



## Bunbury City Council

### Minutes (*unconfirmed*) 11 June 2013

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## GLOSSARY OF ABBREVIATED TERMS

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

## GLOSSARY OF ABBREVIATED TERMS

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

## Bunbury City Council Minutes

Minutes of an Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 11 June 2013.

### Minutes 11 June 2013

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

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

The meeting was declared open by His Worship the Mayor Mr David Smith at 6.02pm.

#### 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 (arrived late at 6.11pm)
	Councillor K Steele
	Councillor R Slater
	Councillor B Kelly
	Councillor N McNeill
	Councillor M Cook
Councillor S Morris	
<b>Executive Leadership Team (Non-Voting):</b>	
Chief Executive Officer	Mr A Brien
Director Community and Customer Services	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszekewych
Director Works and Services	Mr P Harris
<b>Council Officers (Non-Voting):</b>	
Manager Corporate Performance	Mr G Golinski
Acting Media and Communications Officer	Ms L Wiseman
Administration Officer Corporate	Ms N Hribar
<b>Others (Non-Voting):</b>	
Members of the Public	12
Members of the Press	1

### 4.1 Apologies

Councillor Michelle Steck arrived late to the meeting at 6.11pm.

### 4.2 Approved Leave of Absence

Nil

## 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 Cook declared a proximity interest in the item titled '*Change of Use from Club Premises to Place of Worship (Conversion of Existing Bocce Hall to Church Auditorium) and Club Premises – Lots 100 and 30 White Street*' as the proponent is his cousin. He is not a member of the proposed church. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr Steele declared a proximity interest in the item titled '*Proposed Deed of Lease – Dolphin Discovery Centre over Portion of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive Bunbury*' as she is a member of the Dolphin Discovery Centre Board. She 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 '*Leschenault Inlet Masterplan*' as her partner owns lands in the vicinity. She believes her interest is impartial as the land around the inlet precinct is subject to only a Masterplan not a rezoning. She has elected to remain in the chambers, participate in the discussion and vote on the matter.

Cr McNeill declared an impartiality interest in the late item titled '*Motion on Notice – Community Home Care Loan Guarantor*' as he is a member of the board. 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 Michael Fenton, 25 Acacia Street Bunbury**

*Despite numerous requests RCA WA sponsored by Geraldton Council refused to send me a copy of their financial statements, instead, they directed me to Bunbury City CEO, Mr Brien. He replied that the document wasn't available however, on the same day, Geraldton's new CEO sent me a WA RCA, Receipts and Payments Excel sheet. This document has been noted by an accountant to be very light on detail and the contents in serious need of further explanation.*

*Question 1: Can the CEO explain why he refused to supply this WA RCA document to me and chose instead to dispatch an envelope full of irrelevant and spurious papers at great cost to the ratepayers?*

**Response:** CEO – the information that has been provided by Geraldton was on the draft agenda (WA RCA) which came forward at the last meeting which was held approximately two weeks ago. That was the information prepared by the City of Geraldton as part of identifying where budgets are going to go to in future years and their summary of income from the relevant Council's and how that's been allocated. That was produced by the City of Geraldton, not by Bunbury and it wasn't as part of the Regional Capitals until the agenda was issued about two weeks ago. I supplied a copy of all the documentation relevant to the Regional Capitals Alliance. I didn't actually break it down and try to provide a summary to Mr Fenton, I have however offered on two occasions to sit down with him and go through the accounts in detail and I will make that offer again if he wants to sit down and go through the accounts as best we can provide.

*Question 2: Some of WA RCA's CEOs are paid >\$1,000 per day and some have Finance qualifications. Are those Local Government Officers in agreement with the shabby standard of accounting for ratepayers funds that is evident in WA RCA's document?*

Response: CEO – I don't believe it is a shabby standard. It was just a summary sheet put together to try and clarify the position by the incoming CEO of the City of Geraldton.

**Dr Marilyn Palmer, 18 Austral Parade East Bunbury**

*My questions relate to the procurement process and expenditure by the City of Bunbury on CAMMS products. Concerns have been raised throughout the community since questions, still to be answered, were asked in parliament about CAMMS and the City of Bunbury on 7 May 2013.*

Question 1: *What comparative analysis was undertaken of software companies throughout Australia and internationally to determine that CAMMS products were the most appropriate and cost effective for the City of Bunbury and if so, can details of this analysis be made available?*

Response: CEO – Yes there was an analysis undertaken. This was sent to Council by way of a confidential report and will remain confidential until the Council decides to release it publicly.

Question 2: *What is the total expenditure to date on CAMMS products and services since the original acquisition and including all hardware upgrades, training and software licences?*

Response: CEO – I will take the question on notice and provide a response at the next Council meeting.

Question 3: *Is it true that the Director of Corporate Services was a previous employee of CAMMS and is it true that his wife is the National Sales Manager for CAMMS? If so, was this information revealed to Councillors before or after the subsequent acquisition of the Sycle software?*

Response: CEO – Yes the Director Corporate Services was a previous employee of CAMMS and yes his wife is the National Sales Manager. He was not an employee at the time that Council resolved to purchase the CAMMS product. Sycle is part of the CAMMS software it's an upgrade to the platform. He was an employee at the time of the upgrade to Sycle.

Question 4: *Has any member of the City of Bunbury Executive and/or staff been involved with any function or event sponsored by and/or contributed to by CAMMS and have they received any financial support or incentive to do so? Has the City of Bunbury convened any function or event to promote or explain CAMMS products and services to an audience which might include other potential buyers?*

Response: CEO – I have attended a CAMMS conference which they paid my attendance at. As far as any other financial incentives there has been no other incentives provided. Council has not convened any events/functions to promote the CAMMS products. We have however shared information with other Councils as they have requested it as they have done for us but certainly no one has paid for it.

**Mr Robertson, representing the Bunbury RSL**

Mr Robertson addressed the Council regarding the suggestion of relocating the War Memorial to the foreshore (Leschenault Inlet Masterplan item). He stated that there have only been informal discussions taken place at the RSL and whilst they generally support the idea it would only be if the relocation was not in contravention of their Mission Statement.

CEO response – In relation to the establishment or relocation of the memorial site, the option of the Masterplan tonight is about the conceptual type arrangements and actually starts to progress them. You will notice, in particular point 2, that a further report be provided to Council to specifically focus on options and strategies. Whilst the general principle is saying this is what we like to do, we will have to go to further consultation and design on those individual precincts contained within that Masterplan. There will be further consultation and certainly any work that we do to relocate the memorial, if that's the way Council decides to go, will be done in full consultation with the RSL and appropriately managed.

## **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 21 May 2013 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 21 May 2013 be confirmed as a true and accurate record.

#### **Outcome – 11 June 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 151/13**

***The minutes of the Ordinary meeting of the Bunbury City Council held 21 May 2013 be confirmed as a true and accurate record.***

CARRIED

12 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 MTBN-1, MTBN-2, MTBN-3, MTBN-4

#### Summary

The following Advisory Committee Meetings were held and the minutes are presented for noting:

1. Title: Minutes – Community Access Committee (05/04/2013)  
Author: Isabell Evans, Community Development Officer  
Appendix: [MTBN-1](#)
2. Title: Minutes – City of Bunbury Art Collection Management Committee (13/05/2013)  
Author: Caroline Lunel, Art Registrar/Curator  
Appendix: [MTBN-2](#)
3. Title: Minutes – Bunbury Wildlife Park Committee (06/05/2013)  
Author: Kristina Knight, Manager Wildlife Park  
Appendix: [MTBN-3](#)
4. Title: Minutes – Bunbury-Setagaya Sister Cities Committee (18/04/2013)  
Author: Jenni Brown, Administration Officer Setagaya  
Appendix: [MTBN-4](#)

#### Council Committee Recommendation

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

1. Community Access Committee meeting held 5 April 2013
2. City of Bunbury Art Collection Management Committee meeting held 13 May 2013
3. Bunbury Wildlife Park Committee meeting held 6 May 2013
4. Bunbury-Setagaya Sister Cities Committee meeting held 18 April 2013

#### **Outcome – Council Committee Meeting 4 June 2013**

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

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

#### **Council Decision 152/13**

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

1. ***Community Access Committee meeting held 5 April 2013***

- 2. *City of Bunbury Art Collection Management Committee meeting held 13 May 2013***
- 3. *Bunbury Wildlife Park Committee meeting held 6 May 2013***
- 4. *Bunbury-Setagaya Sister Cities Committee meeting held 18 April 2013***

CARRIED

12 votes “for” / nil votes “against”

## 8. Presentations

### 8.1 Petitions

#### 8.1.1 Petition – Request to Grant the Operators of the Happy Wife Café the Permission to Operate Alfresco Dining to the Rear of 98 Stirling Street Bunbury

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Happy Wife Café
<b>Author:</b>	Councillor Judy Jones
<b>Executive:</b>	<i>If petitions adopted by Council refer to: Bob Karaszekwych, Director Planning and Development Services</i>
<b>Attachments:</b>	Appendix PET-1

A petition and letters of support has been received from the Happy Wife Café requesting that Council grant the operators of the Happy Wife Café the permission to operate alfresco dining to the rear of 98 Stirling Street Bunbury.

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

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

#### **Council Committee Recommendation**

Pursuant to Standing Order 6.10 the petition from the Happy Wife Café shall be accepted and referred to the relevant officer for a report.

#### **Outcome – Council Committee Meeting 4 June 2013**

Cr Jones tabled the petition and letters of support from the Happy Wife Café. The petition contained six (6) signatures and two (2) letters of support from Xquisite Hair Studio and Parade Fish and Chips.

Pursuant to Standing Order 6.10, Cr Jones moved Cr Steck seconded that the petition from the Happy Wife Café shall be accepted and referred to the relevant officer for a report.

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

#### **Outcome – Council Meeting 11 June 2013**

Cr Morris tabled a further petition containing over 900 signatures of support for the Happy Wife Café.

Pursuant to Standing Order 6.10 Cr Leigh moved, Cr Morris seconded that the petitions from the Happy Wife Café 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 153/13**

***Pursuant to Standing Order 6.10 the petition from the Happy Wife Café shall be accepted and referred to the relevant officer for a report.***

CARRIED

12 votes "for" / nil votes "against"



## **8.2 Presentations**

The Mayor made mention of the acceptance of a Certificate of Appreciation received from the Sri Chinmoy Peace Runners organisers of the World Longest Run.

## **8.3 Deputations**

Nil

## **8.4 Council Delegates' Reports**

Nil

## **8.5 Conference Delegates' Reports**

Nil

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

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.2.2, 10.2.4, 10.4.2, 10.4.3, 10.5.2, 10.5.3, 10.5.5, 10.6.1 and 10.6.2.

Items 10.2.1, 10.2.3, 10.3.1, 10.4.1, 10.5.1, and 10.5.4 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda with the exception of item 10.4.1 which was discussed last. The items voted “by exception” are listed first.

The items “*adopted by exception*” was moved Cr Leigh, seconded Cr Cook.

## 10. Reports

### 10.1 **Membership of Airport Advisory Committee** (was listed as item 10.1.1 on the meeting agenda)

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

#### **Summary**

Malcolm Ashworth has applied for membership of the Bunbury Airport Advisory Committee.

#### **Council Committee Recommendation**

That, Mr Malcolm Ashworth be appointed to the Bunbury Airport Advisory Committee.

#### **Background**

Malcolm Ashworth is the owner/operator of Air Charters West and is a long term lessee and user of Bunbury Airport.

Malcolm Ashworth has asked to be considered for membership of the Airport Advisory Committee.

At the meeting of the Airport Advisory Committee held on Thursday 23 May 2013 the following Recommendation was passed:

*“Recommendation*

*Moved: Cr Murray Cook      Seconded: Iain Farmer*

*The Airport Advisory Committee recommends that Malcolm Ashworth be appointed as a member of the Bunbury Airport Advisory Committee.”*

#### **Council Policy Compliance**

The composition of the Airport Advisory Committee allows for a maximum of seven (7) airport users. Currently only six (6) airport users are listed as members therefore it would be possible to award membership.

#### **Legislative Compliance**

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

Appointment of Committee members requires an Absolute Majority decision by Council.

#### **Officer Comments**

The Airport Reporting Officer supports the nomination of Malcolm Ashworth.

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

Nil

### **Community Consultation**

The nomination of Malcolm Ashworth was discussed at the Bunbury Airport Advisory Committee meeting held on Thursday 23 May 2013.

### **Councillor/Officer Consultation**

Mayor Smith, Cr Cook and Phil Harris attended the Bunbury Airport Advisory Committee meeting held on Thursday 23 May 2013 where the topic was discussed.

### **Outcome – Council Committee Meeting 4 June 2013**

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

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

### **Outcome – Council Meeting 11 June 2013**

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

**10.2 Vacancy – Local Government Advisory Board** (was listed as item 10.2.2 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>	Nil

**Summary**

The purpose of this report is for Council to consider endorsing a prospective Councillor as a member of the Local Government Advisory Board.

**Council Committee Recommendation**

That Council endorse the nomination of the Mayor, Cr Steck and Cr Slater as prospective members of the Local Government Advisory Board.

**Background**

The Local Government Advisory Board (LGAB) is seeking nominations from Elected Members for a current vacancy.

The LGAB is a statutory body established under the Local Government Act 1995 to provide advice to the Minister for Local Government on local government constitutional matters.

The Board's major function is to assess proposals to change local government boundaries and their systems of representation and then make recommendations to the Minister.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

Not applicable

**Officer Comments**

Nominations for the vacancy on the LGAB close at 5pm on 13 June 2013.

Any Councillors that may be interested in nominating will be required to submit a completed nomination form, a statement addressing the selection criteria, and curriculum vitae. The selection process for the LGAB may also involve an interview with a Selection Committee panel.

Meetings are generally held monthly, and the selection criteria referred to above is as follows:

- *What is your relevant experience in Local Government? Please provide examples.*
- *What are your experiences, skills, attributes or qualifications to support the nomination? Please provide examples.*
- *Please outline your demonstrated interest in the position.*

- *If successful, what do you see as your role and how would you represent Local Government and the Association?*

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

Nil

### **Outcome – Council Committee Meeting 4 June 2013**

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

Include the nominations of *“the Mayor, Cr Steck and Cr Slater”*.

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

### **Outcome – Council Meeting 11 June 2013**

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

#### **Council Decision 155/13**

***That Council endorse the nomination of the Mayor, Cr Steck and Cr Slater as prospective members of the Local Government Advisory Board.***

CARRIED

12 votes “for” / nil votes “against”

### **10.3 Probity Review – Procurement Systems** (was listed as item 10.2.4 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Confidential Report CRUSC-2

#### **Summary**

At the ordinary meeting of Council held 20 November 2012, Council resolved as follows:

*“That Council:*

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

The results of the independent review of Councils Procurement processes have now been completed and a confidential report is **attached** at CRUSC-2.

This report contains a series of recommendations based on both strategic and operating aspects of the purchasing and procurement functions of Council and it is considered appropriate to adopt all recommendations.

