

Council (Standing) Committee

Minutes 25 June 2013

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

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

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Council (Standing) Committee Minutes

Minutes of an Ordinary meeting of the Council (Standing) Committee held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held on Tuesday 4 June 2013.

Minutes 25 June 2013

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

1. Declaration of Opening / Announcements of Visitors

His Worship the Mayor, Mr David Smith, declared the meeting open at 5.59pm

The Mayor mentioned that as this was the inaugural meeting going out via the live streaming he would like to welcome all who were watching at home.

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.

In accordance with Council decision number 167/13 of Tuesday 11 June 2013, all persons present are advised that the proceedings of this meeting will be Streamed Live and recorded for record keeping purposes to ensure accuracy in the minute taking process.

3. Announcements from the Presiding Member

Cr Cook represented the Council at the opening of the new Sea Rescue facilities and boat. He received a certificate of appreciation for the City and the assistance it had given in relation to it.

4. Attendance

Present:

Council Committee Members:	
Presiding Member	His Worship the Mayor, D Smith
Deputy Presiding Member	Deputy Mayor Cr S Craddock
Members	Councillor J Jones
	Councillor A Leigh
	Councillor M Steck
	Councillor K Steele
	Councillor R Slater
	Councillor B Kelly
	Councillor N McNeill
	Councillor M Cook
Councillor S Morris	
Executive Leadership Team (Non-Voting):	
Chief Executive Officer	Mr A Brien
Director Community and Customer Services	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszekwych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting):	
Manager Human Resources	Mrs A Clemens
Manager Development Assessment and Building Certification	Mr G Fitzgerald
Planning Officer	Mr A Pick
Compliance Officer	Mr P Morrison
Team Leader Corporate Administration	Mr J Dyson
Acting Media and Communications Officer	Ms L Wiseman
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting):	
Members of the Public	13
Members of the Press	1

4.1 Apologies

Councillor David Prosser was an apology for the meeting.

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 McNeill declared an impartiality interest in the item titled '*Community Home Care Loan Guarantor*' as he is a member of their Board. He has elected to remain in the chambers, participate in the discussion and vote on the matter.

6. Public Question Time

Members of the Public please note that:

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

6.1 Responses to Public Questions Taken 'On Notice'

Nil

6.2 Public Question Time

Nil

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

7.1 Minutes

7.1.1 Minutes – Council (Standing) Committee

The minutes of the Council (Standing) Committee meeting held 4 June 2013 have been circulated.

Recommendation

The minutes of the Council (Standing) Committee meeting held 4 June 2013 be confirmed as a true and accurate record.

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

The minutes of the Council (Standing) Committee meeting held 4 June 2013 be confirmed as a true and accurate record.

CARRIED

11 votes "for" / nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

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

Summary

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

1. Title: Minutes – Community Environmental Reference Group (13/03/2013)
Author: Ben Deeley, Team Leader Sustainability and Integrated Land Use
Appendix: [MTBN-1](#)
2. Title: Minutes – Bunbury Region RoadWise Committee (03/04/2013)
Author: Jason Gick, Manager Engineering
Appendix: [MTBN-2](#)
3. Title: Minutes – Bunbury-Setagaya Sister Cities Committee (30/05/2013)
Author: Jenni Brown, Administration Officer Setagaya
Appendix: [MTBN-3](#)
4. Title: Minutes – Audit Committee (11/06/2013)
Author: Greg Golinski, Manager Corporate Performance
Appendix: [MTBN-4](#)

Recommendation

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

1. Community Environmental Reference Group meeting held 13 March 2013.
2. Bunbury Region RoadWise Committee meeting held 3 April 2013
3. Bunbury-Setagaya Sister Cities Committee meeting held 30 May 2013
4. Audit Committee meeting held 11 June 2013

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

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

1. Community Environmental Reference Group meeting held 13 March 2013.

2. *Bunbury Region RoadWise Committee meeting held 3 April 2013*
3. *Bunbury-Setagaya Sister Cities Committee meeting held 30 May 2013*
4. *Audit Committee meeting held 11 June 2013*

CARRIED

11 votes “for” / nil votes “against”

8. Presentations

8.1 *Petitions*

Nil

8.2 *Presentations*

Nil

8.3 *Deputations*

Nil

8.4 *Council Delegates' Reports*

Nil

8.5 *Conference Delegates' Reports*

Nil

9. Method of Dealing with Agenda Business

The Mayor stated that he was taking the items that had members of the public in attendance were interested in and then the remaining items as they appeared on the agenda.

The discussion order of the items was as follows: 10.4.3, 10.4.1, 10.1.1, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.4.2 and 10.5.1

10. Reports

10.1 Recommendations from Advisory Committees

10.1.1 Internal Audit Programme

File Ref:	
Applicant/Proponent:	Audit Committee
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider information relating to the establishment of an internal audit programme for the City of Bunbury.

Committee Recommendation

That Council:

1. Note the quotation received from AMD Chartered Accountants for the provision of internal audit services.
2. Endorse PR-3389 during 2013/14 budget deliberations.

Background

At the Audit Committee Meeting held on 12 March 2013, the Committee endorsed a recommendation for Officers to prepare a project budget bid for the provision of internal audit services, with a view to identifying improvements to processes and procedures within the City's operations.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

Following the 12 March 2013 meeting of the Audit Committee, Officers met with Mr Tim Partridge and Ms Maria Cavallo from AMD Chartered Accountants (AMD) to discuss the potential scope of any future internal audits, which would enable AMD to provide the City with a quotation for services.

The primary objective of the internal audit review is to assess the adequacy, appropriateness and effectiveness of internal controls in place in respect to areas under

review and to ensure the City has complied with stated procedures, operates in accordance with best practice and to ensure adequate procedures for effective risk management.

The following internal audit modules have been included as part of the quotation:

Human Resources

Completion of a Human Resources Review, encompassing:

- Identification of HR requirements;
- Recruitment procedures and processes including identification of new positions, advertising; interviewing and related procedures, communication to existing staff and setting up of new employees;
- Basis of remuneration;
- Staff induction procedures and processes;
- Procedures and assessment of staff feedback; performance management and pay reviews;
- Payroll recording and payment procedures, including timesheet authorisation, timesheet data entry; payroll processing and payment authorisation procedures;
- Leave accruals, including use of leave forms, authorisation of leave forms, processing and reconciliation of employee provisions on a regular basis;
- Payroll deductions, including employee authorisation and documentation;
- Superannuation and group tax deduction payments; and
- Termination payments, including use of termination checklist and review and authorisation prior to termination payment.

Information Technology

Completion of Internal Audit Information Technology Review encompassing:

- Planning the IT environment;
- Development and delivery services;
- Operation of the IT environment;
- Organising and monitoring IT processes;
- Ensure appropriateness of internal control policies and procedures and ensure these are adhered to in respect to IT systems, including access controls, backup procedures and recovery procedures;
- Review system security ensuring access restricted based on level of personnel;
- Assess identification and risk in respect to IT planning;
- Document procedures in respect to identifying IT needs and related procurement procedures;
- Review system support and ensure appropriate back-up personnel trained and available;
- Review of virus detection procedures; and
- Review procedures and plans for determining the needs for changes / improvements to existing IT systems and processes in place to implement such changes.

Project Management

- Review the mechanism in place at Management Level and at Council level to facilitate the decision making/review process relating to major projects;
- Ascertain and review council's decision making process relative to the amount of risk associated with a project, and assess how risks are communicated and managed by Management throughout the duration of the project;
- Ensure that documentation provided to Council for decision making purposes is adequate and timely;

- Ensure that communications between Council and Management are effective;
- Ensure feedback is communicated to relevant parties in respect to project progression;
- Ensure any variations to projects are identified and authorized appropriately; and
- Select a sample of recent projects from inception to contractor selection to ensure adequately managed in accordance with stated policies and procedures, including:
 - * Council approval;
 - * Allocation of management responsibility;
 - * Compliance with legislation;
 - * Tendering process and compliance with Council internal policy;
 - * Contractor selection;
 - * Contract documentation;
 - * Budget and Financial approval;
 - * Completion and hand over procedures;
 - * Post contract review; and
 - * Risk Management Procedures.

The indicative fee estimate to complete the Internal Audit in accordance with the above scope is within the range of \$11,000 to \$14,000 depending upon the extent of detailed testing and sample sizes.

Officers have subsequently created project PR-3389 for Council consideration during 2013/14 budget deliberations.

At the Audit Committee meeting held on 11 June 2013, it was suggested that PR-3389 be extended as a project for 3 years, to enable other audit modules to be assessed in future years. This has been done and PR-3389 will now appear as a three year project when Council considers the 2013/14 budget.

Analysis of Financial and Budget Implications

Pursuant to the quote that has been sought, the indicative cost of engaging AMD to implement an internal audit program based on the criteria above is between \$11,000 and \$14,000 per annum. PR-3389 provides a project estimate of \$42,000 over three financial years.

Councillor/Officer Consultation

Not applicable

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

That Council:

1. *Note the quotation received from AMD Chartered Accountants for the provision of internal audit services.*

2. *Endorse PR-3389 during 2013/14 budget deliberations.*

CARRIED

11 votes “for” / nil votes “against”

10.2 Chief Executive Officer Reports

10.2.1 Local Government Strategic Alliancing Showcase 2013

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

Summary

Councillors recently received information regarding the Local Government Strategic Alliancing Showcase 2013, which is to be held in Surfers Paradise, on the Gold Coast, Queensland from 11 to 12 July 2013.

In accordance with current Council Policy CEO 1, His Worship the Mayor and Councillor Slater have expressed an interest in attending this Conference.

Executive Recommendation

Council approve the attendance of His Worship the Mayor and Councillor Slater at the 2013 Local Government Strategic Alliancing Showcase, which is being conducted on the Gold Coast in Queensland from 11 to 12 July 2013 and endorse the attendance of the Chief Executive Officer.

Background

This international conference is being held for the first time in Australia and will showcase the achievements of Local Government Innovators and Leaders.

The program holds a strong focus on resource sharing, strategic alliances, Local Government Partnerships and Voluntary Amalgamations

Sessions available at the 2013 showcase which is entitled “Innovation through Resource Sharing” include such matters as, Successful Alliancing Model, Amalgamation and Integration, Community Partnering, Reducing the Costs of Uncertainty, Creating Sustainability, Alliancing Analysis, Automation before Amalgamation, just to name a few.

