



Bunbury City Council

Minutes 27 August 2013

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GLOSSARY OF ABBREVIATED TERMS

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

GLOSSARY OF ABBREVIATED TERMS

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

Bunbury City Council Minutes

Minutes of an ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 27 August 2013.

Minutes 27 August 2013

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

1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by His Worship the Mayor Mr David Smith at 6.09pm.

2. Disclaimer

ALL PERSONS PRESENT ARE ADVISED THAT THE PROCEEDINGS OF THIS MEETING WILL BE RECORDED FOR RECORD KEEPING PURPOSES AND TO ENSURE ACCURACY IN THE MINUTE TAKING PROCESS, AND WILL ALSO BE STREAMED LIVE VIA THE INTERNET TO THE PUBLIC.

3. Announcements from the Presiding Member

The Mayor mentioned that he received a letter from the Premier and read out the following statement from the letter *"I strongly support the City of Bunbury as the second City of WA and acknowledge Local Government reform in the Bunbury region would enhance its ongoing development. Thank you again for your support for Local Government reform."*

4. Attendance

Present:

Council Members:	
Presiding Member	His Worship the Mayor, Mr D Smith
Deputy Presiding Member	Deputy Mayor Cr S Craddock
Members	Councillor J Jones
	Councillor D Prosser
	Councillor A Leigh
	Councillor M Steck
	Councillor K Steele
	Councillor R Slater
	Councillor B Kelly
	Councillor N McNeill
	Councillor M Cook
Councillor S Morris	
Executive Leadership Team (Non-Voting):	
Chief Executive Officer (Acting)	Mr P Harris
Director Community Development	Ms S Addison-Brown
Director Corporate Services	Mr W Wright
Director Planning and Development Services	Mr B Karaszekwych
Council Officers (Non-Voting):	
Manger Corporate Performance	Mr G Golinski
Team Leader Development Assessment and Building Certification	Mr S McNeilly
Senior Strategic Planning Officer	Ms A Jank
Planning Officer	Mr A Pick
Compliance Officer	Mr P Morrison
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting):	
Members of the Public	27 approx.
Members of the Press	Nil

4.1 Apologies

Nil

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

At the Council (Standing) Committee meeting Cr Jones declared an impartiality interest in the item titled '*Adoption of Proposed Tuart Brook Structure Plan*' as she is a Director of Aqwest who would be providing the water to this structure plan area. She elected to remain in the chambers, take part in the discussion and vote on the matter. Cr Jones made the same declaration at the Council meeting.

6. Public Question Time

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

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

6.1 Public Question Time

Mr Glen Willets, 40 Wilkerson Way Withers

Mr Willets asked questions in relation to the Minutes of the Council meeting, Special Council meeting for Withers and the Special Council for the budget adoption.

Question: When can the community get answers taken on notice by the CEO at the meetings?

Response: (Acting) CEO: The minutes of tonight's meeting should provide those answers. I can provide those answers direct if there are specific ones that you are chasing within a week or so.

The questions are in relation to ones asked on 24 July, 31 July and 6 August.

Response: (Acting) CEO: The responses are available in the minutes of those meetings.

Question: Why aren't all the questions recorded in the minutes?

Response: (Acting) CEO: They are recorded however it has be directly related to the Committee minutes or the Council minutes. You will find that they will be there. I can meet with you after the meeting and show you exactly where to go.

Question: What timeframe is acceptable for responses to be provided for questions taken on notice?

Response: (Acting) CEO: We try and get them out as soon as possible. Generally the responses will be through the next Council meetings minutes. I will catch up with you after the meeting and try to get specific questions that have not been responded to and address them within the week for you.

Mr Bernard Kemps, 44 Wilkerson Way Withers

Mr Kemps asked questions in relation to the Special Council meeting held 16 August 2013.

Question: Why did Council gag the Mayor who was democratically elected by the community and revert all the media comments to the CEO?

Response: (Acting) CEO: At the Special meeting of 16 August Council resolved, it does not refer to it as gagging, "1. That Council requests the Mayor not to make any further media comments on behalf of Council prior to the Council election due on October 19 2013." A fairly simple request from Council... "2. That Councillors note that under section 2.8 of the Local Government Act 1995 they are not permitted to speak on behalf of Council." That is all Councillors... "3. That all media statements on behalf of Council prior to the election be by the CEO; and 4. That the media be advised the Mayor has agreed not to speak on behalf of Council until after the election if this motion is passed". It was a Council decision. Council made that decision and it was carried.