As the timeframe for presentation of the Report to the Audit Committee could not be met, it was considered appropriate to refer the matter to the next available round of Council.

#### **Council Committee Recommendation**

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate be adjourned until the next round of meetings and a briefing be given by the persons who prepared the report.

#### **Executive Recommendation**

1. That Council note the outcomes of the Procurement Probity Audit.
2. Council endorse the 46 recommendations contained in the report; and
3. The CEO to provide a further report to Council outlining how each of the recommendations have been implemented.

#### **Background**

Following the Council Resolution of 20 November 2012, the City engaged WALGA Procurement Consultancy Service to conduct the Procurement Probity Review for the City of Bunbury.

The Scope of service for the review included:

1. Pre-consultancy meeting to identify corporate document and procurement processes to be tested.
2. Review of Council purchasing policy and related policies, Delegations Register, Tender Register, Register relating to Conflicts of Interest; and any applicable Probity Plan.
3. Selection and testing of two (2) recently completed Tenders (one goods/services, one Construction)
  - 3.1 Review of procurement documentation – conditions of tendering, specifications, general conditions of contract etc.
  - 3.2 Review of procurement process documents – evaluation panel handbook, selection criteria, tender management notes, evaluation notes, evaluation panel meeting minutes, evaluation report and council agenda
  - 3.3 Test procurement process of compliance with the Local Government Act 1995 and Local Government (Function and General) regulations 1996
  - 3.4 Test procurement process for measurement against ‘best practice’ (e.g.: as defined in the WALGA Procurement Handbook).
  - 3.5 Test aware of contract and handover to relevant Contract manager
  - 3.6 Test contract management through records systems and interview with Contract Managers
4. Selection and testing of two (2) recently completed Quotations for compliance with Council Purchasing Policy and Procedures
5. Test budget allocations and annual creditor expenditure to check compliance with Tender threshold.
6. Review the current financial year’s Gift Register against historical data
7. Review of current contract pricing to benchmark against industry standards for major spend categories
8. Test up to the (10) financial transaction relating to contract activity to ensure source documentation, reporting, management of transactions and authority of transactions is in accordance with the Contract Authority and contract administration best practice
9. Review application of contract rates, processing of variations, certification of completion for works or services, services within defined scope of specification, quantity of activity in accordance with contract estimates and Council Budget.
10. Assess that risk management issues relating to contract management are correctly identified and monitored
11. Review of compliance checklists if included in contract documentation
12. Qualified Legal Practitioner(s) to conduct a legal review of procurement and contract management policies and processes (Note; WALGA will review compliance with the Local Government (Functions and General) Regulations from a procurement perspective. No legal advice will be provided)
13. Review of current procurement structure (function and governance).
14. Confidential Report to the CEO on findings from the Procurement Review and recommendations.
15. Delivery of In-house Workshop to nominated Local Government staff on the findings and recommendations stemming from the Procurement Review, and includes skill development in key aspects of procurement and contract management.

### **Table of Recommendations**

The table below presents the series of recommendations that appears in each section of the WALGA Procurement Probity Review report.

No.	Section	Recommendation
1	7.1 Procurement Structure	That the City adopts a centre-led approach to managing its Procurement function, with the primary role of the Contracts and Property Branch to deliver value-adding outcomes, compliance and good governance in relation to the City's procurement function.
2		That the City devolves procurement decision processes of less than \$100,000 (ex GST) in expenditure to the City's business areas and that the Contracts and Property Branch is charged with providing professional advice and direction to all business areas undertaking procurement functions to ensure full compliance and value-adding outcomes are delivered.
3		That the Contracts and Property Branch develop greater scope in ensuring that effective and compliant contract management activities are undertaken across the whole organisation.
4	7.2 Purchasing and Tendering Policies	That the City reviews the compliance and effectiveness of its purchasing processes and decisions, with a view to devolving all purchasing activity under the value of \$100,000 to its business units.
5		That the City's Purchasing Policy be amended to include the utilisation of WALGA's Preferred Supply Contracts and State Government Common Use Agreements (where applicable). Reference to these Tender-exempt arrangements be inserted into all the purchasing thresholds within the Purchasing Policy to enable staff to utilise these aggregated supply arrangements for all categories of purchases (where an applicable arrangement exists).
6		That the City reconsiders the need to publicise its Model Code of Tendering" to tenderers and rebrand the document as an internal publication, complete with a template form to request the establishment of a new tendering process to the Contracts and Property Branch.
7		That the City includes a definition for "locally based contractors and suppliers" in its Local Preference Policy to avoid misinterpretation.
8	7.3.1 Tenders Register	That the City adopts and regularly maintains the Tender Register form that is available in the 2013 edition of the WALGA Procurement Handbook to ensure compliance with the <i>Local Government (Functions and General) Regulations 1996</i> .
9	7.3.2 Delegations Register	That Council provides delegation to the Chief Executive Officer for the award of all Contracts up to the value of \$250,000.
10	7.3.2 Delegations Register	That the City enforce its delegation to the Chief Executive Officer to approve all future acquisitions of light fleet.



11	7.3.3 Gift Register	That the City reviews its Gift Registration Form to provide essential information required in line with the Code of Conduct and associated Gifts Policy.
12		That the City updates its method of recording declaration of gifts received onto a database to enhance its reporting capability by staff members and/or vendors.
13	7.4 Training	That the City invests in training for staff involved in procurement activities to ensure that they are sufficiently skilled to undertake and manage all procurement processes for the City to ensure compliance, achieve value for money outcomes and minimise exposure to undue risk.
14	7.5 Records Management	That the City mandates the use of Tenderlink as the sole source of receiving electronic tenders and quotations.
15		That any further customisation to SharePoint gives consideration to the additional level of security for tender and quotation processes and for the sharing of vital documents and/or containers.
16		That a policy be developed and implemented to ensure that appropriate records are created and retained relating to contractual clarifications, supplier meeting notes, site visits or communications between tenderers and City staff.
17	7.6 Tender Evaluations	That a representative from the Contracts and Property Branch is nominated as Chairperson for every Evaluation Panel for a City tender.
18		That the City adapts the evaluation templates available in the WALGA Procurement Handbook, particularly the Tender Evaluation Workbook and Tender Evaluation Report for its own use.
19		That individual selection criteria be determined for each procurement process undertaken by the City to ensure that the criteria used are directly relevant to the process and the application of value for money principles are correctly applied.
20		That evaluators be encouraged to make notes as to how they reached their evaluation decisions and that these notes be included in the records for this procurement decision within the City's EDRMS.
21		That City's officers regularly involved in tender evaluations participate in a tailored training session on how to conduct an effective and compliant evaluation process and in particular, how to adopt value for money principles to tender evaluations.
22	7.7 Conditions of Contract	That the City updates its current suite of Conditions of Contract for the Supply of Goods, Supply of Goods and Provision of Services and Provision of Minor Works to align to the current versions in the WALGA Procurement Handbook.

23	7.7 Conditions of Contract	That the City maintains sufficient licences for the use and reproduction of Australian Standards Conditions of Contract (where applicable) and that training be sought for the correct utilisation of these Conditions, particularly AS 4122:2010 and AS 4000:1997.
24	7.7 Conditions of Contract	That the City's officers utilising Conditions of Contract are provided with guidance as to how to select and use appropriate sets of Conditions to mitigate unnecessary business risk.
25	7.8 Supplier Debriefs	That the City encourages the practice of offering supplier debriefs when requested and implements a policy to provide guidance for the proper conduct of the debrief.
26	7.9 Contract Management	That a contract framework be established within the City to be utilised by contract managers including contract management policies, processes, tools and templates.
27		That the City identifies a single owner of contract management related processes, systems and templates in order to ensure best practice contract management across the City.
28	7.9.3 Contract Management Administration	That the City stores electronic copies of contract documentation and creates contract summaries to simplify access to key contract information.
29		The Contracts and Tenders Register should be updated to record all key triggers within contracts to ensure that key dates (such as renewal dates, expirations of certification and insurances) are monitored and required actions are taken.
30		As part of a contract framework, processes to report on internal performance are introduced to monitor the efficiency and effectiveness of contract management processes, and to detect non-compliance to policies and legislative requirements.
31	7.9.4 Supplier Performance Management	That the City introduces a Supplier Performance Management program as part of an overall contract management framework including: <ul style="list-style-type: none"> <li>• setting policies, guidelines, processes, tools and templates which establish the overall contract management approach;</li> <li>• setting KPIs in the contract;</li> <li>• monitoring and reporting on supplier performance;</li> <li>• conducting supplier performance reviews; and</li> <li>• working with suppliers to drive continuous improvement.</li> </ul>
32	7.9.5 Risk Management	That the City introduces a Risk Management Program as part of an overall contract management framework, and establishes and maintains a risk log to record all risks associated with contracts, and establishes a process for regularly reviewing risks and develops and monitors mitigation plans for serious risks.

33	7.10 Technology	That the City mandates the use of Tenderlink as the primary source for obtaining tender documentation and the only current method of receiving Tenders.
34	7.10 Technology	That the City supports the roll-out of eQuotes to manage and improve the effectiveness of Request for Quotation processes utilised by staff in the procurement of goods and services from WALGA Preferred Supply Panels and to ensure full transparency, probity and good governance over all Request processes. The City also consider the implementation of eQuotes as a tool for managing Requests for Quotation for the purchase of goods and services from suppliers on the City's local panels.
35	7.11 Financial Payments	That the City supports the roll-out of eQuotes to manage and improve the effectiveness of Request for Quotation processes utilised by staff in the procurement of goods and services from WALGA Preferred Supply Panels and to ensure full transparency, probity and good governance over all Request processes. The City also consider the implementation of eQuotes as a tool for managing Requests for Quotation for the purchase of goods and services from suppliers on the City's local panels.
36		That regular checks on contractual payments are undertaken due to the decentralised nature of contract management activities within the City. Further to this, functionality may be built into the City's finance system to identify payments made against contracts versus non-contractual payments.
37		That the City considers revising its purchase-to-pay practices to ensure the effective separation of duties applies in order to reduce the potential risk of fraud and corrupt activities that may otherwise occur.
38	7.12 Review of RFT Documents	That the City implements a robust contract management framework to ensure that contract variations are centrally processed in accordance with contractual conditions.
39		That the Procurement Templates provided in the 2013 edition of the WALGA Procurement Handbook be adapted as the reference resource for use by procurement staff for all procurement and contract management activities.
40	7.13 Review of RFQ Documents	That the City's procurement personnel be offered training in the correct conduct of a tendering process to eliminate any potential probity risks.
41		That the Request for Quotation (RFQ) template provided in the 2013 edition of the WALGA Procurement Handbook be adopted by the City as the reference resource for use by procurement staff for all procurement and contract management activities.
42	7.14 Spend Analysis	That a framework to assist staff to be involved in developing and issuing Requests for Quotation be further developed, including appropriate evaluation methods and consistency in the awarding of a contract resulting from an RFQ process.

43	7.14 Spend Analysis	That the City investigates opportunities to aggregate spend across major categories of local goods and services. Where existing aggregated supply arrangements such as WALGA Preferred Supply Panels or State Government CUAs do not exist, the City may look at competitively tendering for local goods and services that are currently purchased across a large number of suppliers.
44	7.14.3 Comparison with benchmark Prices	That the City tracks schedule of rates for future contracts to allow comparisons with benchmark prices.
45	7.14.4 Assessment of spend with preferred suppliers	Where the City seeks to procure goods and services from pre-qualified WALGA Preferred Suppliers, all procurement should be undertaken through the WALGA Panel to ensure that the City receives a tender exemption, full contractual protection from WALGA, access to optimal pricing & conditions of supply and a range of procurement benefits and administrative efficiencies.
46		That prior to going to market for goods and services and/or to create local panels for categories, the City confirms whether a current WALGA Preferred Supply Panel is in place and if so, uses this arrangement where it meets the City's requirements.

**Council Policy Compliance**

The probity review references Council's Purchasing Policy, Purchasing – Other than Tenders, Purchasing – Local Preferences and Reimbursement of Accommodation and Associated Expenses.

**Legislative Compliance**

This review complies with relevant sections (s5.42, s5.44, s5.46, s6.2 (4a), s6.8) of the Local Government Act 1995 and Local Government Act (Financial Management) Regulations 1996.

**Officer Comments**

The probity review was conducted to ensure that Council conducts the purchasing activity of its operations with due diligence towards the legislative requirements and the public's expectations of integrity and efficiency.

It is felt that the review was positive and only incorporated some minor suggestions to the City's procurement process, with many of these being to change some of the systems to better utilise the WALGA procurement process and procedures.

**Analysis of Financial and Budget Implications**

It is envisaged that to implement the recommendations will have only a minimal impact on existing budgets by way of purchase of the associated E-Quotes software licence.

**Community Consultation**

There is no requirement for community consultation.

### **Councillor/Officer Consultation**

Council officers were heavily involved during Procurement Probity Review. As detailed in the recommendation, a report outlining how each of the 46 recommendations has been implemented will be presented back to Council.

### **Outcome – Council Committee Meeting 4 June 2013**

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

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, Cr Kelly moved, Cr Steele seconded that the debate be adjourned until the next round of meetings and a briefing be given by the persons who prepared the report.

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

### **Outcome – Council Meeting 11 June 2013**

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

#### **Council Decision 156/13**

***Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate be adjourned until the next round of meetings and a briefing be given by the persons who prepared the report.***

CARRIED

12 votes "for" / nil votes "against"

**10.4 Outstanding Community Law and Safety Infringements** (was listed as item 10.4.2 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Director:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Nil

**Summary**

The following is a summary of outstanding infringements from 2010/2011:

<b>Infringement</b>	<b>Amount Raised 2010/2011</b>	<b>Outstanding Balance 2010/2011</b>
Parking	\$231,072	\$9,948
Dog Act	\$17,512	\$2,757
Litter	\$3,445	\$1,318
Bushfire	\$20,913	\$1,054
Local Laws	\$15,022	\$390
Off Road Vehicles	\$127	\$127
<b>Total</b>	<b>\$288,091</b>	<b>\$15,594</b>

Endeavours to facilitate the collection of outstanding infringement will continue, however the certainty of success is reduced after two (2) years and it is prudent that these amounts are removed from the financial statements to accurately reflect the collectability of infringements.

**Council Committee Recommendation**

Council approves the write off of outstanding Community Law and Safety Infringements totalling \$15,594 as at 30 June 2013.

*Note: Absolute majority required.*

**Background**

The City aims to collect 90% of infringement notices issued for Parking, Dog Act, Litter, Bushfire and Local Laws infringements issued each year. Debt collection actions include internal efforts by staff and lodging infringements with the State Government Fines Enforcement Registry.

Community Law and Safety Infringements issued during 2010/2011 total \$288K. The amount that has not been recovered to date totals \$15.6K. This represents approximately 5.4% of infringements issued during the 2010/2011 financial year.

**Council Policy Compliance**

This item complies with Council's policy for the write off of moneys.