Presenters at the Conference include Ministers, specialists from within Australia as well as keynote speakers from a range of Local Governments.

Council Policy Compliance

Council Policy CEO1 – Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members.

Council Policy CPS13 – Reimbursement of Accommodation and Associated Expenses.

Legislative Compliance

There is no specific legislation associated with this item other than Council policy referred to above.

Officer Comments

Councillor Slater and the Mayors interest in the amalgamation results in their interest to attend this showcase.

Information and ideas sourced from attendance at a conference of this nature can only assist in the decision-making processes that Council will need to consider in regard to the future long term planning for Bunbury.

The benefits to Council from attendance at the conference by Councillor Slater and the Mayor will be the knowledge and information in papers being made available which can be shared with Council on return of attendees.

It should be noted, the Chief Executive Officer has previously expressed his intention to attend the conference.

Analysis of Financial and Budget Implications

Conference registrations, flights, accommodation and attendance costs are able to be met from within the existing Councillor Conference Expenses currently identified in the 2012/13 budget.

The total estimated cost for attendance by one delegate is approximately \$2,800, which includes conference registrations, accommodation, travel and meals.

Community Consultation

There is no requirement for community consultation on this matter.

Councillor/Officer Consultation

Councillors were previously circulated with a copy of the showcase program. This report serves to advise members of His Worship the Mayor and Councillor Slater's desire to attend.

Outcome – Council Committee Meeting 25 June 2013

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

Remove "His Worship the Mayor" and replace with "Councillor McNeill" as the Councillors attending the conference.

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

Council Committee Recommendation

Council approve the attendance of Councillor Slater and Councillor McNeill at the 2013 Local Government Strategic Alliancing Showcase, which is being conducted on the Gold Coast in Queensland from 11 to 12 July 2013 and endorse the attendance of the Chief Executive Officer.

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

10.2.2 CEO Report – Establishment of a Major Projects Committee

File Ref:	
Applicant/Proponent:	Internal
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1

Summary

With the recent resignation of the Director Strategic Integration, it was agreed that I would undertake a review of the way in which major projects could be managed in the future.

Given that the majority of the planning work for these major projects has now been completed, it is considered appropriate to establish a committee to provide an oversight role for the implementation of the major projects over the next few years.

Executive Recommendation

That Council establish a Committee with the following terms of reference:

1. Comprise the Mayor and all Councillors as members.
2. In the short term, meet on a monthly basis then on an 'as required basis', over time, as determined by the Council.
3. Determine which projects are to be included in the regular reporting framework for consideration by the Committee.
4. Prioritise and determine the timing and the identification of funding sources for the implementation of major projects contained within the Long-Term Financial Plan (currently 10 Year Plan).
5. Oversee the monitoring of major projects through regular electronic progress reporting.
6. Review and make recommendations on any new major project proposals to Council.
7. Be supported by an Executive Officer (Chief Executive Officer) as well as all Directors for the purpose of administration.

Background

As an outcome of the discussions held on 1 May 2013, I had agreed that I would prepare a proposal for consideration by Councillors, prior to a formal report to Council, for its consideration. As I stated at the meeting I am fully supportive of this approach and see the formation of this committee as a good start in clearly defining the way forward with major projects. In addition the approach has been discussed with the ELT and all are supportive of the approach. As I mentioned at the meeting, the way forward in relation to a replacement for the Director role should be left until after the committee is formed and the list of the projects identified which would then allow for the sourcing of the right skills mix to deliver the council expected outcomes.

In preparing the draft Terms of Reference I have given consideration to the requirements of the *Local Government Act 1995*, in relation to the Integrated Strategic Planning Framework and believe that the proposed draft effectively allows for integration with the intent of the framework.

In addition, the memo from the meeting of Councillors in relation to the proposed meeting with myself highlights the following: *"positional recognition that the elected Council is responsible for providing the CEO with a clear strategic direction on the development and implementation of major projects"*.

Draft Terms of Reference – Major Projects Oversight Committee

The Committee will:

1. Comprise the Mayor and all Councillors as members.
2. In the short term, meet on a monthly basis then on an 'as required basis', over time, as determined by the Council.
3. Determine which projects are to be included in the regular reporting framework for consideration by the Committee.
4. Prioritise and determine the timing and the identification of funding sources for the implementation of major projects contained within the Long-Term Financial Plan (currently 10 Year Plan).
5. Oversee the monitoring of major projects through regular electronic progress reporting.
6. Review and make recommendations on any new major project proposals to Council.
7. Be supported by an Executive Officer (Chief Executive Officer) as well as all Directors for the purpose of administration.

In undertaking the role, the Council will need to be cognisant of the role of Councillors as outlined in the *Local Government Act 1995*. In order to ensure that the Committee Role is consistent with the Act, the framework issued as **attached** at Appendix CEO-1 outlines the roles and responsibility of the Committee Members.

The above is a high level overview of the roles at various stages of some of the major projects.

Not every project will have every one of the above phases and some will require additional consultation at different stages. This could be further refined, as part of the Terms of Reference, or through further refinement of the Council's Project Methodology.

Council Policy Compliance

This proposal is in accordance with Policy CEO7 on the Establishment and Operation of Committees.

Legislative Compliance

This proposal complies with relevant sections 5.8 to 5.11 of the *Local Government Act 1995* relating to Committees

Officer Comments

The opportunity to review the organisational structure and positions is undertaken whenever there is an opportunity, for example, whenever there is a resignation or whenever there is a request for changes as part of the annual performance review. Two years ago a decision was made to focus on the issue of integration of major projects across all directorates. The focus of the directorate shifted significantly in the first twelve months to undertake the concept planning for several of the Council's major projects. With this planning now completed and the opportunity to review the positions and roles has been undertaken. Based on this review it is recommended that the position not be replaced at

this point in time and a further review be undertaken following the assessment of the success of the proposed committee.

It is felt that the establishment of this committee will be a positive tool to help effectively manage and report on current and future Major Projects being undertaken by the City of Bunbury. As part of the Terms of Reference the Committee the Committee will need to identify which projects will be included and the level of reporting required.

There has been some suggestion that the Committee would be able to take on some of the roles of Council, for example the ability to quickly make decisions in relation to tenders etc. In the event that the Council wants to proceed down this line there will be a need to consider the level of delegation that the Council would like to include. Should this be the case then there is a need to undertake further levels of compliance as all decisions made under delegation must be made in a public meeting.

Analysis of Financial and Budget Implications

There are minor additional costs associated with the administrative support for the Committee; however these are predominately absorbed into other existing roles.

Community Consultation

There is no requirement for community consultation.

Councillor/Officer Consultation

The proposed committee has been considered by Councillors and the Executive Leadership Team and through this consultation process a number of minor amendments have been made to the original draft terms of reference to reflect the issue of identification of potential funding sources.

Outcome – Council Committee Meeting 25 June 2013

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

It was requested that the mover and seconder agree to amend the motion to read as follows:

“That Council establish a Committee as follows:

- 1. Comprise the Mayor and all Councillors as members.*
- 2. Meet on a three weekly basis prior to Briefing Sessions, then on an ‘as required basis’, over time, as determined by the Council.*
- 3. Determine which projects are to be included in the regular reporting framework for consideration by the Committee.*
- 4. Prioritise and determine the timing and the identification of funding sources for the implementation of major projects contained within the Long-Term Financial Plan (currently 10 Year Plan).*
- 5. Oversee the monitoring of major projects through regular electronic progress reporting.*
- 6. Review and make recommendations on any new major project proposals to Council.*
- 7. Be supported by an Executive Officer (Chief Executive Officer) as well as all Directors for the purpose of administration.”*

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.

Council Committee Recommendation

That Council establish a Committee as follows:

1. *Comprise the Mayor and all Councillors as members.*
2. *Meet on a three weekly basis prior to Briefing Sessions, then on an 'as required basis', over time, as determined by the Council.*
3. *Determine which projects are to be included in the regular reporting framework for consideration by the Committee.*
4. *Prioritise and determine the timing and the identification of funding sources for the implementation of major projects contained within the Long-Term Financial Plan (currently 10 Year Plan).*
5. *Oversee the monitoring of major projects through regular electronic progress reporting.*
6. *Review and make recommendations on any new major project proposals to Council.*
7. *Be supported by an Executive Officer (Chief Executive Officer) as well as all Directors for the purpose of administration.*

CARRIED

11 votes "for" / nil votes "against"

10.2.3 Workforce Plan 2013-2017

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Aileen Clemens, Manager Human Resources
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-2

Summary

The purpose of this report is for Council to consider endorsing the City of Bunbury Workforce Plan (WFP), and its contents.

The WFP has been developed to ensure that the City is well-placed in terms of the human resourcing requirements to ensure the effective delivery of the Council's Strategic Community Plan (SCP). The Workforce Plan is underpinned by Corporate Guidelines and aims to deliver the outcomes in a manner consistent with the values of Council. The Council will provide a strategic approach to the management of its people through this plan.

The City of Bunbury aims to establish and maintain a professional approach that:

- Aligns the plan strategies with the established strategic direction of the City
- Confirms our position as a leader in local government and an employer of choice
- Incorporates the parameters and context of HRM for all employees
- Ensures our staff has a quality work life and are able to contribute to the development of the organisation
- Builds a safety culture dedicated to employee wellbeing and the prevention of injuries and ill health for employees and volunteers, ensuring all can operate in a safe and healthy environment whilst at work
- Maintains an appropriate permanent workforce to ensure effective service delivery, which is adequately supplemented through the use of casual and contract labour to meet peaks and troughs of seasonal demands and capital works programs

The core priorities for the four-year WFP are:

- Reduce staffing costs as a percentage of total expenditure
- Make key decisions in relation to the future delivery of services (e.g. Seek alternative delivery methods, stop delivery altogether, seek alternative staff engagement methods)
- Focus on internal improvement initiatives and increased sophistication in Human Resource planning, measurement and reporting

Executive Recommendation

That Council endorse the City of Bunbury Workforce Plan 2013/17.

Background

The WFP is one of the key elements of the City of Bunbury's Integrated Strategic Planning framework, and is focused on developing the workforce required to deliver the organisation's strategic priorities, as articulated in the Strategic Community Plan: Bunbury 2030, and four-year Corporate Business Plan.

This WFP focuses on strategies that will be adopted over the next four (4) years, and is supplemented by a one-year plan that focuses on specific projects and tasks that will be

delivered in the short-term in order to commence Council's journey towards the four-year strategies identified.

