allocations</i></b>	<b>(\$6,849)</b>

***Increase in Closing Funding Surplus 30 June 2013*** **\$445,487**

CARRIED

10 votes "for" / 1 vote "against"

\*Absolute Majority Vote Attained\*

It was requested that the votes be recorded as follows:

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

**10.19 Proposed Change of Use from Residential to Office/Consulting Rooms  
S/L 2 No. 14 Plaza Street, South Bunbury** (was listed as item 10.5.2 on the meeting agenda)

<b>File Ref:</b>	P02962
<b>Applicant/Proponent:</b>	Gordon Golby
<b>Author:</b>	Gary Fitzgerald, Manager Development Assessment and Building Certification Teshome Tadesse, Senior Town Planning Officer
<b>Executive:</b>	Bob Karaszekwych Director Planning and Development Services
<b>Attachments:</b>	Appendix <a href="#">DPDS-2</a> , <a href="#">DPDS-3</a> , <a href="#">DPDS-4</a> , <a href="#">DPDS-5</a>

**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.

**Council Committee Recommendation**

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders, the debate on the matter be adjourned until the Executive and the proponent can arrive at a solution to the parking issues.

**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 50m<sup>2</sup> 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 282.5m<sup>2</sup> 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.

### **Outcome – Council Committee Meeting 9 April 2013**

Cr Jones declared an impartiality interest in this matter (see Section 5). She remained in the chambers, participated in the discussion and voted on the matter.

Mr Donald Punch, 30 West Coast Drive Binningup, addressed the Committee and requested that the Councillors use their discretion in approving the parking. The area has been identified in the City Vision document as a significant area for development opportunities. The developer is prepared to look at revising the parking arrangements and to accommodate landscaping on the site as well. The City Vision document does not make mention of any plans to widen Plaza Street.

Pursuant to Standing Order 11.1(b) Cr Slater moved Cr Cook seconded the procedural motion that the debate on the matter be adjourned for the Executive and the proponent to get together and arrive at a solution for the parking issues.

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

### **Outcome – Council Meeting 16 April 2013**

Cr Jones declared an impartiality interest in this matter (see Section 5). She remained in the chambers, participated in the discussion and voted on the matter.

Pursuant to Standing Order 11.6(b) of the City of Bunbury Standing Orders Cr Kelly moved Cr Steele seconded that the debate on this matter be continued. The Mayor put the procedural motion to the vote and was CARRIED 11 votes “for” / nil votes “against”.

Prior to the Council meeting an alternative recommendation from the Executive was circulated to members which reads as follows:

*“That Council resolves to:*

*Approve the proposed Change of Use from Residential to Office/Consulting Rooms S/L 2 No. 14 Plaza Street, South Bunbury, generally in accordance with the attached revised plan (dated 15/04/13), subject to development conditions, to the satisfaction of the Director Planning and Development Services, prior to the occupancy of the approved use. Conditions of approval are to incorporate the provision of an additional four (4) public car parking bays, to be constructed at the cost of the applicant, which are to be located parallel to and on the verge of Plaza Street, and that the existing driveway shall not be widened beyond that which currently exists.”*



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

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

**Council Decision 112/13**

***That Council resolves to:***

***Approve the proposed Change of Use from Residential to Office/Consulting Rooms S/L 2 No. 14 Plaza Street, South Bunbury, generally in accordance with the attached revised plan (dated 15/04/13), subject to development conditions, to the satisfaction of the Director Planning and Development Services, prior to the occupancy of the approved use. Conditions of approval are to incorporate the provision of an additional four (4) public car parking bays, to be constructed at the cost of the applicant, which are to be located parallel to and on the verge of Plaza Street, and that the existing driveway shall not be widened beyond that which currently exists.***

CARRIED

11 votes "for" / nil votes "against"

**10.20 Proposed Licence Agreement to rear of Bunbury Rowing Club for Boat Trailer Storage, Portion of Road Reserve Cobblestone Drive, Bunbury**  
(was listed as item 10.4.5 on the meeting agenda)

<b>File Ref:</b>	A05304
<b>Applicant/Proponent:</b>	Bunbury Rowing Club
<b>Author:</b>	Jane Porter, Senior Property Officer
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix <a href="#">DCS-14</a> , <a href="#">DCS-15</a>

**Summary**

The City of Bunbury has been approached by the Bunbury Rowing Club requesting a Licence Agreement for the use of Council land at Cobblestone Drive for use as a boat trailer storage area, an area of 20m<sup>2</sup> approximately.

**Council Committee Recommendation**

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders the debate on the matter be adjourned until the Council meeting to be held 16 April 2013.