### **Legislative Compliance**

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write off any amount of money which is owed to the local government. An absolute majority vote is required.

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

The write off of outstanding Community Law and Safety Infringements will reduce the net current asset position as at 30 June 2013 by \$15,594.

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

This item has been referred to Council after consultation with the Manager Community Law, Safety and Emergency Management who will continue efforts to recover outstanding infringements through the State Government Fines Enforcement Registry.

### **Outcome – Council Committee Meeting 4 June 2013**

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

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

### **Outcome – Council Meeting 11 June 2013**

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

#### **Council Decision 157/13**

***Council approves the write off of outstanding Community Law and Safety Infringements totalling \$15,594 as at 30 June 2013.***

CARRIED

12 votes "for" / nil votes "against"

*\*Absolute majority vote attained*

**10.5 Write Off of Account Receivable Balances** (was listed as item 10.4.3 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Director:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix DCS-2

**Summary**

All endeavours to facilitate collection of the outstanding amounts have been exhausted. The list of accounts receivable invoices (as **attached** at Appendix DCS-2) totalling \$30,817.81 will be written off as at 30 June 2013.

**Council Committee Recommendation**

Council approves the write off of account receivable invoices totalling \$30,817.81 as at 30 June 2013.

*Note: Absolute majority required.*

**Background**

A review of outstanding invoices is regularly conducted to determine that unpaid amounts can be recovered. Account receivable follow-up of unpaid invoices usually ensures that invoices raised are collected within 90 days of issue. However there are instances where amounts are deemed to be not collectable or the cost of recovery is not economically feasible for the amount outstanding.

In all instances:

- a) All the necessary measures have been taken to recover the debt,
- b) The debt remains unpaid for a minimum period of 90 days after its date for payment, and
- c) A list of debts to be written off is presented to Council.

**Council Policy Compliance**

This item complies with Council's policy for the write off of accounts receivable balances.

**Legislative Compliance**

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write off any amount of money which is owed to the local government. An absolute majority vote is required.

**Analysis of Financial and Budget Implications**

The write off of accounts receivable balances will reduce the net current asset position as at 30 June 2013 by \$30,817.81.



### **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 accounts receivable balance and after all endeavours to facilitate collection have been exhausted are referred to Council.

### **Outcome – Council Committee Meeting 4 June 2013**

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

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

### **Outcome – Council Meeting 11 June 2013**

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

### **Council Decision 158/13**

***Council approves the write off of account receivable invoices totalling \$30,817.81 as at 30 June 2013.***

12 votes "for" / nil votes "against"  
\*Absolute vote attained

## **10.6 Teede House Conservation Plan** (was listed as item 10.5.2 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Leigh Barrett, Planning Officer Heritage
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-3

### **Summary**

A conservation plan for Teede House (Bunbury Senior Citizens' Centre and Meals on Wheels), on the corner of Stirling and Turner Streets, has been prepared for the City of Bunbury by consultants, Heritage and Conservation Professionals, with funding assistance from the Lotterywest Heritage Grants program. The conservation plan assesses the heritage significance of Teede House and sets out recommendations for the ongoing conservation and maintenance of the place, which is of cultural heritage significance to the Bunbury.

### **Council Committee Recommendation**

That Council hereby resolves to endorse the Teede House Conservation Plan and Schedule of Conservation Works.

### **Background**

Teede House was constructed around 1875 and was the home of George Robert Teede, a prominent citizen of Bunbury. The place was used as a boarding house during the 1920s and was adapted for use as a maternity and general hospital (known as Stirling Hospital) until the 1960s during which time it operated as part of the Bunbury Hospital located at the rear of Anzac Park where the library now stands. The place was modified for use as the Bunbury Senior Citizens' Centre in the late 1960s and has been used for that purpose, along with the Meals on Wheels since then.

The place is included on the City of Bunbury's Municipal Inventory and Heritage List and is therefore protected by the provisions of Town Planning Scheme No 7 and the associated Local Planning Policies.

### **Council Policy Compliance**

Local Planning Policy – Heritage Conservation and Development Policy for Heritage Places states that *“the City of Bunbury will seek to lead by example through the management of premises, either owned or vested, in accordance with this Local Planning Policy”*. Council's endorsement of the conservation plan is consistent with this policy.

### **Officer Comments**

The Teede House Conservation Plan recommends short, medium and long term priorities for physical conservation. It provides guidance to the City as the owners of the place to ensure its long term conservation.

Further, Lotterywest funding can be sought for places with a conservation plan in place.

Physical conservation policies for Teede House are set out in Section 7 of the conservation plan and a Schedule of Conservation Works as **attached** at Appendix DPDS-3.

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

It should be noted that the Teede House Conservation Plan contains recommendations only and the City is under no obligation to implement all or any of them within the timeframes specified. If, and when, recommendations are implemented, there may be future financial implications. Funding of those works could be incorporated into normal maintenance budgets, and external funding assistance can be sought to undertake conservation works.

### **Community Consultation**

The City of Bunbury Heritage Advisory Committee supported the preparation of the Conservation Plan and provided comment on the various drafts.

At its meeting of 8 May 2013, the Committee considered the plan, and resolved to recommend the Teede House Conservation Plan to Council for endorsement.

### **Councillor/Officer Consultation**

The Heritage Advisory Committee, comprising three (3) Councillors and five (5) community members, has been consulted in the preparation of the conservation plan and supports its endorsement by Council.

The City's Regional Heritage Advisor has also participated in the preparation and review of the plan.

### **Outcome – Council Committee Meeting 4 June 2013**

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

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

### **Outcome – Council Meeting 11 June 2013**

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

#### **Council Decision 159/13**

***That Council hereby resolves to endorse the Teede House Conservation Plan and Schedule of Conservation Works.***

CARRIED  
12 votes "for" / nil votes "against"

**10.7 Proposed Change of Use from Club Premises to Place of Worship (Conversion of Existing Bocce Hall to Church Auditorium) and Club Premises – Lots 100 and 30, No.13 White Street** (was listed as item 10.5.3 on the meeting agenda)

<b>File Ref:</b>	P10568
<b>Applicant/Proponent:</b>	Ean Hill
<b>Author:</b>	Teshome Tadesse, Senior Town Planning Officer
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-4, DPDS-5, DPDS-6, DPDS-7

**Summary**

The proposal is to include a Church facility (Place of Worship) at the South West Italian Club (SWIC) which is located at No.13 White Street East Bunbury. The subject site will be used by both the SWIC and the Church group (Gateway Church Bunbury).

The existing car parking spaces on the subject site can be used jointly (reciprocal car parking arrangement) by the SWIC users and the Church followers. Council discretion is required to allow a car parking concession to accommodate the proposed Church facility on the subject site.

**Council Committee Recommendation**

That Council resolves to:

1. Approve the proposed Change of Use from Club Premises to Place of Worship (Conversion of existing Bocce Hall to Church Auditorium) and Club Premises at Lot 100 and 30, No.13 White Street (Application reference DA/2013/71/1) in accordance with Town Planning Scheme No.7 of City of Bunbury subject to standard and applicable development conditions to the satisfaction of the Manager Development Assessment and Building Certification.
2. Advise the applicant and the submitters its decision.

**Background**

On 14 February 2013, the City issued a Preliminary Comments advice to the applicant in relation to the proposed conversion of the existing Bocce court to church auditorium on the subject site. The preliminary comments note, among other things, car parking requirements in accordance with the Scheme. In addition, the applicant has been advised to appropriately mark the required parking spaces on site (currently, the entire site is asphalted with no markings).

The development plans are **attached** at Appendix DPDS-4

The applicant has provided the following justification in respect of the proposal:

*“The proponents aim to convert an existing building at the rear of ‘The South West Italian Club’ which is located at 13 White Street, Bunbury. The building in question is an old Bocce Hall, which has not been used for this purpose for over ten years, and the proposal is to convert it to a Church building to be used as a ‘Place of Public Worship’.*

*As part of the building conversion, the proposal includes the following:*

1. *Male, female and disabled toilets.*
2. *A small kitchenette, which will include cupboards, bench top & sink and a microwave.*
3. *A small area for fellowship after Church services, where tea and coffee can be consumed.*
4. *An auditorium, with seating for participants in Church services.*
5. *A stage area for preaching.*
6. *Two small storage areas.*

*As a Place of Public Worship, the building would be used for the following purposes:*

1. *Youth Group activities – the Young Group meets every second Friday during school terms, between 6.30pm and 8.30pm. Minimal parking is required as the Youth Group has less than twenty participants, who are dropped off and picked up by their parents.*
2. *Sunday Church services – The Sunday Church service is held between 10.00am and 12.00pm, and is attended on average by eighty people, consisting of approximately sixty adults and twenty children.*

*Both Gateway Church and the South West Italian Club have the view that parking at the site is well catered for as there is currently one hundred and forty five car bays available. The South West Italian Club uses the premises as a meeting place for twenty to thirty members, as well as hiring it out for private functions such as weddings and a dance club. Except for the dance club, none of these functions occur on a Sunday, which is the day the Church service is held, thus parking space is not an issue.”*

Location plan is **attached** at Appendix DPDS-5.

### **Council Policy Compliance**

Clause 10 of City's *Local Planning Policy: Access & Parking* provides that subject to the Scheme and the Policy, the Local Government may exercise its discretion to allow parking bays to be provided or used jointly by different premises (reciprocal car parking arrangement) provided the applicant submit information on:

- (1) as to the availability of shared off-street parking in the locality
- (2) hours of operation; and
- (3) legal agreement regarding the shared parking arrangement.

The applicant has provided sufficient justification to demonstrate that reciprocal off-street parking facilities are available on site. In terms of hours of operation, the applicant argues that the times of operation of each use are mutually exclusive except on rare occasions. It is considered that reciprocal car parking arrangement can be used in this case.

The Club and the proposed Church will be accommodated on the same site at different wings of the existing building. It is considered that provision of a legal agreement by the applicant/landowner will not add benefit for the reason that the subject site is owned by the same landowner. It is to the benefit of the landowner that the shared parking facilities be available at all times to secure the tenancy of the Church on the same site.

It is considered that that applicant has addressed the major Policy requirements in terms of the availability and use of reciprocal parking arrangement between the Club and the

proposed Church on the subject land. It is considered that a reciprocal car-parking arrangement will generally work in practice in that (as indicated in the justification submission by the applicant) a), the Church service is held on Sunday morning without conflict with other activities at the SWIC, and b) in that the youth activities associated with the Church take place every second Friday and participants are dropped off and picked by their parents and on that basis car-parking is therefore not generally required.

### **Legislative Compliance**

The proposal does not specifically comply with the Table 2 (Car Parking Table) of TPS 7 in respect of car parking bays requirements for Club Premises and Place of Worship [i.e. if the parking requirement is calculated individually and added together (273 bays)]. However, it is considered appropriate that Council exercise its discretion to support the proposal (145 bays) given that Italian Club has been operational for a number of years on the subject site and that no issues have been raised in terms of car parking shortage on site. In addition, it should be noted that the Church hours of operation will not necessitate additional car parking bays on site. The Italian Club is an existing development and the Church addition can fit within the exiting development and a reciprocal car parking arrangement is appropriate in this regard.

### **Officer Comments**

The subject site (No.13 White Street) is zoned Residential – R30 under TPS 7. The site consists of two (2) Lots (Lots 100 and 30 White Street). These Lots including the building are owned by the SWIC. At the rear of the main building (west) there is an existing hall which is referred as Bocce Hall. The proposal is to convert this hall for Church purposes. In terms of land use, both “Club Premises” and “Place of Worship” are defined in TPS 7 as an ‘A’ use (requiring advertising). The Club Premises is an existing use and the Place of Worship component was advertised in accordance with the Scheme requirements prior to the finalisation of the report for Council consideration.

The zoning map under TPS7 is **attached** at Appendix DPDS-6.

#### Table 2 - Car Parking Table

In accordance with Table 2 of TPS 7, the car parking requirement is as follows:

*“Club Premises - 1 bay for every 4 seats or 1 bay for every 4 persons the building is designed to accommodate, whichever is the greater, as determined by the Local Government.*

*Place of Worship – 1 bay for every 4 seats or 1 bay for every 4 persons the building is designed to accommodate, whichever is the greater, as determined by the Local Government.*

- Club Premises (building accommodates 930 people) = 233 spaces
- Place of Worship (160 seats) = 40 spaces
- Total = 273 spaces

Existing car parking spaces shown on the site plan = 145 spaces; and therefore there is a documented shortfall of 128 spaces.

The proposed change of use from Club Premises to Place of Worship and Club Premises is mainly to accommodate the proposed Church activities on site. The proposal can be supported providing that Council exercise its discretion to grant Planning Approval by allowing the reciprocal car parking arrangement between the Italian Club and the Church.

Given that the SWIC is an existing development, it is considered appropriate that Council exercise its discretion to support the proposal. Furthermore, it is considered that the Church's hours of operations and the use of the Club Premises can be accommodated on site and will not cause a parking issue i.e. the overall site can be served by the existing car parking bays onsite.

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

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

### **Community Consultation**

The proposal was advertised from 20 March 2013 and inclusive of 4 April 2013, in accordance with Scheme requirements. At the end of the public consultation period four (4) submissions were received, out of which three (3) submissions were from the Government Agencies and one (1) from the general public. The Government Agencies have raised no objections and provided their standard requirements. The copy of these standard requirements will be forwarded to the applicant. One (1) submitter from the general public has raised traffic and noise issues as a result of the addition of Church use on the subject site. It is considered that the addition of Church use will not significantly alter the traffic situation in the locality or result in a noise problem. It is considered that it is rare that these facilities are to be used at the same time. A copy of the submissions received is **attached** at Appendix DPDS-7.

### **Councillor/Officer Consultation**

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

### **Delegation of Authority**

Delegation of authority is not applicable in this case.

### **Relevant Precedents**

There are no similar relevant precedents in the consideration of the current proposal.

### **Outcome – Council Committee Meeting 4 June 2013**

Cr Cook declared a proximity interest in this matter (see Section 5). He has elected to remain in the chambers, participated in the discussion and voted on the matter.

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

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

### **Outcome – Council Meeting 11 June 2013**

Cr Cook declared a proximity interest in this matter (see Section 5). He has elected to remain in the chambers, participated in the discussion and voted on the matter.

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

**Council Decision 160/13**

***That Council resolves to:***

- 1. Approve the proposed Change of Use from Club Premises to Place of Worship (Conversion of existing Bocce Hall to Church Auditorium) and Club Premises at Lot 100 and 30, No.13 White Street (Application reference DA/2013/71/1) in accordance with Town Planning Scheme No.7 of City of Bunbury subject to standard and applicable development conditions to the satisfaction of the Manager Development Assessment and Building Certification.***
- 2. Advise the applicant and the submitters its decision.***

CARRIED

12 votes "for" / nil votes "against"



**10.8 Draft Local Planning Policy: Signage and Advertising Devices** (was listed as item 10.5.5 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 Karaszekwych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-10, DPDS-11

**Summary**

Historically the City has regulated advertising and signage through the *Local Law Relating to Advertising Devices* (Local Law) and its associated *Advertising Devices Policy* (ADP). The findings of a report by the Joint Standing Committee on Delegated Legislation however has highlighted the need for local governments to move away from the use of local laws to regulate signage towards the more appropriate use of the local planning policy framework under the *Planning and Development Act 2005* (i.e. local planning schemes) as the most appropriate mechanism. Furthermore, in 2010 the Department of Local Government advised local governments that signs and advertising devices should be administered under the *Planning and Development Act 2005*.