Our priority is to build an organisational culture that continues to attract and retain staff, whilst ensuring that we are cognisant of the current and projected financial constraints and the overall operational context. With a high-performing culture Council will strengthen its relationship with the community and other partners to deliver services of a high standard both effectively and efficiently, and in a courteous manner.

Legislative Compliance

The newly legislated Integrated Planning and Reporting framework (IPR) requires local governments to have an adopted WFP by 30 June 2013 (regulation 19C(1) of the Local Government (Administration) Regulations 1996). The current draft of the City of Bunbury WFP is **attached** at Appendix [CEO-2](#).

Officer Comments

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

There are a number of Workforce Strategies contained in the document, as well as an implementation plan on how these strategies will be actioned. These strategies include:

- Investigate alliance opportunities with other organisations and councils
- Increase use of contingent staff for seasonal and project-related workforce demands
- Engage content expertise, such as consultants at key points where required within projects (e.g. Current strategies within Planning and Development Division)
- Measure and address employee engagement through annual staff survey
- Implement organisational culture renewal strategies to improve staff engagement and team building
- Focus on developing skills and relationships within the joint management group (i.e. Directors and Managers)
- Continue to monitor staff turnover ratios against targets
- Review exit survey processes for possible improvement in participation rates and usefulness of data
- Prioritise learning and development budgets, strategies and planning to ensure highest value for money and alignment with organisational priorities
- Focus on building leadership and management capability of all supervisory and management staff
- Develop highly flexible and adaptable skills in workforce to meet changing organisational and environmental demands
- Regularly review establishment to identify areas for reduction in permanent staffing levels
- Develop business cases for alternative delivery/resourcing of key services and projects

The attached document is the word content only and will be presented in line with Councils corporate style guide on its adoption.

Analysis of Financial and Budget Implications

Any projects identified through workforce planning requiring financial funding will be included in the City's annual budget review and adoption process for consideration.

Community Consultation

Community Consultation was not required for the development of the WFP, although consultation was sought in the development of the Strategic Community Plan that it is aligned with.

Councillor/Officer Consultation

The draft WFP has been reviewed by the Executive Leadership Team, and has also been briefed with Council at the briefing session held Tuesday 28 May 2013.

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

That Council endorse the City of Bunbury Workforce Plan 2013/17.

CARRIED

9 votes "for" / 2 votes "against"

It was requested that the votes be recorded as follows:

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

10.3 Director Corporate Services Reports

10.3.1 Schedule of Accounts Paid for the Period 1 to 31 May 2013

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

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 to 31 May 2013 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account - payments totalling \$6,556,602.39
2. Advance Account - payments totalling \$5,017,308.52
3. Trust Account - payments totalling \$19,934.49
4. Visitor Information Centre Trust Account - payments totalling \$17,028.75
5. Bunbury-Harvey Regional Council Municipal Account - payments totalling \$675,892.10
6. Bunbury-Harvey Regional Council Advance Account - payments totalling \$613,369.03

Executive Recommendation

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

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

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

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

10.3.2 Financial Management Report for the Period Ending 31 May 2013

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

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix DCS-2)
 Actual Financial Performance to 31 May 2013
 - Actual income of \$45.06M is \$244K more than the year-to-date budgeted income of \$44.81M.
 - Actual expenditure of \$33.71M is \$2.36M less than the year-to-date budgeted expenditure of \$36.07M (refer explanation on next page).
 - Actual operating surplus of \$11.36M is \$2.61M more than the year-to-date budgeted operating surplus of \$8.75M.

2. Financial forecasts to 30 June 2013
 - Forecast operating income and expenditure will decrease the operating deficit from \$4,975,852 (in the February budget review) to \$3,253,083, a decrease of \$1,722,769.
 - Forecast surplus funds at 30 June 2013 will increase from \$1,389,375 (in the February budget review) to \$3,243,550, an increase of \$1,854,175.

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

	<u>Year-to-date</u>	<u>Forecast</u>
- Current Assets of \$25.6M includes:		
* Cash and Investments	\$23.7M	\$16.9M
* Rates	\$0.5M	\$0.5M
* Other Current Assets	\$1.4M	\$1.3M
- Current Liabilities of \$5.2M includes:		
* Trade and Other Payables	\$1.7M	\$4.7M
* Annual Leave and LSL Provisions	\$2.4M	\$2.9M
- Working Capital (Current Assets less Current Liabilities)	\$20.3M	\$9.7M
- Equity (Total Assets less Total Liabilities)	\$241.0M	\$229.7M

4. Capital Works (**attached** at Appendix DCS-6)
 - Actual capital works of \$22.9M is \$9.18M less than the year-to-date budgeted capital works of \$32.09M, (refer explanation on next page).

Executive Recommendation

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

Background

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

- Statement of Comprehensive Income (**attached** at Appendix DCS-2)
- Statement of Financial Activity (**attached** at Appendix DCS-3)
- Balance Sheet (**attached** at Appendix DCS-4)
- Statement of Net Current Assets (**attached** at Appendix DCS-5)
- Capital Works Expenditure Summary (**attached** at Appendix DCS-6)

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

Council Policy Compliance

Not applicable.

Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix DCS-3) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Rates (Rates Interim Income) – Actual interim rating income is less than anticipated due to the unpredictable timing of development completion. The forecast income for interim rating income to 30 June 2013 has been decreased by \$26,923 to reflect the anticipated end of year income.	(\$15,324)
Operating Expenditure	
Material and Contracts (Equipment Lease or Hire Expense) – Leasing fees for the Victoria Street Carpark are \$14,128 greater than year to date budget due to the reimbursement of rates and other charges associated with the lease. This will be offset by a reduction in ‘contractors expense’ associated with this project. The forecast expenditure for equipment leases to 30 June 2013 has been increased by \$22,912 to reflect the anticipated end of year expenditure in this category.	(\$27,578)

Non-Operating Income and Expenditure	
<p>Grants and Contributions for the Development of Assets (Capital Grant Subsidy and Contribution Income) – Actual to year-to-date budget variation due to timing of receipt of grant revenue for capital projects including the following:</p> <p>PR-1952 Renew Sykes boat ramp and jetty (\$418,593) PR-1858 Upgrade Koombana beach toilet block (\$280,000) PR-1953 Replace Stirling St boat ramp and jetty (\$117,750) PR-1444 Implement Hands Oval Master Plan (\$881,276) PR-1259 Replace ablution block Hay Park (\$300,000)</p> <p>This above income is still expected to be received during 2012/13. As a result there will be no impact on the end of year financial position in relation to these items.</p>	(\$1,908,431)

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Expenses	
<p>Material and Contracts – Actual to year-to-date budget variation is mainly due to a timing difference over many budget line items as to when the expenditure will occur during 2012/13. The end of year expenditure forecast has been reduced by \$793,950 to reflect expenditure savings identified, this will be monitored and new forecasts entered to provide revised end of year estimates to 30 June 2013.</p>	\$1,535,546
Capital Revenues	
<p>Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.</p>	(\$1,908,431)
Capital Expenses	
<p>Acquisition of Assets – Variance due to delay in progress of various projects. Projects that are not anticipated to be completed by 30 June will have the remaining funds carried forward into the 2013/14 budget, including:</p> <p>PR-1035 Design and construct an extension to the BREC PR-1021 Construct Hay Park south multi sports pavilion PR-1018 Deconstruct timber jetty PR-1250 Construct Glen Iris skate park PR-1083 Extend road Davenport Way to Rand Ct, Withers PR-2481 Reconstruct and improve drainage in Spencer St PR-2442 Design and install outdoor public artworks</p> <p>This will result in an increase in the cash position at year end that will be required to fund these projects in 2013/14. This has no impact on Council overall financial position.</p>	\$9,183,856

Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

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

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

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

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

CARRIED

11 votes "for" / nil votes "against"

10.3.3 Proposed Deed of Non-Exclusive Licence – Danjen Corporation Pty Ltd t/as Danny’s Bunbury - “Guppy Park” Portion of Reserve No. 7891 Lot 808 Victoria Street, Bunbury

File Ref:	
Applicant/Proponent:	Danjen Corporation Pty Ltd
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-7

Summary

An application has been received from Danjen Corporation Pty Ltd t/as Danny’s Bunbury (“applicant”) seeking council’s consent to accepting a Deed of Non-Exclusive Licence over portion of Reserve 7891 on Lot 808 Victoria Street “Guppy Park”, Bunbury. A location plan is **attached** at Appendix DCS-7.

Executive Recommendation

Council agrees to grant a Deed of Non-Exclusive Licence to Danjen Corporation Pty Ltd t/a Danny’s Bunbury (“applicant”) over portion of Reserve 7891 “Guppy Park”, Victoria Street, Bunbury for a period of four (4) years in accordance with the terms and conditions of this report, and

1. The intention to grant a Licence to be advertised pursuant to Section 3.58(3) of the *Local Government Act 1995*, in a local newspaper, give notice on the public notice boards at the City’s public libraries and administration centre and on the City of Bunbury website.
2. The applicant to pay all costs associated with the lease application including document preparation.
3. The Approval of the Minister for Lands.

Background

Lorraine Helen Brant on behalf of C’Quel Café/Restaurant had held the Non-Exclusive Licence since 2002, and at its meeting on 26 July 2005, council resolved to renew the Non-Exclusive Licence for a four (4) year term.

Council agreed to grant a Deed of Assignment of Non-Exclusive Licence to Danjen Corporate Pty Ltd t/a Danny’s Bunbury over portion of Reserve 7891 “Guppy Park”, Victoria Street, Bunbury on 8 February 2011, Council Decision 14/11 .

The land is held by the City of Bunbury under Management Order I082270 with the power to Licence for a term not exceeding four (4) years.

Pursuant to Section 18 of the *Land Administration Act 1997*, the Office of the Minister for Lands has provided “in principle” approval for the proposal.

Current Licence Details

Commencement:	1 July 2009
Term:	Four (4) years
Expiry:	30 June 2013
Rental:	Landgate Valuation Services has reviewed the Market Rental at the comparative sum of \$3,931.20 per annum inclusive of GST
Rent Review:	Third anniversary date
Outgoings:	Responsibility of the Licensee
Insurance:	The Licensee to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(m)
Permitted Use:	Alfresco dining

Proposed New Non-Exclusive Licence Details

Commencement:	1 July 2013
Term:	Four (4) years
Expiry Date:	30 June 2017
Rental:	Landgate Valuation Services has reviewed the Market Rental at the comparative sum of \$4,300.00 per annum plus GST
Rent Review:	Third anniversary date
Outgoings:	Responsibility of the Licensee
Insurance:	The Licensee to maintain Public Risk Insurance and General Insurance cover over the premises with Public Liability to be set at \$10(m).
Permitted Use:	Alfresco dining.
Preparation of Non-Exclusive Licence Documents:	The Licensee to pay full cost of document preparation and registration.