**Executive Recommendation**

Council agrees to the proposed Licence Agreement over portion of Cobblestone Drive, Bunbury for use as a boat trailer storage area which is to be fenced off subject to the terms and conditions as specified in the report, and the following:

1. The Bunbury Rowing Club are to install and maintain an open profile steel fence (consistent with existing fencing) around the subject land area.
2. The Bunbury Rowing Club are to install and maintain paving in the licensed area.
3. The Bunbury Rowing Club are responsible for the maintenance of the area which includes but is not limited to the removal of both weeds and litter.
4. Signage may only be erected on the fence with the specific written approval of the City.
5. The City is to be allowed unrestricted access to the licensed area at any time to access any public service located on the land.
6. The land is not to be used for the storage off waste, including the storage of bins or other waste receptacles or related items.
7. No other club, organisation or tenant of the Bunbury Rowing Club is to use the land without the prior written approval of the City.
8. The use of the land is for the period of FIVE (5) years after which the City may extend or cancel this Agreement, subject to Council approval.

**Background**

The Cobblestone Drive carpark and the CBD skate park, which are both located adjacent to the Bunbury Rowing Club, underwent substantial improvements in early 2013. At this time the skate park surface was refurbished and the carpark was completely rebuilt to provide an additional 133 parking bays. The scope of work to the carpark refurbishment also included the replacement of bitumen seal adjacent to the water with turf, the provision of a number of pedestrian paths, the relocation of the Dragon boat compound and the provision of public lighting in the area. These improvements have substantially improved both the amenity and function of this area.

Since these works have been completed, the City has received communication from the Bunbury Rowing Club requesting the cooperation of the City to allow the improvement of the remaining portion of unkempt land in this area to be completed. The subject section of land is immediately behind the Bunbury Rowing Club restaurant area and is indicated on the attached plan **attached** at Appendix [DCS-14](#).

The request from the Bunbury Rowing Club is that the City grant conditional approval for the Bunbury Rowing Club to allow the area to be paved and the erection of an open profile steel fence consistent with the existing fence around the would be adjoining compound. The intended use of this land would be for the storage of boat trailers directly related to the Bunbury Rowing Club. The reason the open profile steel fencing was selected was to enable natural surveillance of the area and to minimise the likelihood of graffiti. An example of the proposed fencing has been **attached** at Appendix [DCS-15](#).

The Bunbury Rowing Club lodged the request with the City as the subject area of land is not wholly owned by the Bunbury Rowing Club, the outer portion is owned by the City. The subject section of land which is owned by the City is currently unused, undeveloped and is not maintained.

#### **Council Policy Compliance**

Nil

#### **Legislative Compliance**

Nil

#### **Officer Comments**

Not Applicable.

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

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

#### **Community Consultation**

Not required.

#### **Councillor/Officer Consultation**

The Team Leader Parking, Mr Neil Dyer was consulted about the request from the Bunbury Rowing Club as he is responsible for the management of the carpark that adjoins the subject land and his comments as follows:

*“The recent works undertaken in and around the Cobblestone carpark have substantially improved both the function and amenity of the area. The subject section of land is not required for the operation of the carpark and is not in a location or of a size that is suitable for establishing landscaping that would be compatible with the environment. The request by the Bunbury Rowing Club for the support of the City to allow them to improve this small area of land appears beneficial to both the City and the Bunbury Rowing Club. The arrangement will benefit the Bunbury Rowing Club by providing an increased area of land suitable for equipment storage and it will benefit the City by improving the appearance of this area at no cost to the City. Because of the potential for*

*graffiti and the need to maintain natural surveillance to discourage antisocial behaviour, it was satisfying to see the request for open profile steel fencing.*

*Because of the immediate benefit to Council through the removal of the maintenance cost and the improved amenity to this area, I fully support the conditional approval for the Bunbury Rowing Club to fence and use this land. As the proposed use of the land does not provide a commercial advantage to the Bunbury Rowing Club and they are agreeable to accept the ongoing maintenance of the land, I would also support the provision of the land to be at a peppercorn rate.”*

The Manager Contracts and Property, Mr Mark Robson was consulted and is in agreement with Mr Neil Dyer and proposed Licence agreement.

**Outcome – Council Committee Meeting 9 April 2013**

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

Pursuant to Standing Order 11.1(b) Cr Slater moved Cr Kelly seconded the procedural motion that the debate on this matter be adjourned until the Council meeting next week (16 April 2013).

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

**Outcome – Council Meeting 16 April 2013**

This matter was withdrawn from the agenda and therefore there was no discussion or vote on the matter.

## 11. Applications for Leave of Absence

### 11.1 Request for Leave of Absence – Councillor Brendan Kelly

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

#### **Summary/Background**

Councillor Brendan Kelly requests leave of absence from all Council-related business from 3 to 20 May 2013 inclusive.

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

#### **Council Committee Recommendation**

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Kelly is granted leave of absence from all Council-related business from 3 to 20 May 2013 inclusive.