In response to these findings and in order to support the development application process, a draft Local Planning Policy: *Signage and Advertising Devices* (*Draft LPP*) has been prepared. The Draft LPP translates from the Local Law and ADP into one local planning policy for the regulation of signage and advertising under Town Planning Scheme No.7 (TPS7) where they are proposed outside of local reserves managed by the City of Bunbury.

A copy of the draft Local Planning Policy: Signage and Advertising Devices is **attached** at Appendix DPDS-10.

**Council Committee Recommendation**

That Council,

1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the draft Local Planning Policy: Signage and Advertising Devices for public comment for a period of not less than 42 days.
2. Reconsider the draft Local Planning Policy: Signage and Advertising Devices at the conclusion of the public advertising period.
3. Particularly refer the draft Local Planning Policy: Signage and Advertising Devices to the Chamber of Commerce and local sign writers for specific consultation.

**Executive Recommendation**

That Council:

1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the draft Local Planning Policy: Signage and Advertising Devices for public comment for a period of not less than 21 days.

2. Reconsider the draft Local Planning Policy: Signage and Advertising Devices at the conclusion of the public advertising period.
3. Subject to no objections being received during the advertising period, Council adopts the Local Planning Policy: Signage and Advertising Devices without modification.

### **Background**

Consistent with many local governments in Western Australia, signage has been regulated through the *Local Government Act 1995* and succeeding local laws appropriate to local requirements. In the case of the City of Bunbury, since 2003 signage and advertising has been regulated through its Local Law Relating to Advertising Devices and the ADP. As such, the Local Law and ADP provided a framework for the granting of building licences for signage and advertising proposals.

The findings contained in Report 28 Joint Standing Committee on Delegated Legislation Local Laws Regulating Signs and Advertising Devices (April 2009) and advice given by the Director General Department of Local Government (6 May 2010) to local governments stated that:

*“...local laws, if made under the Local Government Act 1995, must be for signs and devices that are only on local government property and public areas that are under the control, care and management of the local government, and must be of a non-planning and non-development nature.”*

The *Planning and Development Act 2005* was identified as providing the appropriate statutory framework for regulating advertising on zoned land and in particular private property. The regulation of signage and advertising on private property is also a matter related to building control under the *Building Code of Australia* if a building permit is required for the structure of a sign or advertising device.

At its meeting on 21 May 2013, Council resolved the following:

*“Council Decision 139/13*

*Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders 2012, the “debate be adjourned” for the points raised by Cr Steck to be further considered by the relevant officer.”*

### **Council Policy Compliance**

The procedure for making or amending a local planning policy is in accordance with clause 2.3 of TPS7, which are required to be advertised for public comment for a minimum of 21 days.

### **Legislative Compliance**

Local planning policies are adopted under Part 2 of TPS7, and while not part of the Scheme, provide guidance in the preparation and assessment of applications for planning approval in relation to specific issues or a arrange of issues in a specific place.

### **Officer Comments**

The Draft LPP translates the former Local Law and ADP into one local planning policy for the regulation of signage and advertising and sets out the City’s requirements for the installation and management of signage and advertising devices on zoned land and

buildings.

The Draft LPP defines various types of advertising devices and it provides a framework for the assessment of applications for all advertising devices. It provides standard design requirements in addition to specifying maximum size and area provisions for signage. It provides specific assessment criteria for the determination of the suitability of proposals relative to the land use zones in which they are proposed.

The Draft LPP is supported by the Advertising Devices Study (the Study), which is **attached** at Appendix DPDS-11. The Study explains the underpinning principles and methodology behind the Draft LPP, it provides an explanation of the former system of regulation under the *Local Government Act 1995*, it details how the essential elements of the Local Law and ADP are reflected in the Draft LPP and outlines why other elements have been omitted. With regard to later reviews, the Study also includes a number of recommendations about future changes or developments to the Scheme and the ADP.

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

There are no known financial or budget implications.

### **Community Consultation**

The draft Local Planning Policy: Signage and Advertising Devices is required to be advertised for public comment in accordance with clause 2.3 of the Scheme.

### **Councillor/Officer Consultation**

Officers of Planning and Development Services have participated in the preparation of the draft Local Planning Policy: Signage and Advertising Devices. The Executive Leadership Team has been briefed and supports the policy.

### **Outcome – Council Committee Meeting 4 June 2013**

Prior to the discussion on this matter Cr Steck moved, Cr Kelly seconded that the meeting suspend Standing Orders. The Mayor put the motion to the vote and was CARRIED 7 votes “for” / 2 votes “against”. Standing Orders were suspended at 6.18pm.

Cr Kelly moved, Cr Leigh seconded that Standing Orders be resumed. The Mayor put the motion to the vote and was CARRIED 9 votes “for” / nil votes “against”. Standing Orders were resumed at 6.25pm

Pursuant to Clause 11.6 of the City of Bunbury Standing Orders, Cr Steck moved Cr Kelly seconded that the debate on this matter for resumed. The Mayor put the procedural motion to the vote and was CARRIED 9 votes “for” / nil votes “against”.

Cr Steck moved Cr Slater seconded the following motion:

*“That Council refer the draft Local Planning Policy: Signage and Advertising Devices to the Chamber of Commerce and sign writers for comment prior to further consideration by Council.”*

The Mayor put the motion to the vote and was LOST 4 votes “for” / 5 votes “against”.

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

It was requested that the mover and seconder agree to the following amendment:

Remove the existing point 3 and replace it with the following which reads: *“Particularly refer the draft Local Planning Policy: Signage and Advertising Devices to the Chamber of Commerce and local sign writers for specific consultation.”* This amendment was agreed to.

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

#### **Outcome – Council Meeting 11 June 2013**

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

#### **Council Decision 161/13**

***That Council,***

- 1. In accordance with clause 2.3 of the City of Bunbury Town Planning Scheme No.7, advertise the draft Local Planning Policy: Signage and Advertising Devices for public comment for a period of not less than 42 days.***
- 2. Reconsider the draft Local Planning Policy: Signage and Advertising Devices at the conclusion of the public advertising period.***
- 3. Particularly refer the draft Local Planning Policy: Signage and Advertising Devices to the Chamber of Commerce and local sign writers for specific consultation.***

CARRIED

12 votes “for” / nil votes “against”

## **10.9 Hay Park South Multi Sports Pavilion – Preferred Concept Design Lock In** (was listed as item 10.6.1 on the meeting agenda)

<b>File Ref:</b>	A05592
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Jason Gick, Manager Engineering
<b>Executive:</b>	Phil Harris, Director Works and Services
<b>Attachments:</b>	Nil

### **Summary**

There is a recognisable difference between the drawings supporting the Councils grant applications (January 2010 and July 2011) and the stakeholder preferred building at Lark Hill, Port Kennedy. Additionally, the project site is constrained requiring the building to be elevated above ground. The Hay Park South – Multi Sports Pavilion concept planning requires a formal Council decision to 'lock in' the preferred development proposal, and subsequent budget adjustment.

### **Council Committee Recommendation**

1. Adopt the stakeholder preferred Building 'C' (Rugby) at Larkhill, Port Kennedy as its preferred development option for the Hay Park South – Multi Sports Pavilion
2. Elevate the preferred Pavilion building above ground to avoid latent groundwater constraints
3. Replace the pedestrian ramps in the preferred development option with an elevator in the design
4. Exclude the following items from the project:
  - Relocation of BMX toilet block
  - Upgrade of premium rugby pitch including dug-outs
  - Provision of two grass viewing mounds
  - New sports flood lighting
  - Fencing around rugby pitch
  - Landscaping
  - Loose furniture and equipment

### **Executive Recommendation**

That the Council:

1. Adopt the stakeholder preferred Building 'C' (Rugby) at Larkhill, Port Kennedy as its preferred development option for the Hay Park South – Multi Sports Pavilion
2. elevate the preferred Pavilion building above ground to avoid latent groundwater constraints
3. replace the pedestrian ramps in the preferred development option with an elevator in the design
4. Exclude the following items from the project:
  - Relocation of BMX toilet block
  - Upgrade of premium rugby pitch including dug-outs
  - Provision of two grass viewing mounds
  - New sports flood lighting
  - Fencing around rugby pitch
  - Landscaping

- Loose furniture and equipment
- 5. Delegate approval of the final design of the Hay Park South – Multi Sports Pavilion, including drawings, technical specifications and other contract documentation to the CEO
- 6. Delegate approval to call for Tenders for the construction of the Hay Park South – Multi Sports Pavilion to the CEO

## **Background**

The following Council Decisions apply to this project:

### *“Council Decision 147/11*

1. *Council approves the Royalties for Regions ‘Action Agenda’ application from the City of Bunbury for the Hay Park South Multi Sports Pavilion.*
2. *Council ranks the Hay Park South – Multi Sports Pavilion application as Priority 1*
3. *Councils contribution to the project be \$1,300,000*
4. *Council applies to CSRFF for the remaining \$361,000 election commitment for improvements to Soccer facilities.”*

Council Decision 147/11 supported the Councils application for additional funding for the project.

### *“Council Decision 261/12*

#### *Part 1:*

*That the Council adopt the following project scope for the design and construction briefs for the Hay Park South Regional Multi Sports Pavilion:*

*“Design and construction of a Regional Sports Pavilion to accommodate regional representative soccer, rugby and other sports in accordance with the requirements of:*

- *Football West;*
- *Western Australian Rugby League Association;*
- *Project Description defined in the Royalties for Regions Regional Development Council grant application; and*
- *Department of Sport and Recreation funding agreement.*

#### *Part 2:*

*That options for management models for the Hay Park South Regional Multi Sports Pavilion are developed and presented to Council by 1 July 2013.”*

Council Decision 261/12 framed the design criteria for tender to ensure the needs of the stakeholders and the funding providers were met in the design brief, and initiated discussion about the facility management structure.

### *Council Decision 31/13*

1. *That Council endorse the recommendation in the WALGA Report:*

*“Peter Hunt Architects is the recommended Tenderer for its pricing submitted for its Lark Hill concept design on the basis of demonstrating best value for money. The Contractor’s legal entity name is Peter Hunt Pty Ltd also trading as Peter Hunt Architect Unit Trust.”*

2. *Council advise WALGA to proceed with preparing the resultant Contract for issue. “*

Council Decision 31/13 appointed the preferred Architect to deliver the design for the Lark Hill concept design.

The project has now progressed to the point where the preferred concept design requires a Council Decision to lock in aspects of the design required to deliver the project.

### **Council Policy Compliance**

The appointment of the preferred Architect is in accordance with the City's procurement guidelines and policies.

### **Legislative Compliance**

The proposed variation in budget requires a Council Decision in accordance with the Local Government Act 1995.

### **Officer Comments**

The project design brief requires the Architect to establish and maintain a Project Cost Plan based on the concept plan and the schematic drawings. Quantity Surveyors RBB have been appointed to prepare the cost plan and assist with cost management.

A site master plan has been produced to facilitate the building design development. The master plan was prepared to 'develop up' the site to its ultimate use and to ensure the stakeholder nominated Lark Hill building is in context with its surrounding space. A preliminary cost estimate for all features contained within the master plan was \$7.9M, which included all aspects of the grant approved project and numerous 'nice to have' items such as flood lighting.

The master plan was then scaled back to remove non-essential 'nice to have' items, which reduced the project cost estimate to \$5.5M. This did not compare favourably with the project budget of \$4.7M and the previous cost estimate of \$4.1M undertaken by Quantity Surveyors Davis Langdon in January 2010 and updated to \$4.7M in September 2011.

A more thorough investigation showed the items and unit rates between Davis Langdon's estimate and RBB's estimate were comparable, however the actual drawings differed. The floor space of the drawings submitted to support the grant application in July 2011 is significantly smaller than the actual drawings of the preferred Lark Hill Building.

The total floor space of the grant submitted drawings is 1,867m<sup>2</sup> (over two stories) and the total floor space of the preferred Lark Hill building is 2,340m<sup>2</sup> (over two stories). This represents a 20% difference in building size.

The decision to reduce the Lark Hill drawings in size to reflect the drawings submitted to support the grant application is reflected in a single line item in the 14 December 2009 Hay Park South Pavilion Reference Group meeting minutes. The decision to "Look to reduce the overall building size to contain the building cost around \$3 million" does not appear to have been transparently transferred into the grant application and was not known to staff who have been working on this project since that time.

This situation represents a hold point in the design contract as a decision is now required to direct the Architect to develop the design for contract documentation.

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

The cost estimates prepared by RBB Quantity Surveyors shows that the cost estimates prepared by Davis Langdon for the smaller building is reasonable with some variations to account for the passage of time and minor adjustments to the master plan context.

The cost estimates indicate the following project costs:

Development Option	Floor Space	Cost Estimate
Original Drawings to support Grant Application (partly submerged)	1,867m <sup>2</sup>	\$5.4M
Original Drawings to support Grant Application (raised)	1,867 m <sup>2</sup>	\$4.9M
Actual Drawings for stakeholder preferred Lark Hill Building 'C' (Rugby) (raised)	2,340m <sup>2</sup>	\$5.6M
Actual Drawings for stakeholder preferred Lark Hill Building 'C' (Rugby) (partly submerged)	2,340m <sup>2</sup>	\$6.1M

The budget for the project is \$4,774,319 with \$100,000 to be spent in 2012/13 and the balance to be spent in 2013/14.

Should the Council wish to deliver the stakeholder preferred Lark Hill Building 'C' (Rugby), another \$800,000 will need to be sourced, notwithstanding any project variations outside the cost estimated project contingency.

The option of piping the section of Five Mile Brook adjacent to the Rugby pitch was raised at the Council Briefing on 28 May 2013. The investigation explored the concept of extending the piping to the existing bridge to make the bridge redundant. The cost to pipe approximately 150m of Five Mile Brook using 1800mm diameter pipes is in the order of \$750,000 to \$800,000. This is not required to deliver the building to the reduced scope of the master plan and can be considered for a future development project.

### **Community Consultation**

The project has been identified in reports previously subject to community consultation:

- City of Bunbury Recreation Plan (2006); and
- Hay Park Feasibility Study (2009).

In addition, the City has consulted extensively with sporting stakeholders including rugby and soccer during the grant application process.

On Tuesday 12 March 2013 the City facilitated a site tour at Lark Hill, Port Kennedy with senior representatives of the soccer and rugby fraternities. This tour was undertaken with the Architect and facility managers from the City of Rockingham.



The current situation presented to the Council in this report was explained to representatives of the soccer, rugby and BMX fraternities on Monday 27 May 2013.