Council Policy Compliance

There is no Council Policy relevant to this proposal.

Legislative Compliance

Pursuant to Section 18 of the Land Administration Act 1997, the Office of the Minister for Lands has provided “in principle” approval for the proposal subject to formal approval being granted on receipt of the Non-Exclusive Licence document.

Officer Comments

Danjen Corporation Pty Ltd have held a Deed of Non-Exclusive Licence since 8 February 2011 and complied with all conditions of the Licence.

Analysis of Financial and Budget Implications

The Applicants will be responsible for all costs associated with advertising and the processing of this application.

Community Consultation

Subject to council's consent to grant a Deed of Non-Exclusive Licence, the proposal will be advertised for a period of fourteen (14) days in accordance with section 3.58(3) of the *Local Government Act 1995*.

Councillor/Officer Consultation

Not Applicable.

Outcome – Council Committee Meeting 25 June 2013

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

During the debate on the motion Deputy Mayor Cr Craddock left the chambers (7.58pm) and did not return in time to vote on the matter.

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

Council Committee Recommendation

Council agrees to grant a Deed of Non-Exclusive Licence to Danjen Corporation Pty Ltd t/a Danny's Bunbury ("applicant") over portion of Reserve 7891 "Guppy Park", Victoria Street, Bunbury for a period of four (4) years in accordance with the terms and conditions of this report, and

1. *The intention to grant a Licence to be advertised pursuant to Section 3.58(3) of the Local Government Act 1995, in a local newspaper, give notice on the public notice boards at the City's public libraries and administration centre and on the City of Bunbury website.*
2. *The applicant to pay all costs associated with the lease application including document preparation.*
3. *The Approval of the Minister for Lands.*

CARRIED

10 votes "for" / nil votes "against"

Deputy Mayor Cr Craddock returned to the chambers at 7.59pm and was present for the voting on the remainder items on the agenda.

10.3.4 Community Funding 2013/14 – Assessment Group Nominations

File Ref:	
Applicant/Proponent:	Internal Report
Author:	Lucy Wiseman, Grants Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Nil

Summary

The purpose of this report is for Council to nominate three (3) Elected Members to the Assessment Group for the 2013/14 community funding application assessments.

Executive Recommendation

That Council endorse the three (3) Elected Members listed below to form the Assessment Group for the 2013/14 community funding application assessments:

1. _____
2. _____
3. _____

Background

Council Policy CEO-10 Community Funding and associated Corporate Guideline was adopted by Council on 21 May 2013.

Applications for category 1 Competitive Funding Pool has now opened with a closing date of 19 July 2013, allowing a total of six (6) weeks for submissions to be prepared and submitted.

In accordance with Council Policy CEO-10 Community Funding Applications will be assessed against set criteria by an Assessment Group comprising three (3) Elected Members and two (2) Council Officers and recommendations brought to Council for endorsement.

It is envisaged that assessments will take place by the Assessment Group as soon as practicable after the 2013/14 budget is endorsed.

Council Policy Compliance

This matter relates to Council Policy CEO-10 Community Funding and associated Corporate Guideline as adopted by Council on 21 May 2013.

Officer Comments

The policy and associated guidelines provide a clear assessment process based on a clearly defined weighting system. This was designed to provide a clearly communicated, fair and equitable process for determining allocations under the competitive community funding category. The assessment criteria is weighted so that projects supported will provide the maximum positive impacts to the Bunbury community; demonstrate community support; and reach and increase access and participation of the City of Bunbury's priority target groups.

Applications close on 19 July 2013, and it is hoped that assessments will take place as soon as possible after Council endorsed the 2013/14 budget. This is important to ensure outcome notifications are distributed early in the new financial year, thus allowing community groups to plan their projects and programs accordingly.

Analysis of Financial and Budget Implications

All financial support awarded under the competitive community funding category will be allocated from a funding pool determined by Council as part of the 2013/14 budget process. In 2012-13 the total pool amount was \$100,000.

Outcome – Council Committee Meeting 25 June 2013

The Executive recommendation (as printed) was moved Cr Leigh, seconded Cr Slater and amended to read as follows:

“That Council endorse the four (4) Elected Members listed below to form the Assessment Group for the 2013/14 community funding application assessments:

1. *Mayor David Smith*
2. *Cr Karen Steele*
3. *Cr Neville McNeill*
4. *Cr Michelle Steck”*

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

Council Committee Recommendation

That Council endorse the four (4) Elected Members listed below to form the Assessment Group for the 2013/14 community funding application assessments:

1. *Mayor David Smith*
2. *Cr Karen Steele*
3. *Cr Neville McNeill*
4. *Cr Michelle Steck*

CARRIED

11 votes “for” / nil votes “against”

10.3.5 Community Home Care Loan Guarantor

File Ref:	
Applicant/Proponent:	Internal Report; Cr Neville McNeill
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Nil

Summary

The purpose of this report is for Council to consider assisting Community Home Care in their application for a loan by acting as a Guarantor.

Executive Recommendation

That Council agree to acting as a Loan Guarantor for Community Home Care for the purpose of Community Home Care constructing new premises.

Background

At the Ordinary Council Meeting held on 11 June 2013, Council resolved as follows in relation to this matter (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.”*

Subsequently, representatives from Community Home Care addressed Council at the briefing session held on 18 June 2013 to provide further information.

It was advised that the value of the project totals \$3.15million, comprising:

- \$1.1million grant from Lotterywest (approved);
- \$850,000 from the Commonwealth Home and Community Care Program (approved);
- \$350,000 from Community Home Care themselves; and
- a \$850,000 loan.

It was further stated that Community Home Care (CHC) has already invested \$175,000 in developing this project, and as CHC will be the first occupier of the Bunbury Community Hub, it has fallen on CHC to finance all related infrastructure costs (roads, electricity, water etc).

CHC also advised Council that a loan has already been approved for this purpose by the Commonwealth Bank, subject to CHC sourcing a Guarantor for the loan.

Council Policy Compliance

Not applicable

Officer Comments

Council Staff have reviewed a “Compilation of 5 Year Cash Flow” prepared by AMD Chartered Accountants and are satisfied that based on the current HACC funding model, Community Home Care Inc. would be capable of supplying the principal and interest payments required for a \$850,000 loan borrowing.

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.

Analysis of Financial and Budget Implications

Nil

Outcome – Council Committee Meeting 25 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 Executive recommendation (as printed) was moved Cr McNeill, seconded Cr Morris.

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

Council Committee Recommendation

That Council agree to act as a Loan Guarantor for Community Home Care for the purpose of Community Home Care constructing new premises.

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

It was requested that the votes be recorded as follows:

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

10.4 Director Planning and Development Services Reports

10.4.1 Proposed Eleven (11) Multiple Dwellings – Lot: 517, DP 54092 (No.4) Epacris Elbow Pelican Point

File Ref:	P13432
Applicant/Proponent:	Dynamic Planning and Developments
Author:	Kelly Shore, Planning Officer Greg Bird, Planning Officer
Executive:	Bob Karaszkewych, Director Planning and Development Services
Attachments:	Appendix DPDS-1, DPDS-2, DPDS-3, DPDS-4

Summary

Dynamic Planning have submitted a development proposal for elev11 Multiple Dwellings at No.4 Epacris Elbow Pelican Point (plans **attached** at Appendix DPDS-1).

In July 2012, the applicant sought preliminary comments regarding the possibility of 'Multiple Dwellings' upon the site. The City's response, at that time was prepared to:

*"...accept a Development Application for 'Multiple Dwelling' development **for consideration** on the subject site."*

This advice was based upon a mutual understanding of the allocation of the site within the Development Guide Plan (Grand Canals North) as 'Group Housing or Tourist Facility (R40 Density)', to which any proposal for the site would incorporate a *tourism component* to meet the aims of the DGP.

After submission of the application in December 2012, the applicant advised *"...there is no intention by our client to develop the site for short-stay residential use. We appreciate the officer's desire to allow for short stay accommodation so as to represent consistency with the Development Guide Plan's 'Tourism' reference to the site. With consideration of the likely development outcome, expending energy into addressing any short stay related information (e.g. operation management plan or similar) is simply pumping money into a highly unlikely outcome..."*

As such, and upon request by the applicant, the proposal has gone forward as 11 Multiple Dwellings, with no tourism component.

Following consideration of the application, in its current form, it is not supported.

Executive Recommendation

That Council:

Pursuant to the provisions of the *Planning and Development Act 2005*, hereby resolves to **refuse** to grant Planning Approval to Dynamic Planning and Developments for the proposed eleven (11) Multiple Dwellings at Lot 517, No.4 Epacris Elbow PELICAN POINT for the following reasons:

1. The proposal is considered inconsistent with the aims of the Development Guide Plan (Grand Canals North) in regards to the creation of non-tourist Multiple

Dwellings in an area specifically identified for Group Housing and Tourist Facility (R40 Density).

2. The proposed design, by reason of inappropriate bulk and scale is considered an incongruous form of development not in keeping with the predominant detached building form for the area, to the detriment of the streetscape and surrounding resident's visual amenity, contrary to the principles outlined in the City of Bunbury Town Planning Scheme No.7 (10.2.1) and the requirements of Special Use Zone No.23 (Condition 3).
3. The proposal fails to comply with the requirements of the City of Bunbury Town Planning Scheme No.7 (5.3.1) in that Multiple Dwellings are not permitted on land zoned for Residential Purposes where the R-Code density is less than or equal to R50.
4. The proposal constitutes an unacceptable loss of privacy to the adjoining neighbour due to the proximity of bedroom windows on the first floor level of Unit No. 11 to the rear elevation of No.5 Rialto Close – contrary to the requirements for acceptable development as prescribed in Section 7.4.1 of the R-Codes.

Background

On 2 August 2006, the Western Australian Planning Commission (WAPC) approved a Local Planning Scheme Amendment (No. 8) that modified the land-use description of Special-Use No. 23, which replaced the title "*The Sanctuary Pelican Point Resort Development*" with "*Tourist/Residential*" land use. Consequently, in accordance with Condition 1 of the Special Use Zone, a Development Guide Plan (DGP) was required to be submitted and adopted by the WAPC, prior to development.