Mayor: In relation to that, matters that did not come from a recommendation from the executives, Council is not bound to explain its reasons. If you ask individual Councillors who were present at that meeting would be the best way to ascertain their reasons for supporting those motions. I do want to emphasise again as the minutes reflect that in relation to items 1 and 3, I did vote against both of those. In relation to the item reminding Councillors, I supported that. In relation to the notation that I did say that if the motions were passed and only if the motions were passed I would abide by the matter out of respect for Council.

Deputy Mayor: I think the public is entitled to know or rather have some explanation. The Mayor made certain comments in the media the night before the Special meeting that called for the possibility of an inquiry of Council. He suggested that it may be necessary for Council to be suspended. Those statements were made with absolutely no consultation with any of the Councillors and certainly not with me as Deputy Mayor. I don't think it would be too much of an exaggeration to say that the whole Council was outraged at that action. Cr Steele initiated an emergency meeting of the Council at very short notice as is her right under the Local Government Act. As many Councillors as were able to attend that meeting. It was a very emotional meeting. We met with a degree of anger and angst at what had happened. We believe the best course of action was to request the Mayor not to make any statements, the inference along similar lines but we broadened it to include any media statements until the election. That's only 6 or 7 weeks away. All media statements during that period are to be made by the CEO. I do think the public need to know that. The normal reasons for an inquiry to be held are, we feel, to allay fears that there may have been any impropriety, any dishonesty by this Council. I can assure you and the general public the Council is not

proper or dishonest. We may have very strong feelings about things and that may get into some personal debate and many people may think that some of us lack judgement in our decision making. That is a very different call that those decisions of dishonesty or impropriety could normally be associated with an inquiry. I hoped that has helped explain why the Councillors felt so strongly about requesting the Mayor not to make any further public statements and giving that authority as is our right to the CEO.

Question: Why did the Council feel it necessary to discuss the matter behind closed doors?

Response: Mayor: Council is entitled to go behind closed doors when there is a resolution to that effect and that is what happened.

Question: Could there have been a conflict of interest given that several of the Councillors present at that meeting are running for Mayor?

Response: Mayor: The question of declarations of interest whether they are impartiality interests or financial interests is the call of each individual Councillor. It's not for Council or myself, it is for the individual Councillors. So whether they decide to declare an interest is entirely up to them individually.

Cr Jones moved, Cr Slater seconded that Cr Steele be allowed to address the public gallery. The Mayor put the motion to the vote and was CARRIED 7 votes "for" / 5 votes "against".

Cr Steele: I just think it is right that the people know why I called the meeting. I won't get into a debate as to what we did. Given all the recent media in relation to the Council we requested a Special Council meeting be called as a matter of urgency to address the issues and to develop a Council position for all future comments to any external parties including the media. In accordance with Council's Standing Orders, please can you arrange for this meeting to take place as soon as possible. It had nothing to do with gagging the Mayor. It was more for all of us to take responsibility of what we do say to the media and that is why I called it.

Mrs Janet Leyshon, 1 Young Close Kinkella

Mrs Leyshon asked a question in relation to the confidential item titled '*Section 31 Order – State Administrative Tribunal Act 2004 – Reconsideration of the Decision to Refuse the Change of use from Storage to Industry: Noxious (Industrial Sandblasting & Spraypainting) – Lot: 30 (No.22) Palmer Crescent, Davenport*'

Question: Has there been a scientific study based on the site emissions been presented that is on the basis of that it is 120m from residences and what the impacts are? If so when can the public get a copy of that study?

Response: Director Planning and Development Services: No such report has been provided to date. The matter has been referred to the SAT for mediation on 20 September and it is actually a question of the SAT.

Mr Merv Mancer, 11 Davenport Way Withers

Mr Mancer asked questions in relation to the Special Council meeting held 16 August 2013.

Question: What advice did the Confidential report give to Councillors in regards to the gagging of the Mayor? When will that report be made public?

Response: (Acting) CEO: The minutes of the 16 August meeting will form part of this agenda and be endorsed by Council tonight. The resolution from that meeting should be part of this agenda tonight.

Mayor: The minutes of the meeting have been made available tonight and will be adopted by Council. I need to emphasise that the pink paper that accompanied the request for the meeting will not be made public unless there is a resolution from Council to do so.

Question: Why are so many reports being placed on pink paper?

Response: Mayor: I would have to do the numbers Mr Mancer to know whether we do that any more often than anywhere else or more often than previous Council's. I don't know the answer to that question because I don't know what the quantities are

Mrs Kerry Barrett, 20 Webber Street Carey Park

Mrs Barrett asked questions in relation to the Special Council meeting held 16 August 2013.