The City has consulted with Troy Jones of the Department for Sport and Recreation (grant provider) to clarify any grant constraints in the Council decision making. Mr Jones has advised that the Council may adopt either building design but it must adhere to the intent and objectives of the grant agreement. The Council may spend more on the project, but the grant will not be increased accordingly. Conversely, should the project come in under budget, the grant will be reduced proportionately.

### **Councillor/Officer Consultation**

The Project Manager responsible for the delivery of the project has been working closely with the Manager Sport, Leisure and Active Lifestyles who will be responsible for its operation.

Various staff has consulted on the master planning, project logistics, project timeframes, stakeholder needs and facilities management.

The difference in building concept drawings was presented to the Executive for direction at its 22 May 2013 meeting. The Executive recommended the adoption of the stakeholder preferred Building 'C' (Rugby) at Larkhill, Port Kennedy for the preferred development option for the Hay Park South – Multi Sports Pavilion.

### **Outcome – Council Committee Meeting 4 June 2013**

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

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

The Mayor put the motion to the vote in separate parts the results of which form the Committee's recommendation on the matter.

Point 1 – 4: 9 votes "for" / 1 vote "against" CARRIED

Point 5: 3 votes "for" / 7 votes "against" LOST

Point 6: 4 votes "for" / 6 votes "against" LOST

### **Outcome – Council Meeting 11 June 2013**

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

#### **Council Decision 162/13**

- 1. *Adopt the stakeholder preferred Building 'C' (Rugby) at Larkhill, Port Kennedy as its preferred development option for the Hay Park South – Multi Sports Pavilion***
- 2. *Elevate the preferred Pavilion building above ground to avoid latent groundwater constraints***
- 3. *Replace the pedestrian ramps in the preferred development option with an elevator in the design***
- 4. *Exclude the following items from the project:***

- ***Relocation of BMX toilet block***
- ***Upgrade of premium rugby pitch including dug-outs***
- ***Provision of two grass viewing mounds***
- ***New sports flood lighting***
- ***Fencing around rugby pitch***
- ***Landscaping***
- ***Loose furniture and equipment***

CARRIED

12 votes "for" / nil votes "against"

### **10.10 Picton Road Widening** (was listed as item 10.6.2 on the meeting agenda)

<b>File Ref:</b>	A04202
<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 DWS-1

#### **Summary**

Council Decision 146/13 required the Director Works and Services to bring a further report to Council following a meeting with the residents of Picton Road.

#### **Council Committee Recommendation**

Council approves the construction of a Pedestrian Refuge and associated pram ramps as per Appendix DWS-1 and install a wedge of hotmix at the vehicle crossovers (driveways) which are of concern to residents.

#### **Background**

A petition was presented to Council on the 16th April 2013 by the residents and landowners of Picton Road. The petition expressed concerns over property access and the alteration of the Charterhouse Close intersection. A report in response to the petition was presented to Council on the 21st May 2013. Two (2) of the resolutions from this meeting were:

- “1. Director Works and Services bring a further report to Council addressing the specific issues from the residents of Picton Road at the Committee meeting 14 May 2013.*
- 2. Director Works and Services to meet residents on site and the invitation to be extended to all Councillors.”*

A meeting was held with residents and landowners on 30 May 2013 with Cr’s Craddock, Leigh, Cook and Steele in attendance.

At the meeting plans for a Pedestrian Refuge and associated pram ramps were presented and well received as a solution to the issue of gophers being unable to safely cross Picton Road. The installation of a wedge of hotmix to the crossovers (driveways) which are of concern to residents was also presented.

#### **Council Policy Compliance**

Not applicable

#### **Legislative Compliance**

Not applicable

#### **Officer Comments**

Works and Services officers have reviewed this section of Picton Road and have designed a Refuge which will provide a safe crossing point for both pedestrians and gophers. At a later stage a path could be constructed to connect Wollaston Mews to Robertson Drive to allow for safe crossing at the traffic controlled intersection. Information has also been

provided to residents and Councillors with regards to the Road Traffic Code which clarifies allowable traffic movements at painted medians. The Road Traffic Code will not be impacted by the proposed Pedestrian Refuge.

A copy of the proposed pedestrian refuge island concept is **attached** at Appendix DWS-1.

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

The installation of the Pedestrian Refuge and associated pram ramps will cost approximately \$15,000. The installation of the wedge of hotmix for the crossovers (driveways) will cost approximately \$200 per installation. Funds are available within existing projects to cover these costs.

### **Community Consultation**

The residents and landowners presented a petition and made representations to Council on this issue. A meeting was held with residents and landowners on Thursday 30th May 2013. The residents were advised of the meeting by Genevieve Schoeman and Helen Littlefair. The Media was also present at this meeting.

### **Councillor/Officer Consultation**

All councillors were invited to the meeting. Cr's Craddock, Leigh, Cook and Steele attended the meeting. Cr Craddock represented the Mayor due to a prior commitment. Cr McNeill advised that he was unable to attend and was provided with a copy of the proposed Pedestrian Refuge design.

### **Outcome – Council Committee Meeting 4 June 2013**

The Executive recommendation (as printed) was moved Cr Cook, 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 11 June 2013**

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

### **Council Decision 163/13**

***Council approves the construction of a Pedestrian Refuge and associated pram ramps as per Appendix DWS-1 and install a wedge of hotmix at the vehicle crossovers (driveways) which are of concern to residents.***

CARRIED  
12 votes "for" / nil votes "against"

### **10.11 Leschenault Inlet Masterplan** (was listed as item 10.2.1 on the meeting agenda)

<b>File Ref:</b>	A05205
<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1, CEO-2

#### **Summary**

The purpose of this report is to inform Council of the outcomes of the community consultation on the Leschenault Inlet Masterplan project as endorsed for advertising by Council on 11 December 2012 and seek final endorsement of the Masterplan amended as outlined below.

#### **Council Committee Recommendation**

That Council resolves:

1. To adopt the Leschenault Inlet Masterplan subject to:
  - (a) Recommendations as at Appendix CEO-1 being endorsed; and
  - (b) Actions as at Appendix CEO-1 being undertaken
2. That a further report be provided to Council specifically focused on potential options and strategies for funding of any of the works identified.
3. A briefing package on the Masterplan be prepared to lobby both State and Federal Government for funds to help progress various stages of the Masterplan.
4. That submitters be advised.

#### **Background**

At its meeting held 11 December 2012 Council Decided (380/12):

*“That Council resolves to:*

1. *Adopt the Leschenault Inlet draft report for the purposes of advertising for public submissions, and*
2. *Advertise the Leschenault Inlet draft report for public comment from the 18 December 2012 until the end of January 2013.”*

Advertisements for the Draft Masterplan and Report were placed in Bunbury Mail and South Western Times on 19 December 2012 and 20 December 2012 and again on 9 January 2013 and 10 January 2013 consecutively.

Information was uploaded onto the City’s website on 18/12/2012. The size of the Masterplan Report meant that the total document could only be placed on the site in a dramatically shrunk way or in large pieces. Electronic copies clearly marked as a draft were available to anyone who requested it.

Copies of the Draft Masterplan and Report were placed in the Foyer of the Administration Building and at the City Library on 18 December 2012.

The submission period closed 31 January 2013 after which a table of submissions was prepared. Information from submissions was typed verbatim into the submission table so

that interpretation was not a factor in the understanding of any submissions. The Consultant was requested to provide comment on the submissions.

A meeting of the Leschenault Inlet Masterplan Project Management Group was held on 15 February 2013 where the submissions, staff responses and responses from the Consultant were considered, and where the Project Management Group provided further comment.

### **Council Policy Compliance**

The project is consistent with the following Council Policies:

- Council Policy *DWS-4 Provide Diverse Range of Activities and Facilities for Residents and Visitors* states:  
*“To enhance the quality of life for visitors and residents of Bunbury through the provision of a diverse range of high quality and cost effective recreational; activities and/or facilities.”*
- Council Policy *DCS-4 Integrated Planning* states:  
*“Council is committed to achieving best practice and legislative compliance in its Integrated Planning performance in which activities and services delivered by the City of Bunbury are aligned with community expectations and objectives.”*
- Council Policy *CEO5 Economic Development* states:  
*“To promote Greater Bunbury’s regional advantage and support the necessary conditions for sustained investment, growth and employment generation.”*

### **Legislative Compliance**

Under the Planning and Development Act (2005) the Western Australian Planning Commission (WAPC) has responsibility for the administration of the Greater Bunbury Region Scheme (GBRS). As the majority of the Inlet is reserved for Regional Open Space under the GBRS, the WAPC through the Department of Planning has both endorsed the preparation of the Masterplan and participated in the planning process. In addition, the Ministerial Taskforce for the Waterfront project has endorsed the preparation of the Masterplan.

### **Officer Comments**

The importance of the Masterplan was recognized by the Ministerial Taskforce (Ministers Castrilli, Day and Grylls) for the Waterfront Project which endorsed the preparation of the plan as a joint effort with the Department of Planning on behalf of the WAPC. The involvement of the Department of Planning is necessary as the majority of the land, the subject of the plan, is reserved as Regional Open Space under the Greater Bunbury Region Scheme.

The Masterplan has been designed to be implemented in manageable components over time as resources become available. Funding has been identified in the draft Long Term Financial Plan for both the Detailed Concept and Detailed Design stages of the Plan.

The recommendations/comments **attached** at CEO-1 are made as a result of submissions made during the submission period:

Whilst there have been a number of recommendations made in relation to the consultation process, it has also been identified that in the short term there is a need to undertake some improvements. This has been incorporated into the draft budget for 2013/14 and following adoption of the budget, these works will commence.

Once Council has endorsed the Masterplan, it is recommended that a briefing package be put together to take to both State and Federal Governments to seek funding to help with progressing the various stages of the Masterplan.

In addition, Council staff will continue to look for appropriate grant and sponsorship opportunities to progress any of the components of the Master Plan.

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

The financial and budget impact of the full implementation of the Masterplan is substantial and beyond the resources of the City alone to achieve. Hence, it is essential that there is State and Commonwealth Government financial support for the implementation.

The first step in progressing the implementation of the plan will be to provide the necessary funds to prepare the detailed designs for selected precincts (e.g. Precincts: 2 – Water Playground; 3 – Bicentennial Square; and 4 – Friendship Gardens. In this regard, proposals for this work will be included in the 10 year financial plan.

An important consideration in the process of design and development will be the assessment of the cost to Council of ongoing maintenance of improvements and asset management. Clearly the high standard of amenity envisaged in the Masterplan can only be achieved with an appropriate level of management and maintenance.

### **Community Consultation**

A copy of the table of submissions received during the community consultation period is **attached** at Appendix CEO-2.

Recommendations and comments are outlined in the Officer Comments section of this report.

### **Councillor/Officer Consultation**

Prior to advertising there had been nine meetings of the Project Management Group which has included the Mayor, Deputy Mayor, Cr Steele, Cr Morris, the City's Landscape Architect, the Team Leader of Strategic Planning (on behalf of Mr Karaszewych) and the City Engineer (or his nominee). Minutes of Project Management Group meetings and Council had been briefed on progress at formal Briefing sessions.

### **Strategic Relevance**

The draft Masterplan is consistent with the following Strategic Objectives and Strategies:

1. *Strategic Objective 4* is to Implement the City Vision Strategy. The Action Plan states;  
*“Allocate sufficient resources for the planning and development of the Leschenault Inlet Regional Park so that the area is established as a major tourist and recreation attraction.”*

The City Vision Strategy also provided a clear preference for civic, cultural and tourist orientated uses and for any development to be low impact.

2. *Strategic Objective 5* is to Promote Ecological Sustainable Development of the City's Built Environment. The Masterplan places a high emphasis on the conservation of the natural values of the Inlet and improving the water quality in the Inlet. The Masterplan also promotes the integration of management effort through the rationalisation of management orders and vestings.
3. *Strategic Objective 6* is to Develop Social Capital. There has been comprehensive community engagement in the planning process and the recommended strategies for implementation are designed to foster a sense of community.

## **Economic, Social, Environmental and Heritage Issues**

### Economic

The economic impact of the Masterplan when implemented is expected to be extremely positive as the City will have major new attractions for tourism and recreation as well as opportunities for development investment. In addition the viability of CBD retailing will be enhanced with improved amenity and increased visitations generated by new attractions.

### Social

A primary objective of the Masterplan is to provide accessible, family friendly open space and public amenities with opportunities to undertake a variety of recreational activities. This contributes to healthier and more cohesive communities.

### Environmental

A strong theme that emerged through the public and stakeholder consultation was the need to conserve the natural values of the Inlet and improve the water quality. Key areas such as the white mangrove colony have been designated for conservation and nature based tourism and recreation. In addition nutrient stripping and waste trapping facilities have been incorporated in the design.

### Heritage

Running concurrently with the Masterplan study has been the maritime archaeological survey and excavations covering Lots 881, 882 and 883 Koombana Drive. Although incomplete at this point in time, there has been several significant finds which will make a major contribution to our knowledge of the early whaling industry that prospered in and around Koombana Bay.

The Masterplan makes explicit recommendations for the conservation and interpretation of the marine archaeology in Precinct 9.

## **Outcome – Council Committee Meeting 4 June 2013**

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

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



During the discussion of this item, the Mayor left the chambers at 7.53pm. Deputy Mayor Cr Craddock presided over the meeting during his absence. The Mayor returned to the meeting at 7.54pm and resumed presiding over the remainder of the meeting.

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

Point 1 – 4: 9 votes "for" / 1 vote "against" CARRIED  
Point 5: 3 votes "for" / 7 votes "against" LOST  
Point 6: 4 votes "for" / 6 votes "against" LOST

### **Outcome – Council Meeting 11 May 2013**

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

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

During the discussion of this item Cr Kelly moved Cr Leigh seconded that Standing Orders be suspended. The Mayor put this motion to the vote and was CARRIED 12 votes "for" / nil votes "against". Standing Orders were suspended at 6.35pm.

Cr Kelly moved Cr Leigh seconded that Standing Orders be resumed. The Mayor put this motion to the vote and was CARRIED 12 votes "for" / nil votes "against". Standing Orders resumed at 6.43pm.

Cr Cook moved Deputy Mayor Cr Craddock seconded the following motion:

*"Item 11 on the list of actions and recommendations (Appendix CEO-1) to be removed."*

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

#### **Council Decision 164/13**

***Item 11 on the list of actions and recommendations (Appendix CEO-1) to be removed.***

CARRIED  
12 votes "for" / nil votes "against"

The debate resumed on the substantive motion.

It was requested that the mover and seconder agree to the following amendments:

Add the words "on or before 30 July 2013" at the end of points 2 and 3.