#### **Outcome – Council Committee Meeting 9 April 2013**

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

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

#### **Outcome – Council Meeting 16 April 2013**

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

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

#### **Council Decision 113/13**

***Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Kelly is granted leave of absence from all Council-related business from 3 to 20 May 2013 inclusive.***

CARRIED

11 votes "for" / nil votes "against"

## **12. Motions on Notice**

Nil

## **13. Questions on Notice**

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

Nil

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

Nil

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

### 14.1 Tender for Pipe Lining – Austral Parade and Stirling Street, Bunbury. RFT 1213-00025.

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Inwood, Manager Infrastructure and Assets
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-3</a>

#### Summary

The City of Bunbury has budget scope within the 2012/13 financial year for both re-sleeving and also general maintenance of stormwater pipes.

Two projects were confirmed for tender scoping and a tender was subsequently advertised.

Tender prices received significantly exceeded budget allowances and the tenderers were therefore requested to confirm their tender prices for only Separable Portion B.

This project was nominated as the work priority due to potential risk and litigation associated with damage to neighbouring buildings and infrastructure on private properties as a result of stormwater seepage from damaged and deteriorated council infrastructure.

#### **Executive Recommendation**

Council accepts the tendered Lump Sum Fee submitted by Interflow Pty Ltd for the Pipe Lining of a stormwater pipe in drainage reserve adjacent to 21 Austral Parade, described as Separable Portion B in tender RFT 1213-00025.

#### **Background**

This tender was advertised in the West Australian and the South West Times newspapers on 20 and 21 February 2013 respectively. The documentation was made available via [www.tenderlink.com/bunbury/](http://www.tenderlink.com/bunbury/) a total of 721 tenderlink alerts were released, and at closing two (2) responses was received from:

1. Interflow Pty Ltd – Unit 4/76 Berriman Drive, Wangara, WA 6055.
2. ITS Trenchless Pty Ltd – 1/13 Stanton Road, Seven Hills, NSW 2147.

An evaluation panel comprising of the Manager Infrastructure and Assets, Manager Contracts and Property, Group Leader Works and Team Leader Assets assessed the responses.

The tenders were evaluated using the following criteria:

- Compliance Criteria
- Qualitative Criteria
- Price

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

### **Council Policy Compliance**

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

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

### **Legislative Compliance**

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

### **Officer Comments**

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

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

Funding for this project has been provided in the 2012/13 budget through Stormwater General Upgrades account identified as PR-1935.

The recommended tenderers offer is within the available budget.

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

Not applicable, however we advise that the lining product will provide a minimum life of 50 years to renew the life of this asset.

### **Delegation of Authority**

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

### **Relevant Precedents**

Council has dealt with all tenders previously called.

### **Outcome – Council Meeting 16 April 2013**

This item was dealt with behind closed doors.

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

The Mayor put the motion to the vote and was CARRIED 11 votes "for" / nil votes "against". The meeting was closed to the public and press at 8.49pm.



It was requested that the meeting be adjourned for five (5) minutes. The Mayor adjourned the meeting at 8.49pm. The meeting was resumed at 8.56pm with all Councillors who were in attendance present.

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

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

**Council Decision 114/13**

***Council accepts the tendered Lump Sum Fee submitted by Interflow Pty Ltd for the Pipe Lining of a stormwater pipe in drainage reserve adjacent to 21 Austral Parade, described as Separable Portion B in tender RFT 1213-00025.***

CARRIED

11 votes "for" / nil votes "against"

## 15. Meeting Closed to Public

The meeting went behind closed doors during the discussion of item 14.1 and remained closed for the discussion of the remainder of the items on the agenda.

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

#### 15.1.1 Appointment of the 2013 Setagaya Tour Leader

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jenni Brown, Executive Officer Bunbury-Setagaya Sister Cities Committee
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-1</a>

#### 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.

#### Council Committee 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 was 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.

**Outcome – Council Committee Meeting 9 April 2013**

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

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

**Outcome – Council Meeting 16 April 2013**

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

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

**Council Decision 115/13**

***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.***

CARRIED

11 votes "for" / nil votes "against"

### 15.1.2 Motion on Notice – Confidential

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Councillor Michelle Steck
<b>Author:</b>	Councillor Michelle Steck
<b>Executive:</b>	<i>If adopted by Council refer to: Andrew Brien, Chief Executive Officer</i>
<b>Attachments:</b>	Confidential Report <a href="#">CRUSC-2</a>

A confidential report containing the motion on notice has been circulated to members **under separate cover** (Confidential Report [CRUSC-2](#)).

#### **Outcome – Council Meeting 16 April 2013**

The Motion on Notice was moved by Cr Steck – *That Council authorise the CEO to compile a report indicating possible options for Council to consider in regards to media reporting from the Office of the Mayor to establish reporting guidelines.*

The motion was lapsed for want of a seconder

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

Cr Leigh moved Cr Cook seconded that the meeting be reopened to the public. The Mayor put the procedural motion to the vote and was CARRIED 11 votes “for” / nil votes “against”. The meeting was reopened at 9.00pm.

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

## 16. **Closure**

The meeting was declared closed at 9pm.