On 26 September 2006, Council approved the 'Grand Canals North Development Guide Plan' (Council Decision 168/06) **attached** at Appendix DPSDS-2 which stated the following regarding the subject site:

'The DGP indicates two relatively bigger lots (lots 16 & 17) as a Group Housing and Tourist Facility site under R40 density. Lot 16 has an area of 1,320m². Per R40 density area requirements, the subject land has a potential to be developed for six grouped dwellings. Similarly, Lot 17 with an area of 1,368m² can also be developed for six grouped dwellings. The Guidelines for Development specifies that all "P" and "D" uses in a residential zone can be considered for approval by Council.

It is considered that the locations of these lots facilitate distinct separation between the proposed low-density development (single house R20) and the medium density group housing development R40. It is considered that the proposed group housing would not significantly compromise the existing residential character, as the sites would occupy the extreme north and south of the development with clear distinction from the surrounding single house development sites.

Under the DGP, tourist accommodation is also a permitted use on Lots 16 and 17. As mentioned above, the tourist component of the proposal refers to serviced apartments or grouped dwellings available for tourist purpose. In practical terms, the number of units that will be available for tourist accommodation will not be different from grouped dwellings development as the base density is R40'.

(Note: The defined term 'tourist accommodation' for the purpose of Special Use Zone No. 23 means, 'serviced apartments or grouped dwellings available for tourist use').

The City issued a Written Planning Advice to Dynamic Planning on 30 July 2012, outlining the requirements of the Scheme and Local Planning Policies in order for the City to consider a proposal for Multiple Dwellings on the site.

(Note: The City provided this advice on the understanding that any Multiple Dwellings proposal incorporated a 'Tourism' component in accordance with the objectives of the Development Guide Plan.)

Council Policy Compliance

Town Planning Scheme No 7

Clause 5.3.1: On 6 December 2011, Scheme Amendment No. 38 was gazetted, which included the following under Clause 5.3.1:

'Multiple Dwelling development is not permitted on land zoned for residential purposes where the Residential Design Code density number is less than or equal to R50, subject to an adopted Structure Plan or Detailed Area Plan that is endorsed by the Western Australian Planning Commission'.

Although the site is located within an adopted Detailed Area Plan (DAP), there is no specific reference within the DAP permitting or requiring 'Multiple Dwellings' other than the statement:

'...all other permitted ('P' use) and discretionary ('D' use) in the Residential zone can be considered by Council.'

As such, and for purposes of clarification, the DGP does not 'cancel out' or mitigate the requirements of Clause 5.3.1 as the DAP makes no reference to the allowance of Multiple dwellings. The R40 zoning is still considered unsuitable for Multiple dwellings in line with this Clause.

*Note – as mentioned previously in this report and again in the Special Use Zone 23 paragraph below, the City advised the applicant it was willing to accept a deviation from Clause 5.3.1 for an application for multiple dwellings on the basis that it met the requirements under the DGP for a 'tourist' component. As there is no proposal for a Tourist component to the site, this previous advice to the applicant voids the concession for Multiple Dwellings.

Clause 10.2.1 (i,n,o): Taking into consideration matters of built form, design and compatibility with the surrounding built environment, Clause 10.2.1 advises (amongst other things) development shall have due regard to:

"the compatibility of the use or development within its setting", "the preservation of the amenity of the locality", and "the relationship of the proposal to development on adjoining land or other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance for the proposal".

In this regard the proposal will provide a two storey structure approximately 45m in length and extending over 8m in height, located adjacent to a predominant mix of one (1) and two (2) storey detached dwellings. It is considered that the proposal constitutes an

overdevelopment of the site that will provide an incongruous addition to the streetscape and predominant form of low density development for the area, contrary to the principles as outlined in TPS7.

Special Use Zone No. 23: In relation to the proposed R40 lots on the DGP, Grouped Dwellings and Tourist Accommodation are permitted uses ('P' Uses), in addition to this, Condition 6 states that '*All other uses that are permitted ('P' Use) and discretionary ('D' Use) in the residential zone can be considered by Council*', which allows that 'Multiple Dwellings', as a discretionary use in the 'Residential' Zone, may be considered by Council for these sites.

Condition 3 of the Special Use Zone states, that Council shall encourage 'Tourist Accommodation' in the area, subject to development being compatible with the residential scale, form and character of the Grand Canals locality. In light of this condition, the City advised the applicant that a multiple dwelling development would be given consideration if the proposal was in accordance with the endorsed DGP for the site, namely, if it included a tourism component on site, in accordance with the objectives of the DGP for Lot 17.

The City believes that the site should be retained for tourist accommodation, and have actively encouraged the applicant to pursue a dual use for Multiple Dwellings and Unrestricted Residential Accommodation on site (subject to suitable design), or Grouped Dwellings.

Design Guidelines Policies

Grand Canals North Development Guide Plan: The subject site is recognised as Lot 17 on the DGP (currently Lot 517) and is designated for Grouped Dwellings and Tourist Accommodation; however, the applicant is seeking to utilise the site as permanent residential dwellings at a higher density.

Residential Design Codes

As a multiple dwelling development, the proposal is assessed in accordance with the requirements of Table 4 and Part 7 of the R-Codes. It is noted that the proposal meets the Design Requirements under the R-Codes for a multiple dwelling development (R40) in regards to parking provision, open space, building heights and plot ratio.

The proposal does not meet the requirements for the protection of visual privacy for adjoining neighbours however. This is in reference to proposed Unit No. 11 which has a distance of 3.9m from the boundary to the bedroom windows at a first floor level. R-Codes section 7.4.1 advises a minimum distance of 4.5m from a bedroom to a boundary (for rooms above 0.5m natural ground level), or the provision of permanent vertical screening. The applicant has not proposed any screening.

Legislative Compliance

The proposal was advertised for a period of 14 days in accordance with Clause 9.4.2 of TPS7, and requires a decision of Council in accordance with Condition 6 of Special Use Zone No. 23.

Officer Comments

In correspondence to the applicant on 15 April 2013, the City advised the applicant of the results of public advertising and the amendments required to resolve multiple issues on the site, citing options for moving forward. The applicant has advised that they wish to proceed

with the development in its original format, with the late amendment of adding an additional parking space to alleviate local opposition concerns about parking problems. Site Plan **attached** at Appendix DPDS-3.

Given this decision by the applicant to not co-operate with the City in regards to the various issues with the proposal, the City's Planning Department does not support the proposal for reasons stated in the report above, and summarised in the reasons for refusal in the Executive Recommendation.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

Under Clause 9.4.2 of TPS7 the proposal has been advertised for public comment for a period of 14 days, as follows:

- Letters to adjoining land owners;
- Signs posted on site for the entirety of the advertising period;
- Two (2) consecutive advertisements in the Bunbury Mail, "City Focus".

A total of 32 submissions were received on the proposal from local residents and landowners. All comments received were against the development proceeding. In summary of the issues raised it is evident that the residents believe that the proposal compromises the established amenity of the area in the following ways:

- Traffic increase on local streets - the site is accessible only from Portofino Drive and the potential for additional vehicle numbers up to 22 additional vehicles at peak times per day;
- Vehicle parking on site – Residents are concerned that such a development will generate more than fourteen (14) cars on site, and it hasn't been appropriately catered for. There is no allowance for parking on the verge for any other residents and the public car parking area of eight (8) bays on the adjacent foreshore will always be used by residents and visitors of this site.
- The Estate has a high visual amenity that will be affected by the bulk of building proposed, and the housing type in the area is predominantly single house detached dwellings. It's a character that the land owners have invested in, and do not want the character changed with high density accommodation/ housing, that will have a transient population.
- The front setback is too close to the street, and car parking should not be visible.
- The scale of the development is not in harmony with the established residential character, in accordance with the DGP.
- The DGP specifically refers to lot 17 as appropriate for grouped dwellings or tourist accommodation. 'Tourist accommodation' is defined as 'serviced apartments or grouped dwellings available for tourist use'.

It is noted that the majority of residents are opposed to the possibility of short-stay (unrestricted residential accommodation) in the area. The applicant does not wish to be assessed as a tourism site for Unrestricted Residential Accommodation. The recommendation to Council is based on permanent residential dwellings.

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 and Development Engineering and their comments and requirements have been taken into consideration.

Delegation of Authority

In this instance, the Chief Executive Officer does not have delegated authority to consider a development on this site that is not consistent with R40 development, in accordance with Council Decision No. 168/06 as **attached** at Appendix DPDS-4 which requires that all forms of development other than R40 development be referred to Council for decision.

Outcome – Council Committee Meeting 25 June 2013

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

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

Council Committee Recommendation

That Council:

Pursuant to the provisions of the Planning and Development Act 2005, hereby resolves to refuse to grant Planning Approval to Dynamic Planning and Developments for the proposed eleven (11) Multiple Dwellings at Lot 517, No.4 Epacris Elbow PELICAN POINT for the following reasons:

- 1. The proposal is considered inconsistent with the aims of the Development Guide Plan (Grand Canals North) in regards to the creation of non-tourist Multiple Dwellings in an area specifically identified for Group Housing and Tourist Facility (R40 Density).*
- 2. The proposed design, by reason of inappropriate bulk and scale is considered an incongruous form of development not in keeping with the predominant detached building form for the area, to the detriment of the streetscape and surrounding resident's visual amenity, contrary to the principles outlined in the City of Bunbury Town Planning Scheme No.7 (10.2.1) and the requirements of Special Use Zone No.23 (Condition 3).*
- 3. The proposal fails to comply with the requirements of the City of Bunbury Town Planning Scheme No.7 (5.3.1) in that Multiple Dwellings are not permitted on land zoned for Residential Purposes where the R-Code density is less than or equal to R50.*
- 4. The proposal constitutes an unacceptable loss of privacy to the adjoining neighbour due to the proximity of bedroom windows on the first floor level of Unit No. 11 to the rear elevation of No.5 Rialto Close – contrary to the requirements for acceptable development as prescribed in Section 7.4.1 of the R-Codes.*

CARRIED

11 votes "for" / nil votes "against"

10.4.2 Proposed Family Day Care – Lot 5 No. 15 Dillon Street, Bunbury (ASN 11439)

File Ref:	A00401-11
Applicant/Proponent:	Cassie Lawler
Author:	Sam McNeilly, Team Leader Development Assessment
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-5, DPDS-6, DPDS-7

Summary

An application has been received from Cassie Lawler requesting that a Family Day Care facility be permitted at 15 Dillon Street, Bunbury. Following assessment of the application, it is considered that the proposal satisfies general requirements of the City's Town Planning Scheme No.7 (TSP7) and criteria outlined in the Local Planning Policy – Home Based Businesses and Family Day Care, sufficient to issue an approval.