Question: Has the City contacted the Department of Local Government to see if the decision was legal under the Act?

Response: (Acting) CEO: Yes the City has discussed the matter and forwarded copies of the resolution to the Department of Local Government as requested in the minutes and sees no issue with the minutes as they are in accordance with the provisions of the Local Government Act.

Question: (Address to Cr Steele) Was the Mayor invited to that meeting?

Response: Cr Steele: Yes he was. I came in here at 8.50am after dropping my children off at school. I came in to see the Mayor but he wasn't here. I then went to find the CEO who informed me that the Mayor was going back to the radio station. I said that I wasn't happy with what he had already said on the radio about calling for us all to be suspended. It wasn't something that I took lightly.

Question: So you were not prepared to wait for the Mayor to be available for that meeting?

Response: Cr Steele: He was there at the meeting. He wanted me to delay the meeting so he could go back on the radio. He had also been in the paper previously talking about decisions we made in Council earlier that was voted 11/1. That is what has unfortunately led to this as he wasn't representing the Council in my eyes correctly. It wasn't just the Mayor. You're all welcome to apply through freedom of information to get information. The reason I asked for it to go

behind closed doors was because nobody was here at that stage and it was to say what we were going to say and save his reputation over what was going to be said. I am quite happy to move that the pink paper and the notes are quite happy to be freely made available for you to hear it. I have no problem with that. I have absolutely nothing to hide.

Mayor: I do wish to clarify in regards to the notice of the meeting. I had absolutely no contact with CEO or Miss Steele or any other member of Council before 10.21am of the morning of the day the meeting took place. I first learnt that there was to be a special meeting from the media. When I checked I found that an agenda notice had been sent out at 10.21am for a meeting to be held at 10.30am. That was sent out by email. At that stage I was at the radio station for a pre-arranged interview, not about the matters that seem to be of concern to Councillors but about other matters. I received phone calls from Cr Steele and the Deputy Mayor ordering me back to Council for the 10.30am meeting.

Deputy Mayor: It was a request. We are not in a position to order you to do anything.

Cr Steele and Cr Steck left the chambers at 6.32pm. The Mayor adjourned the meeting at this time. Upon Cr's Steele and Steck returning to the chambers at 6.34pm the meeting resumed.

Mayor: As Cr Steele and the Deputy Mayor has taken offence to the word ordered I will change that to request in the strongest terms to come to the meeting. I explained that I was at the station to present when there was more than one phone call. I eventually decided that I should come back to Council.

The Mayor made a personal explanation regarding the circumstances around the Special Council meeting held 16 August. He reiterated that he did not receive notice until 10.21am that the meeting was being called. He stated that he had received advice from the Department regarding the motions made and that they confirmed that the motions were in contradiction to the Local Government Act. What made the motions legal was out of respect for Council, I myself signed a delegation of power to speak on behalf of Council to the CEO. He explained that the reason he has abided by the Council's decision was he considered he owed a degree of respect to Council as a whole and if that was the view of the majority of Councillors then he should cooperate in doing that.

Mrs Kylie Rogers, 2 Godwin Street Kinkella

Question: Are you (Councillors) comfortable with the way that you have behaved tonight?

Response: Mayor: No

Question: Would you consider not letting it happen again?

Response: Mayor: I certainly hope so.

6.2 Responses to Public Questions Taken ‘On Notice’

At the Council Meeting held 6 August 2013, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the response is provided below for public information:

Dr Marilyn Palmer, 18 Austral Parade Bunbury

Question: Does the amount of \$327,801.31 as a total for all hardware upgrades training and software licences for CAMMS products include the cost of purchasing the Sycle software, training and licences?

Response: All costs (e.g. software upgrades, licences, training and support) to CAMMS are included in the \$327,801.31 since the purchase in 2011. This includes the purchase of the Sycle software, training and licences.

Question: In answer to my question on 13 June, the CEO stated that he had attended a CAMMS conference for which CAMMS paid for his attendance. Did his attendance include conference registration, accommodation, meals and travel? What was the approximate total cost?

Response: The CEO was a guest speaker at the CAMMS conference and as such he received his return economy airfares, delegate registration, accommodation and participation in the welcome reception and dinner paid for by CAMMS. There was no cost to the City.

Mr Glen Willets, 40 Wilkerson Way Withers

Question: In the 2013/14 Budget \$100,000 has been allocated to the upgrading of Parks and Reserves for the Withers Action Plan. Which Parks and Reserves will be upgraded? How much will be spent on each park?