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

#### **Council Decision 165/13**

***That Council resolves:***

- 1. To adopt the Leschenault Inlet Masterplan subject to:  
(a) Recommendations as at Appendix CEO-1 being endorsed; and  
(b) Actions as at Appendix CEO-1 being undertaken.**
- 2. That a further report be provided to Council specifically focused on potential options and strategies for funding of any of the works identified on or before 30 July 2013.**
- 3. A briefing package on the Masterplan be prepared to lobby both State and Federal Government for funds to help progress various stages of the Masterplan on or before 30 July 2013.**
- 4. That submitters be advised.**

CARRIED  
10 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 Kelly, Cr McNeill, Cr Cook, Cr Morris  
Against: Cr Steck, Cr Slater

Cr Jones moved Cr Kelly seconded the following motion:

*“That the proposal to relocate the Anzac Memorial from Victoria Street to Leschenault Inlet foreshore be referred to the Director Works and Services for comments and review and any such review to include members of Bunbury RSL as primary stakeholders.”*

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

#### **Council Decision 166/13**

***That the proposal to relocate the Anzac Memorial from Victoria Street to Leschenault Inlet foreshore be referred to the Director Works and Services for comments and review and any such review to include members of Bunbury RSL as primary stakeholders.***

CARRIED  
11 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 Steck, Cr Slater, Cr Steele, Cr Kelly, Cr McNeill, Cr Morris  
Against: Cr Cook

**10.12 Council Consideration to Live Stream Meetings** (was listed as item 10.2.3 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>	Nil

**Summary**

The purpose of this report is for Council to consider whether it wishes to live-stream its meetings.

**Council Committee Recommendation**

That Council request the Chief Executive Officer make the necessary arrangements to facilitate the live streaming of all Ordinary and Special Council meetings, and all Council Committee meetings.

**Background**

An upgrade to the Council Chambers in 2012 saw the installation of requisite technology to facilitate the audio and visual recording and live-streaming of Council meetings.

Whilst no meetings of Council have yet been live-streamed, sufficient testing has taken place by Officers in the IT Department to indicate that the technology is working as required, and that live-streaming could commence whenever Council so desires.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

Not applicable

**Officer Comments**

As far as Officers can ascertain, the cities of Joondalup and Greater Geraldton are the only WA local governments that currently live-stream their Council meetings. As a result, should Council ratify the Executive Recommendation the City would be perceived as a leader in innovation in this regard; utilising technology to reach a wider audience of our community.

It is also considered that live-streaming meetings would have a positive effect on some of the negative perceptions that are occasionally documented in the local media around transparency, as well as being a tool for the positive promotion of the decisions and work of Council.

**Analysis of Financial and Budget Implications**

There are no financial implications arising from the recommendations of this report, and the requisite infrastructure to live-stream meetings is already in place.

### **Community/Officer Consultation**

Not applicable

#### **Outcome – Council Committee Meeting 4 June 2013**

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 11 June 2013**

The recommendation (as printed) from the Council Committee 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 167/13**

***That Council request the Chief Executive Officer make the necessary arrangements to facilitate the live streaming of all Ordinary and Special Council meetings, and all Council Committee meetings.***

CARRIED 11 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 Steck, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris  
Against: Cr Slater

**10.13 2012-13 City of Bunbury Post-Event Operating Reports** (was listed as item 10.3.1 on the meeting agenda)

<b>File Ref:</b>	A05433, A05434, and A05435
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Nardine Walford-Jones, Events Officer
<b>Executive:</b>	Stephanie Addison-Brown, Director Community and Customer Services
<b>Attachments:</b>	Appendix DCCS-1, DCCS-2, DCCS-3

**Summary**

The purpose of this report is to provide Council with post-event operating reports, including final budgets, for the 2012-13 City of Bunbury events including:

1. Christmas Carnival 2012 (as **attached** at Appendix DCCS-1
2. Australia Day Celebrations & Fireworks Spectacular 2013 (as **attached** at Appendix DCCS-2
3. Viva Bunbury! 2013 (as **attached** at Appendix DCCS-3

**Council Committee Recommendation**

1. That Council accept/receive the post-event operating reports for the City of Bunbury's 2012-13 events.
2. That a report be provided to Council to consider the future focus and operations of the events in 2013/14.

**Executive Recommendation**

That Council accept/receive the post-event operating reports for the City of Bunbury's 2012-13 events.

**Background**

Post-event operating reports are provided to Council for their information at the conclusion of each event season.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

Not applicable

**Officer Comments**

Not applicable

**Analysis of Financial and Budget Implications**

Final budgets for each event are included as appendices within the individual reports.

### **Community Consultation**

Event evaluation reports which document community feedback are included as appendices within the individual reports.

### **Councillor/Officer Consultation**

Not applicable

### **Outcome – Council Committee Meeting 4 June 2013**

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

At this point in proceedings (8.31pm), Cr Slater left the chambers and did not return to vote (see Section 9) on this matter.

During the discussion Cr Steck moved, Cr Steele seconded that the meeting suspend Standing Orders. The Mayor put the motion to the vote and was CARRIED 9 votes “for” / nil votes “against”. Standing Orders were suspended at 8.32pm.

Cr Steck moved, Cr Kelly seconded that Standing Orders be resumed. The Mayor put the motion to the vote and was CARRIED 9 votes “for” / nil votes “against”. Standing Orders were resumed at 8.45pm

It was requested that the mover and seconder agree to the following amendment:

Add a point 2 which reads *“That a report be provided to Council to consider the future focus and operations of the events in 2013/14”*. This amendment was agreed to.

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

### **Outcome – Council Meeting 11 June 2013**

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

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

#### **Council Decision 168/13**

- 1. That Council accept/receive the post-event operating reports for the City of Bunbury’s 2012-13 events.**
- 2. That a report be provided to Council to consider the future focus and operations of the events in 2013/14.**

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

### **10.14 Anzac Park Conservation Plan** (was listed as item 10.5.1 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Leigh Barrett, Planning Officer Heritage
<b>Executive:</b>	Bob Karaszekewych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-1, DPDS-2

#### **Summary**

A conservation plan for Anzac Park, on the corner of Stirling and Parkfield Streets, has been prepared for the City of Bunbury by consultants, Heritage and Conservation Professionals, with funding assistance from the Lotterywest Heritage Grants program. The conservation plan assesses the heritage significance of Anzac Park and the War Memorial and sets out recommendations for the ongoing conservation and maintenance of the place, which is of cultural heritage significance to the State.

#### **Council Committee Recommendation**

1. That Council hereby resolves to endorse the Anzac Park Conservation Plan and Schedule of Conservation Works.
2. That temporary repairs be made to the Soldiers hat and nose prior to Remembrance Day 2013.
3. That the Bunbury sub branch of the RSL be engaged and informed during implementation of the plan.
4. That the Oleander trees are not to be removed until as such time as the mature trees have been established.

#### **Executive Recommendation**

That Council hereby resolves to endorse the *Anzac Park Conservation Plan* and Schedule of Conservation Works.

#### **Background**

The earliest known building on what is now Anzac Park was the Bunbury Hospital, constructed in 1897. In 1924, the war memorial was constructed on the northern end of the site and the site subsequently landscaped to create Anzac Park. The hospital was demolished in 1974 to make way for a library building which was replaced by the current library in 2008.

Anzac Park was entered into the Heritage Council of Western Australia's Register of Heritage Places in 2006. It is a landscaped park with lawns, trees and garden beds, and containing several memorial structures including Bunbury War Memorial, a prominent landmark in the Inter-War Stripped Classical style, facing the length of Victoria Street at its intersection with Stirling Street. The place is used both as a park and as a place of remembrance and has cultural heritage significance for the following reasons:

- *The place is both a site for and a symbol of national and regional mourning for those who lost their lives in World Wars One and Two;*

- *Bunbury War Memorial is a means of identifying the men and women from Bunbury who lost their lives in those wars;*
- *The combination of the original World War One Donnybrook stone memorial cenotaph in the Inter-War Stripped Classical style and marble statue of a soldier standing with arms reversed and head bowed is aesthetically appealing and a rare memorial design in the State;*
- *Anzac Park, Bunbury has been the focus of Anzac Day and other commemorative services in Bunbury since Bunbury War Memorial's unveiling in 1924; and*
- *The white painted stone memorial provides a landmark on the intersection of Stirling and Victoria Streets and is a striking termination of the vista down Victoria Street.*

The conservation plan, which was prepared in accordance with the Heritage Council of WA's standard brief, includes:

1. historical and physical evidence relevant to the assessment of the cultural heritage significance of the place;
2. assessment of the place's cultural heritage significance
3. conservation policy recommendations; and
4. implementation recommendations.

### **Council Policy Compliance**

Local Planning Policy – Heritage Conservation and Development Policy for Heritage Places states that *“the City of Bunbury will seek to lead by example through the management of premises, either owned or vested, in accordance with this Local Planning Policy”*. Council's endorsement of the conservation plan is consistent with this policy.

### **Officer Comments**

The Anzac Park Conservation Plan recommends short, medium and long term priorities for physical conservation. It provides guidance to the City as the owners of the place to ensure its long term conservation.

Further, Lotterywest funding can be sought for conservation works for places with a conservation plan in place.

Physical conservation policies for Anzac Park are set out in Section 7 of the conservation plan and a Schedule of Conservation Works (as **attached** at DPDS-1).

Figures 10 and 11 of the conservation plan illustrate the recommended works (as **attached** at Appendix DPDS-2).

Of particular interest are the recommendations to:

1. Restore War Memorial surfaces to natural stone; and
2. Reinstate pool as shown on archival photographs.

The Bunbury RSL and the City of Bunbury Heritage Advisory Group support the recommendations contained within the conservation plan.

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

It should be noted that the Anzac Park Conservation Plan contains recommendations only and the City is under no obligation to implement any or all of them within the timeframes specified. If, and when, recommendations are implemented, there may be future financial implications. Funding of those works could be incorporated into normal maintenance budgets, and external funding assistance can be sought to undertake conservation works.



### **Community Consultation**

The City of Bunbury Heritage Advisory Committee supported the preparation of the Conservation Plan and provided comment on the various drafts.

At its meeting of 8 May 2013, the Committee considered the plan, and resolved to recommend the Anzac Park Conservation Plan to Council for endorsement. The Committee supports the restoration of the War Memorial (returning it to its natural stone) and the reinstatement of the reflection pool at the base of the memorial.

The City's Planning Officer (Heritage) has met with representatives of the Bunbury RSL's Executive and has also attended a meeting of the Executive on 14 March 2012 to discuss the matter with them. The RSL supports the recommendations contained with the conservation plan including the restoration of the War Memorial (returning it to its natural stone) and the reinstatement of the reflection pool at the base of the memorial.

Of particular note is the RSL's desire to have the restoration work completed in time for the commemoration of the 100<sup>th</sup> anniversary of Anzac Day in 2015.

### **Councillor/Officer Consultation**

The Heritage Advisory Committee, comprising three (3) Councillors and five community members, has been consulted in the preparation of the conservation plan and supports its endorsement by Council.

The City's Regional Heritage Advisor has also participated in the preparation and review of the plan.

The City's Landscape Architect has also considered the plan and liaised with City's Parks and Gardens section. The recommendations of the plan are generally supported, noting that there are a number of issues to be further considered with regard to the reinstatement of the reflection pond.

### **Outcome – Council Committee Meeting 4 June 2013**

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

It was requested that the mover and seconder agree to the following amendment:

Include an additional two points which read as follows:

- “2. *That temporary repairs be made to the Soldiers hat and nose prior to Remembrance Day 2013.*
3. *That the Bunbury sub branch of the RSL be engaged and informed during the implementation of the plan.”*

This amendment was agreed to.

Cr Steele moved, Cr Leigh seconded the following amendment:

Include an additional point 4 which reads as follows:

- “4. *That the Oleander trees are not to be removed until as such time as the mature trees have been established.”*

The Mayor put the amendment to the vote and was CARRIED 5 votes “for” / 4 votes “against”. The full motion now reads as follows:

- “1. *That Council hereby resolves to endorse the Anzac Park Conservation Plan and Schedule of Conservation Works.*
2. *That temporary repairs be made to the Soldiers hat and nose prior to Remembrance Day 2013.*
3. *That the Bunbury sub branch of the RSL be engaged and informed during implementation of the plan.*
4. *That the Oleander trees are not to be removed until as such time as the mature trees have been established.”*

The Mayor put the motion as amended to the vote in separate parts. The results of which form the Committee’s recommendation on the matter.

- Point 1: 7 votes “for” / 2 votes “against” CARRIED  
Point 2: 5 votes “for” / 4 votes “against” CARRIED  
Point 3: 6 votes “for” / 3 votes “against” CARRIED  
Point 4: 5 votes “for” / 4 votes “against” CARRIED

#### **Outcome – Council Meeting 11 June 2013**

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

It was requested that the mover and seconder agree to the following amendments:

In point 3 add the word “continuously” before the word “engaged”. In point 4 add the word “replacement” before the word “mature”. These amendments were agreed to.

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

#### **Council Decision 169/13**

- 1. *That Council hereby resolves to endorse the Anzac Park Conservation Plan and Schedule of Conservation Works.***
- 2. *That temporary repairs be made to the Soldiers hat and nose prior to Remembrance Day 2013.***
- 3. *That the Bunbury sub branch of the RSL be continuously engaged and informed during implementation of the plan.***
- 4. *That the Oleander trees are not to be removed until as such time as the replacement mature trees have been established.***

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

**10.15 Proposed Detailed Area Plan - Ward Street, South Bunbury – Lot: 73, Lot: 74, Lot: 75 (DP: 3227), Lot: 76 (DP: 3227), Lot: 77 (DP: 3227), Lot: 78 (DP: 3227), Lot: 79 (DP: 3227), Lot: 80 (DP: 3227), Lot: 81 No. 18 Ward Street South Bunbury, 16 Ward Street South Bunbury, 14 Ward Street South Bunbury, 12 Ward Street South Bunbury, 10 Ward Street South Bunbury, 162 Blair Street South Bunbury (was listed as item 10.5.4 on the meeting agenda)**

<b>File Ref:</b>	A03927
<b>Applicant/Proponent:</b>	TME Town Planning Management Engineering Pty Ltd
<b>Author:</b>	Kelly Shore, Planning Officer
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development Services
<b>Attachments:</b>	Appendix DPDS-8, DPDS-9

### **Summary**

The applicant has submitted the proposed Detailed Area Plan (DAP) for adoption by Council, as **attached** at Appendix DPDS-8, and for endorsement by the WAPC in accordance with the Scheme requirements.

It is considered that the proposed DAP can be used as a development control mechanism in accordance with Clause 6.2.7 of the Scheme. It contains applicable design elements that can be applied in the assessment of subdivision/development applications.

### **Council Committee Recommendation**

That Council, in accordance with the Planning and Development Act 2005 (as amended) resolves to:

1. Adopt the proposed Detailed Area Plan: Ward Street, South Bunbury.
2. Refer the proposed Detailed Area Plan (DAP) to the Western Australian Planning Commission for endorsement in accordance with Condition 1 of Special Use Zone No. 53 of Town Planning Scheme No.7.

### **Background**

Scheme Amendment No. 42 to rezone Lots 73-81 Ward Street from “Residential R15” to “Special Use Zone” was given final approval by Council on 12 April 2011 (Council Decision 84/11). Condition 1.1 of Special Use Zone No. 53 requires the preparation of a Detailed Area Plan for the entire ‘Development Site’ prior to any subdivision or planning approval being granted.