During the advertising period the City received one objection to the proposed Family Day Care facility, hence consideration by Council is required. A further submission, of an advisory nature has also been received from the Department of Health.

Executive Recommendation

That Council, by virtue of the powers conferred upon it by the *Planning and Development Act 2005* (as amended), hereby resolves to grant Planning Approval for the proposed Family Day Care facility at 15 Dillon Street Bunbury, subject to conditions as determined by the Manager Development Assessment and Building Certification, including the following non-standard conditions:

1. The approval being on an Annual basis in accordance with current policy guidelines.
2. No more than seven (7) children (including the operators own children) may be cared for within the Family Day Care facility, at any one time.
3. The permissible times of operation of the facility are Monday to Saturday 7am to 7 pm and Sunday 9am until 5pm.
4. The facility is not permitted to employ a person not being a member of the applicant.

Background

The subject lot is zoned Residential R20. A location plan is **attached** at Appendix DPDS-5. The use-class "Family Day Care" is an "A" use in a Residential Zone under TPS7 and accordingly, the proposal was advertised for fourteen (14) days. A site plan and floor plan are **attached** at Appendix DPDS-6.

Officer Comments

The Family Day Care facility is proposed to provide care for up to five (5) children in a family environment between 7.30am and 5.30pm from Monday to Thursday.

The grant of planning approval is such that the hours of operation are limited to within the Acceptable Development Criteria being Monday to Saturday 7.00am to 7.00 pm and Sunday 9.00am until 5.00pm.

Parents dropping off/picking up children are able to park within the driveway.

The definition of Family Day Care (LPP – Home Based Businesses and Family Day Care) is:

- “means a child care service provided at a place where:*
- The person providing the service lives; and,*
 - None of the children to whom the service is provided, live.”*

Family Day Care provides a valuable service to the overall community, providing alternative child care options in what is essentially a family environment to local families.

In summary, it is considered that the proposal will not compromise the amenity of the immediate locality and that the proposal complies with general requirements of TPS7 and adequately satisfies the criteria outlined in the Local Planning Policy – Home Based Businesses and Family Day Care. In accordance with the LPP a time limit for the approval is recommended and a renewal will be required annually.

Community Consultation

The proposal was advertised for 14 days in accordance with Clause 9.4 of TPS7. Two (2) submissions (refer Submission Schedule – **attached** at Appendix DPDS-7) were received. One (1) submission was from a person, a shift worker, who lives at 19 Dillon Street.

The issues raised are summarised as follows:

1. *Concern that there is a Day Care Centre (Milligan Centre) in close proximity;*
2. *Traffic;*
3. *Noise; and,*
4. *No safe drop-off/ turn around – concern neighbours driveways will be used to turn-around.*

Such issues are specifically addressed in the Submissions Schedule.

The other submission is from the Department of Health (DOH). The DOH has made no specific comment and is advisory in nature. The DOH recommends that the City incorporate Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in the decision-making process and the relevant websites have been provided for staff reference.

In response to amenity related matters (noise etc.), it is considered that the proposal would have minimal impact on surrounding properties. The objector lives at 19 Dillon Street which is one (1) Lot removed from the subject lot and therefore, arguably, not immediately impacted. Existing infrastructure will be used and satisfactory noise levels are regulated by the Environmental Protection (Noise) Regulations 1997. The proposed Family Day Care use is considered to be suitable in this residential location.

Council Policy Compliance

The proposal complies with relevant Local Planning Policies.

Relevant Precedents

Council previously approved a number of Family Day Care Centres. Some more recent approvals include facilities approved at lot 211 (No.33) Naturaliste Avenue, Withers (Council Decision 190/10) on 14 September 2010 and one at 8 Hotchin Street which was approved by Council at its meeting on 12 April 2013.

Outcome – Council Committee Meeting 25 June 2013

The Executive recommendation (as printed) was moved Cr Jones, seconded Cr Steck and amended to read as follows:

“That Council, by virtue of the powers conferred upon it by the Planning and Development Act 2005 (as amended), hereby resolves to grant Planning Approval for the proposed Family Day Care facility at 15 Dillon Street Bunbury, subject to conditions as determined by the Manager Development Assessment and Building Certification, including the following non-standard conditions:

1. *The approval being on an Annual basis in accordance with current policy guidelines.*
2. *Operation of the proposed Family Day Care facility to comply with the requirements of the Child Care Services Act 2007.*
3. *The permissible times of operation of the facility are Monday to Saturday 7am to 7 pm and Sunday 9am until 5pm.*
4. *The facility is not permitted to employ a person not being a family member of the applicant.”*

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

Council Committee Recommendation

That Council, by virtue of the powers conferred upon it by the Planning and Development Act 2005 (as amended), hereby resolves to grant Planning Approval for the proposed Family Day Care facility at 15 Dillon Street Bunbury, subject to conditions as determined by the Manager Development Assessment and Building Certification, including the following non-standard conditions:

1. *The approval being on an Annual basis in accordance with current policy guidelines.*
2. *Operation of the proposed Family Day Care facility to comply with the requirements of the Child Care Services Act 2007.*
3. *The permissible times of operation of the facility are Monday to Saturday 7am to 7 pm and Sunday 9am until 5pm.*
4. *The facility is not permitted to employ a person not being a family member of the applicant.*

CARRIED

11 votes “for” / nil votes “against”

10.4.3 Proposed Change of Use from Storage to Industry: Noxious (Industrial Sandblasting and Spray Painting) – Lot 30, No.22 Palmer Crescent Davenport

File Ref:	P07308
Applicant/Proponent:	David Evans
Author:	Mr Anthony Pick, Planning Officer
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-8, DPDS-9, DPDS-10

Summary

The proposal is for the change of use to Industry – Noxious (sandblasting and spray painting). The site is zoned 'Industry' under the Scheme and GBRS. The change of use to 'Industry – Noxious' use class requires Advertising in accordance with Table 1 – Zoning Table and the provisions of Clause 9.4 – Advertising of applications.

The applicant, following a meeting with officers and the DEC, has requested that a Temporary Approval be considered by Council. This interim arrangement would allow the applicant to connect to main power and allow the operator to fully comply with the Environmental Protection (EP) (Abrasive Blasting) Regulations 1998, and EP (Metal Coating) Regulations 2001.

Executive Recommendation

Council, pursuant to the provision of the *Planning and Development Act 2005* (as amended), hereby resolves to:

1. Grant Temporary Planning Approval for 3 (three) months, subject to the conditions that are to the satisfaction of the Manager of Development Assessment and Building Certification. Conditions will include ensuring that no sandblasting or spray painting activities are undertaken in the open and are restricted to within the existing buildings. The activities shall be fully in accordance with DEC regulations Environmental Protection (Noise) Regulations 1997, Environmental Protection (EP) (Abrasive Blasting) Regulations 1998, and EP (Metal Coating) Regulations 2001 in respect of any impacts arising from the use.
2. An advisory note to the applicant that the City requests that the premises must comply with the Environmental Protection (EP) (Abrasive Blasting) Regulations 1998, and EP (Metal Coating) Regulations 2001, prior to the submission of a subsequent Development Application at the end of the temporary consent. The applicant must demonstrate full compliance with all aspects of the aforementioned regulations as part of any future Development Application.

Background

This application relates to a (retrospective) change of use to operate sandblasting and spray painting activities on the site. The City became aware of the unauthorised development following a number of complaints from the public. This primarily resulted from the operator undertaking sandblasting activities in the open. The activities gave rise to adverse noise and dust impacts in the locality. The City's compliance officer contacted the owner to request a Development Application and to limit activities at the site until the application had been fully considered and the application determined. This resulted in the

operator undertaking work only within the existing buildings and working with the DEC to manage any adverse impacts.

Officers consider that 'sand blasting' falls under the TPS7 definition of Industry – Noxious. The applicant, and subsequent legal representation on behalf of the applicant, disputed this interpretation. Officers sought legal opinion, as this is an unauthorised use, in preparing *possible* legal action. The City's solicitors supported officers interpretation of the land use as 'Industry – Noxious'. Irrespective, the application would require a change of use and would have been advertised due to the objections initially submitted to the City, prior to the Development Application.

Council Policy Compliance

Local Planning Policy 'Access & Parking for Pedestrians, Bicycles and Vehicles' is relevant. The applicant requires a further seven (7) parking bays which officers are satisfied that such provision can be secured by condition.

Legislative Compliance

The application requires GBRS approval.

The application is delegated to local government under Schedule 2.

Development on zoned land the application is delegated to local government under the GBRS, and which is one or more of the following kinds:

- (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
- (b) Development for which the local government decides to refuse approval under the GBRS'.

The proposal has been advertised in accordance with the requirements of Clause 9.4 of the Scheme.

Officer Comments

The principal considerations in the assessment of this application is whether the proposed change of use would have an adverse impact on the established amenity, with particular regard to noise and dust; and, the impact of the proposal on the environment.

The City's Environmental Health Officer has advised that the development must comply with the Environmental Protection (Abrasive Blasting) Regulations 1998. All abrasive blasting shall be conducted inside a 'blasting chamber'. With regards to the spray painting, this use shall be carried out inside a spray booth fitted with adequate ventilation, and designed to ensure no overspray occurs. Any wash down areas would require the approval of the City.

The Department of Environment and Conservation (DEC) is the Authority for regulating the proposed use. The DEC advised the City that as a guidance tool for the decision-making authority regard should be had to the buffer distances as referred to within the Environmental Protection Authority's Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses (June 2005) (EPA GS3). The objective of this *guidance* is to avoid land use conflict.

The general principle is that where the recommended generic buffer distances are provided for, impacts from emissions are considered unlikely. Where the separation distance is less than the generic distance, the acceptability impacts within a lesser distance can only be considered through consideration of a scientific study based on site and industry specific information.

It is understood that the predominant use is the sandblasting component. The guidance identifies abrasive blasting as having the potential for noise, odour and dust impacts. The buffer zone for abrasive blasting is on a case by case basis. Officers consider the 200m buffer, identified in the guidance for spray painting, to be a reasonable distance. The DEC, through the Air Quality and Noise Branch, provide expertise in the methodology to be used and the final assessment, in making a recommendation on the acceptability of the impacts. In this case, the site adjoins Regional Open Space to the west and south west, industrial uses to the north and east and is approximately 120m from the nearest residential development to the south west.