Response: The proposed expenditure and in which park or reserve has not been confirmed at this stage and is subject to further consultation prior to making a recommendation to the Withers Advisory Committee.

Mr Bernard Kempes, 44 Wilkerson Way Withers

Question: Why has Council scheduled works to the value of \$250,000 of the City's monies when the Council to spend \$300,000 per year on the Withers Action Plan?

Response: The works which you refer to are projects that have been subject to Councils budget deliberations over recent months and consistent with the Withers Action Plan Priorities of 2011. It is acknowledged that the revised Withers Action Group priorities (2013) document was provided to Council and staff in the days around the time that the 2013/ 2014 Budget was adopted by Council. Any inconsistencies will be dealt with during the ongoing consultation process and the Withers Advisory Committee.

Question: When does Council propose to spend the unspent 2010/11, 2011/12 and 2012/13 monies?

Response: Council will commence expending the unspent funding from 2011/12 and 2012/13 as soon as there is agreement with the Withers Action Group on which projects can be delivered within the available funding. As per Council Decision 248/13 all projects relating to the Withers Action Plan will need to be referred to the Withers Advisory Committee. Council decision 248/13 reads as follows:

“Council Decision 248/13

- 1. That Council agree to establish a Withers Advisory Committee as a formal committee of Council.*
- 2. a) Comprising of three (3) Elected members – voting*
b) The Director of Community Development – non voting
c) One (1) Secretarial support Staff - non voting
d) Advertise and appoint four (4) ordinary community members. – voting two (2) of whom are to be members of the Withers Action Group
e) Public advertising for community representation shall be in accordance with advertising deadlines but immediately following Council decision.
- 3. The purpose of the committee is to submit recommendations to council pertaining to current projects and future considerations relating to the Withers Action Plan*
- 4. To review and progress the Withers Action Plan.*
- 5. Make priority recommendations to council.*
- 6. Receive information from council and the Withers Community Reference Group to assist decision making.*
- 7. To provide stronger community relations in Withers.”*

At the Special Council Meeting held 24 July 2013, a question was asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response forwarded to the questioner following the meeting is provided below for public information:

Hon. Adele Farina MLC, U4/31 Victoria Street Bunbury

Question: My first question is in relation to the expenditure of the WAP funding for the year 2011/12. The City of Bunbury’s Capital Works Expenditure Summary for the period ending 30 June 2012 says that the actual YTD expenditure for the WAP 2011/12 was \$227,931. This is not consistent with the CEO’s statement of \$192,607 was expended in 2011/12. Clearly both statements cannot be correct. Which raises the community’s concern that community and Council are being provided with incorrect information. Which of these amounts is correct?

Response: CEO: I can confirm the expenditure as at 30 June 2012 was in fact \$227,931. The original statement made by myself of \$192,607 was the expected forecast expenditure for that period, however this was only a forecast and that is why there is a variance and the final figure is \$227,931.

The expenditure of \$227,931 has been validated via the previously issue transaction listing for 2011/12 which has been provided to you, and in which

was discussed in your meeting with Wayne Wright, Director Corporate Services.

Question: My next question is in regards to the CEO's statement that the total cost of the Hewson Street footpath was \$52,000 and that \$15,000 was carried forward to 2012/13 and the City of Bunbury Capital Works Expenditure Summary for the period ending May 2013 which states the actual expenditure YTD to May 2013 was \$44,467. Clearly both of statements cannot be correct. It also differs from an earlier statement from the CEO. Which of these statements are correct?

Response: CEO: In relation to the \$15,000 of carried over funds to the 2012/13 budget, this figure once again was a budget forecast figure. The final expenditure for the 2012/13 period was \$44,467.

At the Council (Standing) Committee Meeting held 20 August 2013, questions were asked during Public Question Time that could not be answered during the meeting. A copy of the question and the written response forwarded to the questioner following the meeting, is provided below for public information:

Mr Michael Manea, 6/29 Hayes Street Bunbury

Question: When did the YAC become a committee of Council?

Response: Director Community and Customer Services (DCCS): The Youth Advisory Committee has been a committee of Council since 1997. Please see the more detailed information provided below.

Question: What were the benefits to the youth of Bunbury for this?

Response: DCCS: By participating in the Youth Advisory Council, young people develop skills they can use throughout their lives, such as decision making, working with a team, presentation skills, leadership, developing creative ideas, and gaining knowledge about governance and its ability to impact communities. In the past YAC has extended opportunities like event planning, social media campaign management, and published articles such as the Youth Mayor column. It also offers an opportunity for members to participate in and get a taste for what not for profit community organisations' exist in Bunbury and what they services they offer young people and the general community.