### **Council Policy Compliance**

It is considered that there are no relevant Local Planning Policies that are applicable in the assessment of the DAP.

### **Legislative Compliance**

Clause 6.2.7 – Detailed Area Plan is the relevant clause in the Scheme.

## **Officer Comments**

The City has worked extensively with the applicant over the past few years to achieve a satisfactory outcome for this development site. The proposal provides a 'Mixed Use' buffer between commercial uses on Blair Street in the 'Mixed Business Zone' and dwellings in the existing 'Residential Zone' by providing a zone that may incorporate commercial and residential land uses in a one block strip. There is potential for future similar development to occur on the adjoining block to the north bounded by Blair, Strickland and Higgins Streets.

Scheme Amendment No. 38 – R-Code Omnibus Amendment (gazetted 06/12/11) rezoned the residential lots adjacent to the Right of Way (ROW) from 'R15' to 'R20/40' to facilitate higher residential density with access to the rear laneway. The Amendment also limited the construction of multiple dwelling developments to areas coded greater than R50 in the Residential Zone, and to land within adopted Structure Plans or Detailed Area Plans, such as this one.

As such, the ROW is integral to the success of the DAP because it provides vehicle access to possible multiple dwelling developments and future infill development fronting Castle Street, staff parking and access to commercial ground floor tenancies, and service vehicles. To date, the ROW is still in private ownership, and the applicant shall be required to secure the ability to upgrade the access-way with the Department of Regional Development and Land in accordance with the Land Administration Act 1997, as required by Condition of Approval on future DA's in accordance with this DAP.

### Land Use

All use classes specified in Special Use Zone No. 54 shall be treated as 'A' uses, all other use classes in the Scheme not listed as Special Uses in the zone shall be treated as 'X' uses. This is reflected in Condition 8 of the DAP.

### Standards for Development

Building envelopes are delineated on the DAP map. Consistent front setbacks ensure integrated parking facilities and continuous active frontages with covered walkways for pedestrian access. Rear setbacks have been established at 3m to ground floor to accommodate staff parking, waste management and loading, with the ability to build an upper storey with a 1.5m setback.

Amalgamation of lots may be required to accommodate floor space requirements and on site car parking requirements that are demonstrated on the plan (E.g. Lots 80 and 81).

Maximum height of development is 12 metres and net lettable area requirements are as per the Scheme, and therefore, have not been duplicated on the DAP.

### Car Parking

Public carparking is provided at the front of the site, consistent with the pattern of development along Blair Street, and provides for two rows of parking (with the exception of lots 73 and 74) with a 6m wide two-way access, that will require reciprocal rights of access across the development site. Reciprocal rights of access will be conditional on all development approvals in accordance with the Infrastructure Implementation Strategy as delineated on the DAP map. Number of car parking bays required per lot shall be in accordance with Table 2 – Car Parking Requirements of the Scheme, and the *Local Planning Policy – Access & Parking for Pedestrians, Bicycles and Vehicles*, and will guide the appropriate level of development potential on site based on land use requirements.

### Development Engineering

A Traffic and Parking Assessment, prepared by Riley Consulting (Document V1 643, dated October 2011), has been submitted with the application detailing potential traffic impacts, and intersection treatment options. In accordance with Condition 9 of the DAP's Infrastructure Implementation Strategy, all developers will contribute to a cost share arrangement, calculated by the City for the required intersection treatments, access-ways, verge treatments, signage and line marking.

Extensive negotiations have taken place with the applicant's consultant to resolve various engineering issues such as:

- Timing and construction of ROW access;
- Intersection of Ward Street;
- Greater separation between the end section of Ward Street and Blair Street;
- Carparking layout;
- Access locations.

Modifications over a period of time were made to the DAP layout and the Infrastructure Implementation Strategy before being advertised for comment. With only minor issues commented on during the advertising period, staff notes no further issues requiring modification at this stage of the DAP.

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

There are no known financial or budgetary implications relating to this matter.

### **Community Consultation**

The DAP was advertised to the public for a period of 21 days from 3/04/2013 – 23/04/2013 in accordance with clause 9.4.3 of the Scheme, consisting of the following methods:

- Letters sent to adjoining and affected land owners;
- Signs posted at street intersecting boundaries (x4);
- Letters sent to service agents;
- Advertisements in Council Administration Building Foyer;
- Advertisements in the Bunbury Mail "City Focus" on the following consecutive Wednesdays:
  - \* 3 April 2013
  - \* 10 April 2013
  - \* 17 April 2013

During this time a total of four (4) responses were received, as **attached** at Appendix DPDS-9, all from service agency referrals. Comments were generally in relation to working within proximity to existing infrastructure, and relevant comments will be conveyed to applicants on subsequent relevant Planning Approvals. Issues raised by Main Roads in relation to vehicle access for Lot 81 Blair Street from the Higgins Street frontage will be dealt with during the Development Approval process. Access-ways are indicative in location at this point in time.

### **Councillor/Officer Consultation**

The proposal was presented at the internal Development Coordination Unit (DCU) where it was discussed in a multi-disciplinary environment. Internal referrals were requested by Health, Development Engineering, Parking Coordinator and Parks and Gardens and

Strategic Planning and their comments and requirements have been taken into consideration.

Extensive consultation with Development Engineering has occurred throughout the process both internally, and with external consultants.

There has been no officer/Councillor consultation during the assessment process.

### **Delegation of Authority**

Delegation is not applicable in this case. Adoption of a Detailed Area Plan (DAP) is by Council decision only.

### **Outcome – Council Committee Meeting 4 June 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: Mayor D Smith, Deputy Mayor Cr Craddock, Cr Jones, Cr Leigh, Cr Steck,  
Cr Kelly, Cr Cook, Cr Morris  
Against: Cr Steele, Cr Slater

### **Outcome – Council Meeting 11 June 2013**

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

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

### **Council Decision 170/13**

***That Council, in accordance with the Planning and Development Act 2005 (as amended) resolves to:***

- 1. Adopt the proposed Detailed Area Plan: Ward Street, South Bunbury.***
- 2. Refer the proposed Detailed Area Plan (DAP) to the Western Australian Planning Commission for endorsement in accordance with Condition 1 of Special Use Zone No. 53 of Town Planning Scheme No.7.***

CARRIED

11 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 Steck, Cr Steele, Cr Kelly, Cr McNeill, Cr Cook, Cr Morris  
Against: Cr Slater

**10.16 Proposed Deed of Lease – Dolphin Discovery Centre over portion of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive, Bunbury** (was listed as item 10.4.1 on the meeting agenda)

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Dolphin Discovery Centre
<b>Author:</b>	Jane Porter, Senior Property Officer
<b>Executive:</b>	Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Appendix DCS-1, DCS-2

**Summary**

The City of Bunbury has been approached by the Dolphin Discovery Centre (“applicant”) to lease a portion of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive, Bunbury for the expansion of the existing Dolphin Discovery Centre site, the land requested is currently leased to Cristal Mining Australia Limited until 2031. Cristal Mining Australia Limited are agreeable to relinquishing this portion of land. A location plan is **attached** at Appendix DCS-1.

**Council Committee Recommendation**

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate be adjourned until the Council meeting 11 June 2013 for the points raised by the Councillors be clarified and an invitation for Mr David Kerr to brief the Council be made.

**Executive Recommendation**

Council agrees to grant a Deed of Lease over portion of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive, Bunbury to the Dolphin Discovery Centre for a period of eighteen (18) years, subject to the terms and conditions as specified in the report, and the following:

1. The proposed new Dolphin Discovery Centre carpark is not intended for public use, it is solely for volunteers and staff use only.
2. If the City of Bunbury enters into a Lease agreement with the Dolphin Discover Centre it will be on the condition the access/entry road from Koombana Drive is not closed at any time.
3. The applicant to pay all costs involved in the preparation, advertising and valuation of the lease document.
4. The Dolphin Discovery Centre are responsible for any proposed site works and future development applications.
5. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

**Background**

Cristal Mining Australia Limited have held a lease over 27,007.587m<sup>2</sup> of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive, Bunbury since September 1991. The further option of nineteen (19) years was to be executed on 25 September 2012 however due to the Dolphin Discovery Centre and Cristal Mining Australia Limited discussions on the requested relinquishment of 13,088m<sup>2</sup> of the leased area to the Dolphin Discovery Centre this was put on hold.

The Dolphin Discovery Centre approached the City in June 2012 requesting the City give consideration to leasing a portion of Lot 831, on the Eastern side of the Dolphin Discovery Centre and currently leased to Cristal Mining Australia Limited, to the Dolphin Discovery Centre to support the planned expansion of their existing site.

Discussions between the City of Bunbury, Cristal Mining Australia Limited and the Dolphin Discovery Centre have been held with agreement being reached and a survey prepared showing the proposed two new lease areas. Cristal Mining Australia Limited have agreed to relinquish 13,088m<sup>2</sup> of their leased area and are happy to proceed with a Deed of Extension and Variation of Lease based on the same current annual rent in compliance with the terms and conditions of the existing lease.

### **Council Policy Compliance**

Not Applicable.

### **Legislative Compliance**

Section 3.58 of the Local Government Act 1995.

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

Landgate have valued the proposed lease area to the Dolphin Discovery Centre at \$10,000.00 per annum plus GST payable to the City of Bunbury.

This is based on \$1.50 per m<sup>2</sup> for 6000m<sup>2</sup> of effective land and for the remaining 7088m<sup>2</sup> based on \$1.50 x 6000m<sup>2</sup> equalling \$9000.00 and rounded up to \$10,000.00.

### **Community Consultation**

As per Section 3.58 of the Local Government Act 1995 the proposal will advertised in the South Western Times, the City's webpage and public noticeboards for a period of two (2) weeks.

### **Councillor/Officer Consultation**

Director Corporate Services and Manager Contracts and Property have been involved in discussions with Cristal Mining Australia Limited and the Dolphin Discovery Centre and all parties support this proposal.

### **Outcome – Council Committee Meeting 4 June 2013**

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

During the discussion of the matter there were a number of questions asked in regards to this matter and it was felt that further clarification needed to be sought. It was also requested that David Kerr, Manager Dolphin Discovery Centre be present to provide Councillors with a briefing on the proposal.

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, Cr Steck moved, Deputy Mayor Cr Craddock seconded, that the debate be adjourned until the Council meeting 11 June 2013 for the points raised by the Councillors be clarified and an invitation for Mr David Kerr to brief the Council be made.



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

### **Outcome – Council Meeting 11 June 2013**

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

Prior to the start of the Council meeting Mr David Kerr from the Dolphin Discovery Centre addressed the Council members in order to answer any questions that they had.

An amended Executive recommendation was tabled at the start of the meeting which reads as follows:

*“Council agrees to grant a Deed of Lease over portion of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive, Bunbury to the Dolphin Discovery Centre for a period of eighteen (18) years, subject to the terms and conditions as specified in the report, and the following:*

1. *The proposed new Dolphin Discovery Centre carpark is not intended for public use, it is solely for volunteers and staff use only.*
2. *If the City of Bunbury enters into a Lease agreement with the Dolphin Discover Centre it will be on the condition the access/entry road from Koombana Drive is not closed at any time.*
3. *The applicant to pay all costs involved in the preparation, advertising and valuation of the lease document.*
4. *The Dolphin Discovery Centre are responsible for any proposed site works and future development applications.*
5. *The beach front forming part of the leased area with the Dolphin Discovery Centre is to be open to the Public at all times.*
6. *The new Lease boundary extends to the low water mark as shown on the attached plan.*
7. *The area delineated in purple on the attached plan indicates the existing lease boundary with Cristal Mining Australia Limited. The area marked with a purple arrow is the remaining portion of Lot 831 to be included in the Dolphin Discovery Lease.*
8. *The lease will only be progressed on the basis that the entry (edged green on the attached plan) to Lot 831 Koombana Drive which is currently leased to the Dolphin Discovery Centre by the South West Development Commission is surrendered to the South West Development Commission allowing free access to Cristal Mining Australia Limited and the Dolphin Discovery Centre to their leased areas.*
9. *Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.”*

The Mayor ruled that the conditions placed on the adjournment at the Council Committee meeting 4 June 2013 had been met and that the debate is to be resumed.

The Executive recommendation (as amended) was moved Cr Jones, 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 171/13**

***Council agrees to grant a Deed of Lease over portion of Reserve 41411 being part of Bunbury Lot 831 Koombana Drive, Bunbury to the Dolphin Discovery Centre for a period of eighteen (18) years, subject to the terms and conditions as specified in the report, and the following:***

- 1. The proposed new Dolphin Discovery Centre carpark is not intended for public use, it is solely for volunteers and staff use only.***
- 2. If the City of Bunbury enters into a Lease agreement with the Dolphin Discover Centre it will be on the condition the access/entry road from Koombana Drive is not closed at any time.***
- 3. The applicant to pay all costs involved in the preparation, advertising and valuation of the lease document.***
- 4. The Dolphin Discovery Centre are responsible for any proposed site works and future development applications.***
- 5. The beach front forming part of the leased area with the Dolphin Discovery Centre is to be open to the Public at all times.***
- 6. The new Lease boundary extends to the low water mark as shown on the attached plan.***
- 7. The area delineated in purple on the attached plan indicates the existing lease boundary with Cristal Mining Australia Limited. The area marked with a purple arrow is the remaining portion of Lot 831 to be included in the Dolphin Discovery Lease.***
- 8. The lease will only be progressed on the basis that the entry (edged green on the attached plan) to Lot 831 Koombana Drive which is currently leased to the Dolphin Discovery Centre by the South West Development Commission is surrendered to the South West Development Commission allowing free access to Cristal Mining Australia Limited and the Dolphin Discovery Centre to their leased areas.***
- 9. Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***

CARRIED

8 votes "for" / 4 votes "against"

It was requested that the votes be recorded as follows:

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

## 11. Applications for Leave of Absence

Nil

## 12. Motions on Notice

The following Motions on Notice were tabled prior to the start of the Council meeting and did not appear on the agenda.