The DEC also informed the City that in assessing the suitability of the existing premises for abrasive blasting and/or spray painting activities the information submitted by the application is not adequate to demonstrate compliance with the regulations. The DEC requested the proponent provide detailed design drawings of fully contained chambers and booths, inclusive of appropriate dust extraction systems as per the requirements outlined in the Environmental Protection (EP) (Abrasive Blasting) Regulations 1998, and EP (Metal Coating) Regulations 2001.

Officers relayed the information to the applicant and requested the above requirements be addressed. With regards to the suitability of the plans, as referred to later in this report, it is apparent that the applicant cannot demonstrate compliance with the Regulations at this stage. However, for land use purposes the site plan identifies the existing buildings and is sufficient for determining the Development Application, having regards to the considerations set out later in this report – see **attached** Appendix DPDS-8. A copy of an aerial photograph is attached for Councillors information and to provide the context to the site **attached** at Appendix DPDS-9.

The applicant requested a meeting (12/06/2013) with City officers and the DEC who have been working with the applicant over recent weeks. This provided an opportunity for the DEC to outline the (informal) interim measures agreed between the DEC and the applicant to address the initial objections received when the applicant was undertaking operations in the open.

The DEC is, currently, satisfied that the activities are not adversely affecting the established amenity of residents or businesses. However, whilst the DEC confirm that they are satisfied the uses would not have an adverse impact on amenity, subject to such operations being conducted inside the buildings, they do not, at this stage, conform to the regulations e.g. compliance with requirements for a blast chamber.

To comply, the operator is dependent upon 3-phase power to the site to operate the blast chamber and extraction unit. However, on the basis that the DEC do not object to the operator undertaking sandblasting in the interim, it is recommended that a Temporary Approval (as requested by the applicant), provided for by Clause 10.6 of the Scheme, for three months would allow the applicant to connect to Western Power and demonstrate to the City and the DEC that the business complies with the Regulations. The DEC would still retain compliance powers in the stopping of any activity that gives rise to any noise or dust impacts that contravened the regulations e.g. no visible dust released from the premises at which the blasting is carried out,

Turning to the objections received from the public, the recurring issues raised relate to noise; dust; and air quality impacts. The DEC has advised that the objections that they have received, directly, as the regulatory body, were all prior to the operator undertaking activities within the buildings. Following the restriction of activities to within the building, only one complaint has been received by the DEC, which the DEC considers was not a valid complaint.

In conclusion on this issue, officers consider that as the DEC does not consider the operations will have any adverse impact, subject to the operations being undertaken inside the buildings, the recommendation is for a temporary approval whilst connection to Western Power is achieved and enable the operator to fully comply with the regulations. The issuing of a temporary consent for three months will allow for the use to be effectively monitored and if there are legitimate complaints that contravene the Regulations the DEC have the regulatory powers to enforce compliance. It is recommended that a condition be imposed to ensure that no sandblasting or spray painting activities are conducted in the open.

Environmental Impacts (DEC)

The site adjoins GBRS Regional Open Space and a proposed Conservation Site – listed as Loughton Park, which also includes a playground. DEC require that a suitable industrial fence be maintained between Lots 617 and 568 reserves to protect the conservation and recreational values of these areas.

It is further considered that so long as the proposed uses do not result in any dust leaving the premises there should be no adverse impact upon the environment.

Scheme Requirements

Parking

The Town Planning Scheme requires the following parking standards:

- The Scheme requires 1 bay per 100 square metres of nla of buildings and outdoors areas used for industry purposes. The proposed area considered for Industry - Noxious Use totals 645m². This comprises the existing building 348m² plus lay down area of 308m². Therefore 7 spaces are required.
- The ancillary office requires 2 spaces.
- The spray painting use would require a further 7 spaces. This comprises an existing building 324m² plus lay down area 161m².
- The total requirement under the Scheme is therefore 16 car parking bays.

The submitted plans indicate nine (9) spaces; however, there is land available within the site to provide further parking bays. It is therefore recommended a condition be imposed to address this matter.

Landscaping

The lot is sited within an 'Industrial Zone' where there is a requirement for 5% of the lot to be landscaped. Officers are still awaiting the submission of a detailed landscaping plan to address the above requirement. It is recommended that a condition be imposed to secure the provision of a landscaping scheme (including the verge) to be submitted to and agreed to the satisfaction of the City's Landscape Officer. The approved details shall include a maintenance plan.

Other matters

One of the recurring issues raised during the advertising process is the negative impact on land values and property prices resulting from the adverse impact of the proposed use. It should be noted consideration of a negative effect on the value of property is not a planning matter.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

'Industry – Noxious' is an A use and as such the Development Application has been formally advertised to comply with the requirements under Clause 9.4 of the Scheme.

In this regard, a site notice has been erected; an advert displayed in the local media; and, neighbour notification letters have been sent out. The neighbour notification letters were generated on the basis of a 300m catchment area from the application site.

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 undertaken with Health, Building, Development Engineer; Environmental Officer; and, Landscape Officer.

The following external Service providers were consulted and their responses, where received, are set out in the summary of submissions **attached** at Appendix DPDS-10:

Water Corporation; Western Power Corporation; Department of Planning; Department of Water; Department of Environment and Conservation; Environmental Protection Authority (EPA); West Australian Planning Commission; Department of Health.

Delegation of Authority

Delegation of authority is not applicable in this case.

Outcome – Council Committee Meeting 25 June 2013

Mrs Janet Leyshon, 1 Young Close Kinkella Gardens and Kylie Rogers, 2 Godwin Street Kinkella Gardens, addressed the Committee against the Executive recommendation and made the following points:

- The DEC has done noise monitoring at the premises of 1 Young Close. The results are not available at this stage.
- Their property is covered in dust and coats everything in a glittery dust.
- The noise level is quite bad, cannot have windows or doors open during the day.
- There is no longer any bush buffering.
- The business has been running 7 days a week so there is no respite to the noise.
- They cannot entertain friends outside or use their entertaining areas outside during the day due to the noise from the generator.
- They have only had issues with being near an industrial area since the business started in this area in April this year.

Mr David Evans, owner of Geographe Sandblasting, addressed the Committee and made the following points:

- His business is not classed as Noxious by DEC.
- He was not aware that he had to apply for the change of use to the premises.
- If Council does not grant the approval then he will lose everything.

The Executive recommendation (as printed) was moved Cr Steck but failed to get a seconder and therefore the motion lapsed for the want of a seconder.

Cr Kelly moved Cr Leigh seconded the following motion:

“Council, pursuant to the provision of the Planning and Development Act 2005 (as amended), hereby resolves not to approve the Proposed Change of Use from Storage to Industry: Noxious (Industrial Sandblasting and Spray Painting) – Lot 30, No.22 Palmer Crescent Davenport.”

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

Council Committee Recommendation

Council, pursuant to the provision of the Planning and Development Act 2005 (as amended), hereby resolves not to approve the Proposed Change of Use from Storage to Industry: Noxious (Industrial Sandblasting and Spray Painting) – Lot 30, No.22 Palmer Crescent Davenport

CARRIED

10 votes “for” / 1 vote “against”

The Mayor stated that the reasons why the Council Committee has voted against the Executive recommendation will be provided at the Council meeting 2 July 2013.

10.5 Director Works and Services Reports

10.5.1 Closure of Laneway – Lot 166 Rodwell Place

File Ref:	A05635
Applicant/Proponent:	Internal Report
Author:	Alison Baker, Executive Assistant Works and Services
Executive:	Phil Harris Director Works and Services
Attachments:	Appendix DWS-1

Summary

At the Council Meeting held on the 16 April 2013, Council resolved the following:

“Council Decision 102/13:

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

Executive Recommendation

Council close the laneway at Lot 166 Rodwell Place by fencing the boundaries adjoining Lot 166 Rodwell Place and Reserve 38285, Lot 658 Perkins Avenue.

Background

Councillor Steele presented a petition containing twenty four (24) signatures from nearby residents requesting that Council consider closing Lot 66, Public Access Way located between No. 11 and No. 12 Rodwell Place, East Bunbury due to alleged anti-social behaviour.

A report was presented to Council on 16 April 2013 proposing that the laneway closure be limited to fencing in the event that future residents of Rodwell Place seek to have the laneway reopened.

The Council resolution was that officers liaise with adjoining property owners and service authorities to progress the closure of the Rodwell Place Public Access Way.

Council Policy Compliance

Not Applicable

Legislative Compliance

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

Officer Comments

As proposed in report to Council on 16 April 2013 the Public Access Way closure is limited to fencing in the event that future residents of Rodwell Place seek to have the laneway reopened.

Analysis of Financial and Budget Implications

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

Community Consultation

On 29 April 2013 staff sent a letter to some fifty-five (55) residents in the area surrounding Rodwell Place advising the petition submitted to have the drainage reserve closed has been taken under advisement and that Council recommended an investigation in to the matter. As per section 58(3) of the Land Administration Act 1997 the residents were advised this would be advertised for a period of thirty-five (35) days to submit any objections in writing the City. The residents were also advised that once the thirty-five (35) day period had expired it would be taken back to Council for further considerations.

The notice was placed in the South Western Times on Thursday 9 May 2013. The thirty-five (35) days expired on Monday 3 June 2013.

One (1) objection has been received and **attached** at Appendix DWS-1.

No objections were received from Aqwest, Atco Gas, Water Corporation. Regional Development and Lands has advised they do not have any objections. Aqwest have requested that a placard be placed on the fence indicating the presence of services in the area, refer **attached** Appendix DWS-2

Councillor/Officer Consultation

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

Outcome – Council Committee Meeting 25 June 2013

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

It was requested that the mover and seconder agree to amend the motion to read as follows:

“Council agrees to informally close the laneway at Lot 166 Rodwell Place by fencing the boundaries adjoining Lot 166 Rodwell Place and Reserve 38285, Lot 658 Perkins Avenue.”

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

Council Committee Recommendation

Council agrees to informally close the laneway at Lot 166 Rodwell Place by fencing the boundaries adjoining Lot 166 Rodwell Place and Reserve 38285, Lot 658 Perkins Avenue.