Question: What are the terms of reference for appointing a member to the YAC Committee and appointing the Youth Mayor?

Response: DCCS: Youth Advisory Council - follows the same procedures as any other Committee of Council in electing their members, it is made up of a cross section of community representatives, Councillors, and CoB staff.

The Youth Mayor (presiding member) is elected by the Committee members from within their own members.

The Youth Reference Group branches off the YAC as a sub-group and meets monthly at the Bunbury Library. This is currently a group of approximately 30 young people.

Question: If the YAC was not a committee of Council before, how were they appointed at the time?

Response: DCCS: As you can see from the outline of YAC's history below, YAC have been an official Committee of Council since 1997. I am not aware of any formal documentation to show how YAC was originally appointed in 1997 as a Committee of Council.

Additional Information relating to YAC

The following is a little history on the YAC that officers could find from the Committee books that we have.

- The Youth Advisory Committee has been a committee of Council since 1997.
- In 1999, the composition of YAC was made up of two (2) elected members and one senior high school student from each of the Australind, Bunbury, Newton Moore, Bunbury Grammar and Catholic College High Schools, one TAFE student and one youth nominated by Youth Access.
- The YAC met every fortnight at the Bunbury Regional Art Gallery for 1 hour.
- In 2000 it changed to being two (2) elected members and up to 20 young people aged between 12 and 20 years of age from the City of Bunbury from diverse backgrounds and interests to represent the youth of Bunbury in accordance with the Office of Youth Affairs Youth Advisory Council's Scheme.

In 2003 the following was added to the composition and membership - Community membership is reviewed at the beginning of each school year and is advertised through the Bunbury Herald, local High Schools, youth groups and youth agencies. The YAC met every fortnight with a half hour informal session followed by the formal meeting for an hour at 23 Island Queen Street Bunbury.

1997 - 2002 Terms of Reference

- Identify youth issues.
- Encourage Council to act on issues pertaining to Youth in the Greater Bunbury area.
- Advise Council on policies promoting Council services that are responsive to youth needs.
- Provide advice to Council on youth issues as requested from Council.
- Solicit response from youth on youth issues.
- Provide comment on youth projects.
- Receive feedback from Council and community.

2003 – 2004 Terms of Reference

The Youth Advisory Council is to make recommendations to the Bunbury City Council based on the following Terms of Reference:

1. To identify youth issues.
2. To encourage Council to act on issues pertaining to Youth in the Greater Bunbury area.
3. To advise Council on policies promoting Council services that are responsive to youth needs.
4. To provide advice to Council on youth issues as requested from Council.
5. To solicit response from youth on youth issues.
6. To provide comment on youth projects.
7. To receive feedback from Council and community.

Terms of Reference (last updated 31/5/05)

The Youth Advisory Council is to comprise councillors and young people (aged 12 to 20 years) from diverse backgrounds and interests to represent the youth of Bunbury in making recommendations to the Bunbury City Council based on the following Terms of Reference:

1. To identify youth issues.
2. To encourage Council to act on issues pertaining to Youth in the Greater Bunbury area.
3. To advise Council on policies promoting Council services that are responsive to youth needs.
4. To provide advice to Council on youth issues as requested from Council.
5. To solicit response from youth on youth issues.
6. To provide comment on youth projects.
7. To receive feedback from Council and community.

Terms of Reference (as adopted 14/09/2010)

The Youth Advisory Council has been split into two groups – Formal YAC & Informal YAC. The following is the adopted terms of reference for both:

Formal YAC: The Formal Youth Advisory Council committee is comprised of youth members nominated and elected by the general membership of YAC and Councillors appointed by the City of Bunbury Council. The focus of the Formal YAC is decision making, planning and provides an opportunity for skills development and experience around formal meetings, decision making, business/budgeting and program and project development.

Informal YAC: The Informal Youth Advisory Council committee is comprised of a general youth membership and exists to support the formal YAC as a base for consultation around issues relevant to youth, leadership development and as a volunteer resource base for event organisation and delivery. Formal YAC members are given the opportunity to participate in Youth Development Team meetings and are encouraged to take an active role in the ongoing development of City of Bunbury youth projects and programs.