### 12.1 Motion on Notice – Elected Member Representation at Formal Engagements

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Councillor Michelle Steck
<b>Author:</b>	Councillor Michelle Steck
<b>Executive:</b>	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix MON-2

Cr Michelle Steck submitted the following motion for the Council Meeting on 11 June 2013:

- “1. *That Council instruct the Office of Mayor that when representing the City of Bunbury for formal engagements, that in the event that the Mayor is unavailable to conduct a formal city engagement, then the Office of Mayor is to forward the engagement firstly to the deputy mayor, if the Deputy Mayor is unavailable then the Office of Mayor shall forward the engagement to all other Councillors, with the first responding councillor to take the task.*
2. *The Office of Mayor shall respond and accept all formal engagements on behalf of the City.”*

#### Comments – Cr Steck

In support of her motion, Cr Steck states that, *“In reading the Mayors column this week in the Bunbury mail dated June 5 2013, I was concerned to read that the Lady Mayoress attended an opening as the council official on behalf of the mayor and the city of Bunbury.*

*The particular item was the Bunbury Outer Ring Road, which had both federal and state parliamentarians in attendance to “cut the ribbon” for the opening of a major project which occurred within the City of Bunbury.*

*Councillors were not informed by the office of mayor that the opening was occurring and that he would not be in attendance and nor did any councillor receive an official invite to the meeting to attend the opening by the office of Mayor – for the office of mayor, instead he sent his wife to perform the duty of an elected representative of the city. In effect the city of Bunbury was not truly represented.*

*Not sending an elected official on behalf of the city is poor practice and is particularly poor when the elected members’ role is to lobby for funding and appreciating when funding has*

*been granted. A considerable amount of funding has been invested by both the state and the federal government for the outer ring road project.*

*The office of mayor is an elected position and ALL the functions of the elected members should be conducted by the community's representatives when appropriate, elected members partners are appreciated in support roles but they should not be undertaking elected members tasks.*

*I ask councillors to support the motion."*

### **Executive Comments**

Nil

### **Cr Steck's Motion**

1. That Council instruct the Office of Mayor that when representing the City of Bunbury for formal engagements, that in the event that the Mayor is unavailable to conduct a formal city engagement, then the Office of Mayor is to forward the engagement firstly to the deputy mayor, if the Deputy Mayor is unavailable then the Office of Mayor shall forward the engagement to all other Councillors, with the first responding councillor to take the task.
2. The Office of Mayor shall respond and accept all formal engagements on behalf of the City.

### **Outcome – Council Meeting 11 June 2013**

The Motion on Notice was moved Cr Steck, seconded Cr Prosser to become the motion under discussion.

During the discussion Deputy Mayor Cr Craddock foreshadowed the following motion in the event that the motion was defeated.

*"That the matter of Council representation at formal engagements be referred to the Policy Committee for consideration and recommendation."*

The Mayor put the motion to the vote and was LOST 4 votes "for" / 8 votes "against".

Deputy Mayor Cr Craddock moved, Cr Kelly seconded the foreshadowed motion.

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

#### **Council Decision 172/13**

***That the matter of Council representation at formal engagements be referred to the Policy Committee for consideration and recommendation.***

CARRIED

12 votes "for" / nil votes "against"

## **12.2 Motion on Notice – Establishment of Sister City Relationship with Hong Kong**

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Councillor Michelle Steck
<b>Author:</b>	Councillor Michelle Steck
<b>Executive:</b>	If adopted by Council refer to: Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix MON-2

Cr Michelle Steck submitted the following motion for the Council Meeting on 11 June 2013:

*“Council authorise the CEO to establish a Sister City relationship with Hong Kong City and the Australian Chamber of Commerce in Hong Kong for the purpose of engaging with Hong Kong, Australian Chamber of Commerce community to establish business relationships therein.”*

### **Comments – Cr Steck**

In support of her motion, Cr Steck states that, *“New Zealand has recently established a free trade agreement with China and especially is focused on conducting business ex-Hong Kong. The Australian Government has yet to establish a free trade agreement with China. However, the Australian Government does have a “funding pond” which allows for the establishment of preferred business in China being the white paper on China policy.*

*The significance in council joining the Chamber of Commerce in Hong Kong and establishing a sister city relationship with Hong Kong is simply because Hong Kong City is the central business hub for the rest of the world to trade in China. It is indeed the “Gateway”.*

*The contacts in Hong Kong which are registered with the Australian Chamber of Commerce in Hong Kong has 1,400 individual members, 500 corporate members and 750 companies which all are interested in conducting business in Australia.*

*The cross-border opportunity in investment for the city of Bunbury is both bold and exciting. Bunbury City has the opportunity to establish itself as a gateway for China to establish trade connections in Western Australia.*

*Western Australia has been the “engine room” of generating employment, trade and investment for not only the state but the entire country. Establishing a trade and sister city relationship with Hong Kong city is really “cashing in” on Western Australia’s good fortune. China is very willing to establish business in Western Australia.*

*Whilst Western Australia itself has risen in all areas of investment and trade, Bunbury City itself, in terms of investment has been left behind and has had very limited investment into the City and its surrounds. Council needs to establish a “ready for Business” and “can do” attitude to potential investors. Council has embarked on investing into establishing stronger tourism trade within the city and investing into a sister city relationship with Hong Kong will cement the greater opportunities for the city to establish tourism trade also. Notwithstanding, Qantas has now upgraded all services ex- Hong Kong and direct to Perth along with its new partnership program.*

*Bunbury is the most underdeveloped remote city in the world, we have a great life style, high living standards and a doorway of opportunity, it would be remiss of council to ignore such a golden opportunity.*

*I ask councillors to support the motion.”*

### **Executive Comments**

Nil

### **Cr Steck's Motion**

Council authorise the CEO to establish a Sister City relationship with Hong Kong City and the Australian Chamber of Commerce in Hong Kong for the purpose of engaging with Hong Kong, Australian Chamber of Commerce community to establish business relationships therein.

### **Outcome – Council Meeting 11 June 2013**

The Motion on Notice was moved Cr Steck but failed to get a seconder. Therefore the motion lapsed for the want of a seconder.

### 12.3 Motion on Notice – Community Home Care Loan Guarantor

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Councillor Neville McNeill
<b>Author:</b>	Councillor Neville McNeill
<b>Executive:</b>	If adopted by Council refer to: Wayne Wright, Director Corporate Services
<b>Attachments:</b>	Nil

Cr Neville McNeill submitted the following motion for the Council Meeting on 11 June 2013:

*"That Council:*

- 1. Request a formal deputation by Community Home Care be made to Council to provide additional information in relation to the foreshadowed request for Council to act as a Guarantor for a loan application.*
- 2. Request the Chief Executive Officer make the necessary arrangements in this regard."*

#### **Comments - Cr McNeill**

In support of his motion, Cr McNeill states that, *"a request may be forthcoming from Community Home Care (CHC) requesting that Council act as a Guarantor for a bank loan of \$850,000.*

*A formal request has not been made at this stage and it is recommended that Council invite representatives from CHC to address a future briefing session of Council to provide further details in this regard."*

#### **Executive Comments**

From the City's perspective, such an arrangement is preferable when compared with the provision of a self-supporting loan, as loan funds are not differentiated when they appear on the City's balance sheet. Further options could be discussed with CHC should the motion be endorsed.

#### **Cr McNeill's Motion**

That Council:

1. Request a formal deputation by Community Home Care be made to Council to provide additional information in relation to the foreshadowed request for Council to act as a Guarantor for a loan application.
2. Request the Chief Executive Officer make the necessary arrangements in this regard.

#### **Outcome – Council Meeting 11 June 2013**

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

The Motion on Notice was moved Cr McNeill, seconded Cr Morris to become the motion under discussion.



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

**Council Decision 173/13**

***That Council:***

- 1. Request a formal deputation by Community Home Care be made to Council to provide additional information in relation to the foreshadowed request for Council to act as a Guarantor for a loan application.***
- 2. Request the Chief Executive Officer make the necessary arrangements in this regard.***

CARRIED

9 votes "for" / 3 votes "against"

It was requested that the votes be recorded as follows:

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

### **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 Amendment to Bunbury Museum Collection Policy

<b>File Ref:</b>	A04506
<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Lauretta Davies, Museum Curator
<b>Executive:</b>	Stephanie Addison-Brown, Director Community and Customer Services
<b>Attachments:</b>	Appendix DCCS-4

#### Summary

Advice has been received from the Australian Taxation Office that for the Museum to meet the requirements for Deductible Gift Recipient (DGR) status, certain conditions must be included in Museum operating guidelines, and that the Collection Policy is an appropriate governance document.

#### Executive Recommendation

That Council endorse additions to the Bunbury Museum Collection Policy to enable an application for Deductible Gift Recipient status to be made to the Australian Taxation Office.

#### Background

Inquiries have been made with the Australian Taxation Office regarding Deductible Gift Recipient status, which is essential to encourage donors and sponsors of the Museum, so that they may be able to claim tax deductions for their donations. The response was that certain guidelines need to be included in the Museum's governance guidelines.

Currently, the Museum project is guided by its Collection Policy, and the ATO has indicated this would be suitable to include the DGR guidelines.

Normally an addition to a Council Policy would be submitted to the Policy Committee for consideration. However, this process leaves the Bunbury Museum unable to progress with its fundraising, which is a key operating component of developing the Museum building adaptation and collection development, until after the July round of Council meetings.

As a result, Council is requested to endorse the additions as outlined.

#### Council Policy Compliance

This report relates to the City of Bunbury Museum Collection Policy.

#### Legislative Compliance

The Deductible Gift Recipient process falls within the Income Tax Assessment Act 1997.

### **Officer Comments**

The development of the Bunbury Museum includes restoring and adapting the Paisley Centre and developing a museum collection. Both aspects of the museum will benefit considerably if donors are entitled to taxation benefits. Achieving endorsement as a DGR will significantly enhance the potential contributions to the Bunbury Museum from the private sector, alleviating the City of Bunbury's contribution. Adding the DGR requirements to the City of Bunbury Museum Collection Policy is the simplest way of meeting the ATO's requirements.

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

The endorsement of ATO status will have positive annual budget and financial benefits through allowing financial assistance for the development and operations of the Bunbury Museum from major private contributors.

### **Community Consultation**

The proposed addition to the City of Bunbury Collection Policy was not specified as responsibility of the Museum Advisory Committee, which has now been disbanded.

### **Councillor/Officer Consultation**

The research for this report was compiled jointly by the City of Bunbury Museum Curator and the Senior Contracts and Procurements Officer following discussion with Australian Taxation Office representatives.

### **Outcome – Council Meeting 11 June 2013**

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

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

#### **Council Decision 174/13**

***That Council endorse additions to the Bunbury Museum Collection Policy to enable an application for Deductible Gift Recipient status to be made to the Australian Taxation Office.***

CARRIED  
12 votes "for" / nil votes "against"

## 15. Meeting Closed to Public

MOVED Cr Steck, SECONDED Cr Kelly that Council:

In accordance with Section 5.23(2)(c) of the *Local Government Act 1995* and Clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, RESOLVES to close the meeting to members of the public to consider the following items:

### 15.1.1 Provision of a Recyclable Processing Service

The Mayor put the motion to the vote and was CARRIED 12 votes "for" / nil votes "against". The meeting was closed to the public and press at 8.19pm.

## 15.1 Matters for which the Meeting may be Closed

### 15.1.1 Provision of a Recyclable Processing Service

<b>File Ref:</b>	
<b>Applicant/Proponent:</b>	Tony Battersby, Manager Waste Services
<b>Author:</b>	Mark Robson, Manager Contracts and Property
<b>Director:</b>	Phil Harris, Director of Works and Services
<b>Attachments:</b>	Confidential Report CRUSC-1

This report is confidential in accordance with Section 5.23(2)(c) of the Local Government Act 1995, which also permits the meeting to be closed to the public for business relating to the following:

*A contract entered into, or which may be entered into, by the Local Government and which relates to a matter discussed at the meeting.*

#### Summary

The WALGA Procurement Consultancy Service was engaged by the Wellington Group of Councils to undertake a Procurement Service for the Provision of a Recyclable Processing Service. This agenda is for the City of Bunbury's interest only and seeks Council endorsement of the Recommendation Report provided by WALGA.

#### Council Committee Recommendation

Council accepts the Recommendation Report provided by WALGA being for the engagement of Perthwaste Pty Ltd t/as Perthwaste Green Recycling ABN: 94 18 828 872 to provide a Recyclable Processing Service for the City of Bunbury.

The contract period is for a period of five (5) years with a further period of five (5) years, exercisable at the absolute discretion of the City of Bunbury. Commencement date of contract is scheduled for the 1st July 2013.

#### Background

Preliminary specifications were prepared by the Wellington Regional Group with the final version endorsed by the WALGA Procurement Consultancy Service. This request including the evaluation process was managed by WALGA and utilised WALGAs e-quote system.

At closing three responses were received from:

- Cleanaway
- Perthwaste
- Warren Blackwood Waste

Evaluation of the prices and qualitative criteria has been assessed and provided by WALGA, but because the results are considered to be "commercial in confidence" details are listed in the Confidential Recommendation Report (CRUSC-1) and circulated to members under separate cover.

### **Strategic and/or Regional Outcomes**

Acceptance of the recommendation listed in this report is consistent with the City of Bunbury Strategic Community Plan, in continuing to minimise the environmental and health impacts of pollution with an effective waste collection, recycling and disposal service.

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

A budget allocation for the procurement of the Recyclable Processing Service has been allowed for in the Waste Operations Budget. The collective and individual rate per tonne is considerably less than that of the past agreements and represents good value for money.

### **Council Policy Compliance**

The procurement process complies with the requirements of WALGAs Preferred Supplier Contract (C002/11) "Waste Collection Goods and Services" and the Local Government (Functions and General) Regulations.

### **Legislative Compliance**

The calling of Tenders has been undertaken by WALGA conducting an open public tender in conformance with the Local Government (Functions and General) Regulations, 1996 in order to establish the preferred Supplier Contract "Provision of Waste Goods and Services C 002/11.

### **Officer Comments**

Perthwaste Green Recycling intend to receive the recyclables at their Bunbury Branch located at 21 Giorgi Road Picton. They also have a second processing plant located at 65 Howson Way, Bibra Lake.

Residue products produced in Picton will be disposed of at the Stanley Road landfill site with future disposals directed to the Shire of Dardanup landfill facility. If residue products are processed at their Perth site, waste will be disposed of at the North Bannister Waste Facility.

The six (6) other members of the Wellington Group have endorsed the WALGA Recommendations and intend to enter into a contract with Perthwaste effective 1st July 2013.

### **Delegation of Authority**

The total costs of this contract exceed \$100,000 over the term of the contract. Therefore it 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 previously dealt with tenders valued over \$100,000.

#### **Outcome – Council Committee Meeting 4 June 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 11 June 2013**

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

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

#### **Council Decision 175/13**

***Council accepts the Recommendation Report provided by WALGA being for the engagement of Perthwaste Pty Ltd t/as Perthwaste Green Recycling ABN: 94 18 828 872 to provide a Recyclable Processing Service for the City of Bunbury.***

***The contract period is for a period of five (5) years with a further period of five (5) years, exercisable at the absolute discretion of the City of Bunbury. Commencement date of contract is scheduled for the 1st July 2013.***

CARRIED

12 votes "for" / nil votes "against"

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

MOVED Cr Steck, SECONDED Cr Jones that Council, in accordance with Clause 6.2 of the City of Bunbury Standing Orders Local Law 2012, RESOVES the meeting be now held with Open Doors. The Mayor put this motion to the vote and was CARRIED 12 votes "for" / nil votes "against". The meeting was reopened to the public and press at 8.19pm

The Chief Executive Officer read out loud the decisions made behind closed doors.

### **16. Closure**

The meeting was declared closed at 8.20pm