CARRIED

11 votes “for” / nil votes “against”

11. Applications for Leave of Absence

12. Motions on Notice

12.1 Motion on Notice – Establishment of a Bunbury Redevelopment Authority

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

Cr Steck submitted the following motion for the Council Meeting on 2 July 2013:

"That Council write to the State Government and the State Planning Commission advising them that Council seeks to establish a Bunbury Redevelopment Authority and require their support as Bunbury is a Strategic Regional Centre."

Comments - Cr Steck

In support of her motion, Cr Steck states that, *"Council recently approved the Waterfront Development, Marlston South and the Leschenault Master Plan on 11th June 213 Agenda Item 10.1, notwithstanding, Council has also adopted the Back Beach Master Plan.*

Council itself needs to take greater control in relation to developing the City and should rightfully deliver economic development to the community by establishing the Bunbury Redevelopment Authority. Bunbury is a Strategic Regional Centre and should have its own development authority.

Council needs greater leverage and control over the assets vested into Council Management. Bunbury City should have a greater role in developing Reserves that belong to the community for better community outcomes.

The Greater Bunbury Regional Scheme, the State Planning Framework Policy and the Town Planning Scheme No7, are all key documents that Bunbury City already adheres to and rightfully assist in developing guidelines for all land within the City Boundary.

Extracted from the MRA website:

"The MRA is committed to Place Making - a powerful framework for urban regeneration that considers triple bottom line sustainability for ongoing investment attraction, as well as diversity, heritage and culture.

Under the Act, the MRA has the power to resume land, undertake environmental rehabilitation and plan, implement, promote and coordinate urban regeneration projects.

Each redevelopment area has a Land Redevelopment Committee enabling community and local government involvement in the development and delivery of redevelopment projects.

Effective urban planning, using a Place Making approach, involves a timeline of events to bring a project together.

Place Creation involves planning, architecture, environmental science and engineering to produce the Master Plan documents that form the foundation of new communities and includes:

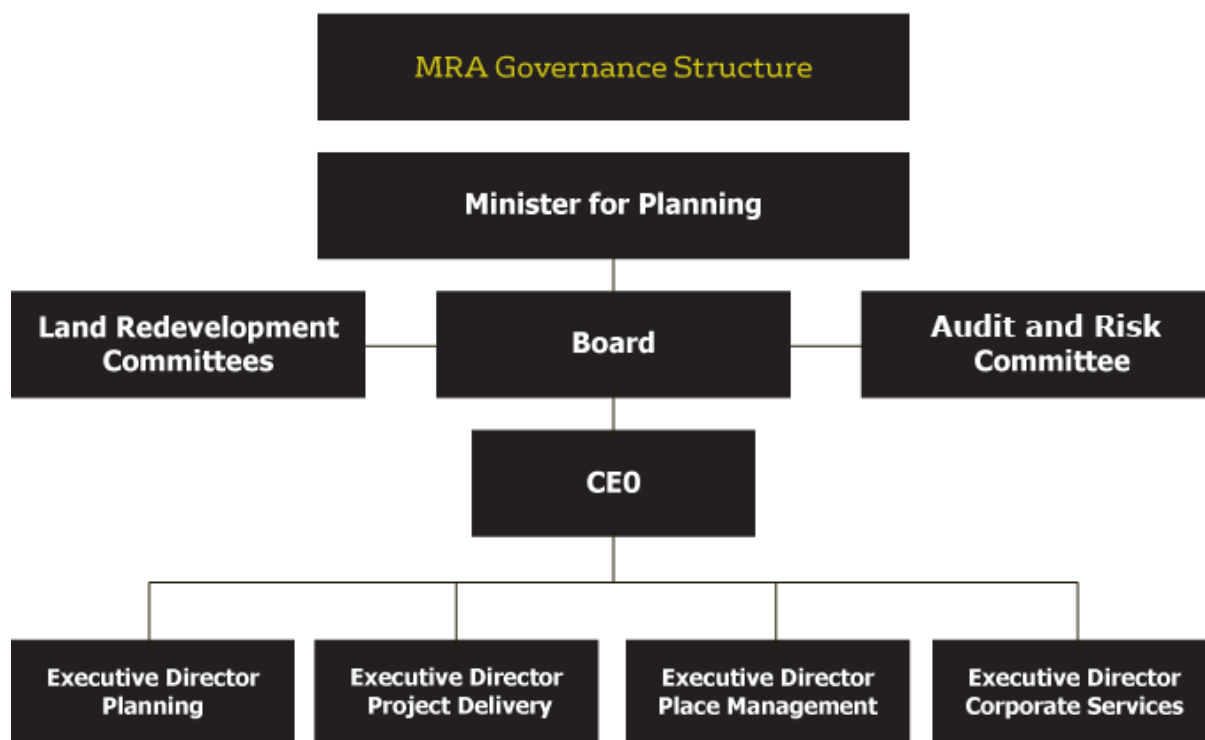
- *Vision development*
- *Business planning and feasibility studies*
- *Land acquisition*

Place Development involves active consultation with local authorities, government agencies and the community to:

- *Deliver new infrastructure*
- *Clean up the surrounding environment*
- *Identify and restore heritage buildings*

Place Management strategies support each project vision and sustainable community development through:

- *Asset management and investment attraction*
- *Land sales and development control*
- *Community and economic development initiatives"*



Metropolitan Redevelopment Authority Act 2011, Functions of Authority, Part 2 Division 2, page 15

Extract from www.slp.wa.gov.au

- “23. *Public Authority can be directed to transfer land to Authority*
(1) *In this section –*

- Interest in land includes an easement, right or power effecting land.*
- (2) *If a public authority has an estate or interest in land over which it has a power of disposition and the land is in a redevelopment area, the Governor, by order, may direct the public Authority to transfer all or a part of the estate or interest to the Authority.*
 - (3) *The Governor cannot exercise the power in subsection (2) unless satisfied that the land is needed by the Authority for the purposes of this Act.*
 - (4) *An order under subsection (2) must specify the estate or interest to be transferred and the terms on which the transfer must be made.*
 - (5) *A public authority must comply with a direction given to it under subsection (2), despite any other written law. “*

Relevant council Policies:

City Vision – Environmental Objective 1:

“1.2 Encourage more efficient use of water resources through water sensitive design of land subdivision and development, the use of drought tolerant (endemic species) vegetation in gardens and public places, modified household appliances that reduce consumption and the reuse of grey water.”

City Vision – Environmental Objective 3:

“Recognise the key physical features that contribute to the character and amenity of the city and plan for their enhancement.”

City Vision Economic Goal:

“To promote Greater Bunbury’s regional advantage and support the necessary conditions for sustained investment, growth and employment generation.

Eco 1 - Ensure that major key infrastructure that supports industrial and commercial development is maintained and developed to attract investment and new businesses, supports operational efficiency and facilitates economic diversity.

Eco 3 – Consolidate and expand the City of Bunbury as a headquarters for business and government enterprises.

Eco 4- Promote and facilitate Greater Bunbury as an alternative living area to Perth and living area of choice for intrastate, interstate and international persons.

4.1 Promote the triple bottom line advantages of decentralising the population of metropolitan Perth to Greater Bunbury.

4.2 Identify the City’s natural advantages (climate, proximity to water, and proximity to rural attractions) and infrastructure that supports communities as part of a marketing strategy to attract new residents.

Eco – 7 Attract and facilitate commercial development in the Strategic Regional Centre within the context of commercial centre planning for the South West Planning Framework and the Bunbury Wellington Region.

7.1 Reinforce the role and function of the Strategic Regional Centre through a commercial centres strategy20 endorsed by the Western Australian Planning Commission and through strategic planning associated with a review of the Bunbury Wellington Region Plan.

7.2 Identify areas with the Strategic Regional Centre that have the potential for commercial development or redevelopment and facilitate their development

consistent with this vision statement and subsequent local area precinct planning.”

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.”

I ask councillors to support the motion.”

Executive Comments

For Council to determine.

Cr Steck’s Motion

That Council write to the State Government and the State Planning Commission advising them that Council seeks to establish a Bunbury Redevelopment Authority and require their support as Bunbury is a Strategic Regional Centre.

Outcome – Council Committee Meeting 25 June 2013

The Motion on Notice (as printed) was moved Cr Steck, seconded Cr Kelly (proforma) to become the motion under discussion.

During the debate on the matter, Cr Kelly moved Cr Cook seconded pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders 2012 that the debate on the matter be adjourned until the August round of meetings and for the CEO to provide a briefing to the Councillors at the August Briefing Session.

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

Council Committee Recommendation

Pursuant to Standing Order 11.1(b) of the City of Bunbury Standing Orders 2012 that the debate on the matter be adjourned until the August round of meetings and for the CEO to provide a briefing to the Councillors at the August Briefing Session.

CARRIED

11 votes “for” / nil votes “against”

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

13.2 Questions from Members

Cr Cook asked the following questions at the meeting:

Question: Why is there a BBQ being held in Des Ugle Park by the Place Manager without the Community Reference Group being formed first? Can you please advise when the Community Reference Group for Withers will be formed?

Response: Director Community and Customer Services – The funding from the South West Development Commission has a timeframe attached to it. One of the priorities they set for us was the improvements to Des Ugle Park and the Council has to start the project in nine weeks hence one of the Place Manager's tasks was to get the ball rolling on that particular project. Concurrently they will be looking to establish the Community Reference Group but we need to advertise for members and they need to get under way with their role. We are not trying to run the project without them (reference group) it's just the time constraints from the funding from the SWDC require us to get the work underway for that particular project as soon as possible.

Cr Cook asked that his concern be noted that it is important that the Community Reference Group be established as soon as possible.

Question: Can the CEO provide a timeline or a date for when can the Council resolution monthly report can be produced?

Response: CEO – A copy will be provided in this week's bag delivery.

Deputy Mayor Cr Craddock asked the following question at the meeting:

Question: A letter has been received from Adele Farina asking for an itemised list of the projects that Council has committed \$300,000 for the year for Withers improvements. Has a reply been sent to Ms Farina and if so can Councillors please see that reply so that we're fully informed?

Response: CEO – No a response has not been sent as yet. We are still compiling the final list of projects for that. Once Council has adopted the budget, which will be agreed to. We can provide an indicative list that's been provided once before on some of the projects however there were some shortfalls in some areas. When we do provide that formal response we will provide all Councillors with a copy.

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

Nil

15. Meeting Closed to Public

15.1 *Matters for which the Meeting may be Closed*

Nil

16. Closure

The meeting was declared closed at 8.42pm