Members of the Formal YAC are elected for a 12 month term. Offices include those of the Youth Mayor and Youth Deputy Mayor, promotions officer, and membership liaison officer. Formal YAC members currently sit on the project reference groups for the Unleashed holiday program, Take 2: Youth Media Project, BANDiT Live Music Project and are actively involved in consulting on the ongoing development of existing and new projects and programs.

The two groups would meet on the opposite fortnights.

Terms of Reference (as adopted 30/10/2012)

1. To identify and advise on youth issues and opportunities in the Bunbury area.
2. To advise Council on the development of policies that is responsive to the needs of youth.
3. To consult with local youth and feedback results of consultations to Council.
4. To assist in the ongoing development and delivery of youth targeted projects and programs.
5. To create opportunities for youth leadership development by acting as a resource for youth activities.

The Youth Mayor was not formally recognised on the Committee membership until 2012.

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

7.1 Minutes

7.1.1 Minutes – Ordinary Council Meeting

The minutes of the Special Council (Withers) meeting held 24 July 2013 have been circulated.

The minutes of the Special Council (Budget) meeting held 31 July 2013 have been circulated.

The minutes of the Ordinary meeting of the Bunbury City Council held 6 August 2013 have been circulated.

The minutes of the Special Council meeting held 16 August 2013 have been circulated.

Recommendation

1. The minutes of the Special Council (Withers) meeting held 24 July 2013 be confirmed as a true and accurate August 2013 record.
2. The minutes of the Special Council (Budget) meeting held 31 July 2013 be confirmed as a true and accurate record.
3. The minutes of the Ordinary meeting of the Bunbury City Council held 6 August 2013 be confirmed as a true and accurate record.
4. The minutes of the Special Council meeting held 16 August 2013 be confirmed as a true and accurate record.

Outcome – Council Meeting 27 August 2013

The recommendation (as printed) was moved Deputy Mayor Cr Craddock, seconded Cr Cook with the following amendments to Point 3:

- A) Item 15.1.2 Withdrawal of Parking Infringements (printed on Page 146):
That the minutes of the ordinary Council meeting of 6 August 2013 be amended to reflect the full record of the meeting handed to Council tonight.
- B) Correction to response to Cr Steck's question on notice (printed on page 143):
Council notes that the figure provided for Mayoral travel and accommodation in 2012/13 was incorrectly cited in the response and draft minutes as \$25,199. The amount should have been \$6,613. Council notes the executive's apology for the error and that a replacement page on this response is to be attached to the minutes.
- C) Item 10.1.4 (10.19 on the minutes – printed on page 85)
Remove Cr Morris' name from the recorded votes "for" as he was not in the room at the time of voting.

The amended motion reads as follows:

- “1. *The minutes of the Special Council (Withers) meeting held 24 July 2013 be confirmed as a true and accurate August 2013 record.*
2. *The minutes of the Special Council (Budget) meeting held 31 July 2013 be confirmed as a true and accurate record.*
3. *The minutes of the Ordinary meeting of the Bunbury City Council held 6 August 2013 be confirmed as a true and accurate record (subject to the amendments tabled at the Council meeting 27 August 2013).*
4. *The minutes of the Special Council meeting held 16 August 2013 be confirmed as a true and accurate record.”*

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

Point 1 & 2: 12 votes “for” / nil votes “against” CARRIED

Point 3: 12 votes “for” / nil votes “against” CARRIED

Point 4: 12 votes “for” / nil votes “against” CARRIED

Council Decision 259/13

- 1. *The minutes of the Special Council (Withers) meeting held 24 July 2013 be confirmed as a true and accurate August 2013 record.***
- 2. *The minutes of the Special Council (Budget) meeting held 31 July 2013 be confirmed as a true and accurate record.***
- 3. *The minutes of the Ordinary meeting of the Bunbury City Council held 6 August 2013 be confirmed as a true and accurate record (subject to the amendments tabled at the Council meeting 27 August 2013).***
- 4. *The minutes of the Special Council meeting held 16 August 2013 be confirmed as a true and accurate record.***

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

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

Summary

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

1. Title: Minutes – Art Collection Management Committee Special Meeting (26/06/2013)
Author: Felicity Anderson, Manager Community, Culture and Engagement
Appendix: MTBN-1
2. Title: Minutes – Bunbury-Setagaya Sister Cities Committee meeting (25/07/2013)
Author: Jenni Brown, Administration Officer Setagaya
Appendix: MTBN-2
3. Title: Minutes – Major Projects Committee meeting (23/07/2013)
Author: Andrew Brien, Chief Executive Officer
Appendix: MTBN-3
4. Title: Minutes – Youth Advisory Council Committee meeting (07/08/2013)
Author: April ten Brinke, Community Development Officer
Appendix: MTBN-4

Council Committee Recommendation

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

1. Art Collection Management Committee Special Meeting held 26 June 2013
2. Bunbury-Setagaya Sister Cities Committee meeting held 25 July 2013
3. Major Projects Committee meeting held 23 July 2013
4. Youth Advisory Council Committee meeting held 7 August 2013

Outcome – Council Committee Meeting 20 August 2013

The recommendation (as printed) was moved Cr Jones, seconded Cr Cook subject to the minutes of the Major Projects Committee be amended to reflect the inclusion of the auditorium onto the Stirling Street Arts Centre concept plan.

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

Outcome – Council Meeting 27 August 2013

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

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

Council Decision 260/13

The following Advisory Committee meeting minutes listed in the report be accepted and noted:

- 1. Art Collection Management Committee Special Meeting held 26 June 2013***
- 2. Bunbury-Setagaya Sister Cities Committee meeting held 25 July 2013***
- 3. Major Projects Committee meeting held 23 July 2013***
- 4. Youth Advisory Council Committee meeting held 7 August 2013***

CARRIED

12 votes "for" / nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

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

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.3.1, 10.3.2, 10.3.3 and 10.4.3.

Items 10.2.1, 10.4.1 and 10.4.2 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” was moved Cr Slater, seconded Cr Steck.

10. Reports

10.1 **Bunbury Setagaya Sister Cities Committee – Incoming Tour Leader** (was listed as item 10.1.1 on the meeting agenda)

File Ref:	A05260
Applicant/Proponent:	Bunbury-Setagaya Sister Cities Committee
Author:	Jenni Brown, Administration Officer Setagaya
Executive:	Stephanie Addison-Brown, Director Community Development
Attachments:	Nil

Summary

The Bunbury Setagaya Sister Cities Committee has proposed the appointment of Mrs Dorothy Bail as the Incoming Goodwill Tour Leader and seeks Council's endorsement of this appointment.

Council Committee Recommendation

That Council endorse the appointment of Mrs Dorothy Bail as the 2013 Incoming Goodwill Tour Leader.

Background

Over the past nineteen (19) years, the Bunbury Setagaya Sister Cities Committee has annually hosted sixteen (16) students and four (4) teachers from Setagaya approximately four (4) weeks after Bunbury's students return from Setagaya. During previous incoming visits to Bunbury, a member of the Bunbury Setagaya Sister Cities Committee member has filled the position of Tour Leader.

Last year was the 20th Anniversary of the signing of the Friendship Agreement between Bunbury and Setagaya. Mayor Hosaka and his delegation of thirteen (13) other representatives from Setagaya visited Bunbury only two (2) weeks prior to the students' visit and the Committee were focused of the 20th anniversary celebrations.

Therefore in 2012, the Incoming Tour Leader role was fulfilled by a non-Committee person, Mrs Dorothy Bail, for the first time. The Bunbury Setagaya Sister Cities Committee have advised that they felt that Mrs Bail completed this role admirably.

Mrs Dorothy Bail is a retired grandmother who has two (2) granddaughters who took part in the 2012 Outgoing Goodwill Tour. Since her commencement as the Tour Leader, Dorothy and her husband Les have assisted as volunteers with other related Sister Cities' projects and activities, including the clean-up of the Simcoa Teien Japanese Garden at the South West Health Campus, the lighting of the 2,000 paper lanterns at the Christmas Lantern Festival and considerable assistance with the Photographic Competition and Exhibition.

Dorothy has a genuine and demonstrated enthusiasm for tourists and tourism. Her husband managed Whale World in Albany for the Jaycees Community Foundation for just over fourteen (14) years during which time she held a supportive role and assisted with many aspects of Whale World's activities including supervising tourists, tour groups and tours, catering and assisting with accommodation. When her husband retired as the Manager, they decided it was time to move back to Bunbury and be closer to family and friends. A

reference check for Dorothy was conducted in 2012 with the referee confirming that she was very well suited for this position.

The Committee feel that Dorothy's approach, experience and expertise would be a great asset and wish to nominate her again for the position of Tour Leader in 2013.

Officer Comments

The appointment of the Tour Leader will ensure this long standing arrangement continues and the incumbent will work to support the Executive Officer to the Bunbury Setagaya Sister Cities Committee.

During 2012, Dorothy was found to be extremely supportive and she competently assisted with every possible aspect for the tour. While the students were visiting, they found Dorothy's caring and friendly disposition very reassuring.

Dorothy is very well suited to this role, and has a Working with Children's Check clearance. Dorothy is on holiday until the 24 October, however the students do not arrive until the 21 November so this should not have any impact on the Tour.

Analysis of Financial and Budget Implications

Appointment of the Tour Leader to the Bunbury Setagaya Sister Cities Committee is not expected to have any financial or budgetary impact on Council.

This position is completely voluntary with the cost of entry fees into Dolphin Discovery Centre, Bunbury Wildlife Park etc. having been included into the Bunbury Setagaya Sister Cities Committee budget.

Councillor/Officer Consultation

The Incoming Tour Leader position was discussed with Nicola Albiston, the 2013 Outgoing Tour Leader, however due to time commitments she was unable to consider the position.

A 2nd in charge role was considered and discussed with Mrs Jodie Eastman. Jodie resided in Japan for two (2) years, and is more knowledgeable than Dorothy with the language; however Jodie is moving back to Perth due to her husband's work commitments. Jodie has advised she hopes to assist us on the incoming tour, however, she cannot commit to all the duties of a Tour Leader or assistant due to distance from Bunbury.

Economic, Social, Environmental and Heritage Issues

Economic

Each incoming student has approximately \$300 Australian spending money which is spent within the local Bunbury businesses.

The Tour Leader is a voluntary position so the City of Bunbury does not need to pay a salary.

Social

Past itineraries have included at least one school, visits to the local beach, South West Sports Centre, barbeques in local parks, shopping and visit to the Dardanup Heritage Park.

The social interaction between the students, teacher and the general helps develop an understanding and friendship between all.

Outcome – Council Committee Meeting 20 August 2013

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

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

Outcome – Council Meeting 27 August 2013

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

Council Decision 261/13

That Council endorse the appointment of Mrs Dorothy Bail as the 2013 Incoming Goodwill Tour Leader.

CARRIED

12 votes "for" / nil votes "against"

10.2 Schedule of Accounts Paid for the Period 1 to 31 July 2013 (was listed as item 10.3.1 on the meeting agenda)

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 30 June 2013 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$6,262,204.24
2. Advance Account – payments totalling \$4,322,934.67
3. Trust Account – payments totalling \$27,963.14
4. Visitor Information Centre Trust Account – payments totalling \$8,119.00
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$261,578.02
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$215,570.97

Council Committee Recommendation

The Schedule of Accounts Paid for the period 1 to 30 July 2013 be received.

Outcome – Council Committee Meeting 20 August 2013

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

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

Outcome – Council Meeting 27 August 2013

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

Council Decision 262/13

The Schedule of Accounts Paid for the period 1 to 30 July 2013 be received.

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

10.3 Preliminary Financial Management Report for the Period Ending 30 June 2013 *(was listed as item 10.3.2 on the meeting agenda)*

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

Summary

Note that this is a preliminary report to 30 June 2013 and is subject to change as end-of-year figures are finalised including transfers to and from reserves and restricted cash, final calculation of depreciation and asset revaluation. Council will receive a final report after the annual audit due to commence 2 September 2013.

An updated report may be provided to Councillors prior to the Council Meeting.

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 30 June 2013
 - Actual income of \$46.91M is \$428K more than the year-to-date budgeted income of \$46.49M.
 - Actual expenditure of \$49.70M is \$1.76M less than the year-to-date budgeted expenditure of \$51.46M (refer explanation on next page).
 - Actual operating deficit of \$2.78M is \$2.19M less than the year-to-date budgeted operating deficit of \$4.97M.

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

	<u>Year-to-date</u>	<u>Forecast</u>
- Current Assets of \$24.2M includes:		
* Cash and Investments	\$22.5M	\$17.1M
* Rates	\$0.2M	\$0.4M
* Other Current Assets	\$1.5M	\$1.3M
- Current Liabilities of \$9.3M includes:		
* Trade and Other Payables	\$4.9M	\$4.7M
* Annual Leave and LSL Provisions	\$2.9M	\$2.9M
- Working Capital (Current Assets less Current Liabilities)	\$14.9M	\$9.8M
- Equity (Total Assets less Total Liabilities) (Note: Asset revaluation not included to year-to-date actual)	\$228.3M	\$423.2M

4. Capital Works (**attached** at Appendix DCS-6)
 - Actual capital works of \$28.7M is \$7.6M less than the year-to-date budgeted capital works of \$36.3M, (refer explanation on next page).

Council Committee Recommendation

The Financial Management Report for the period ending 30 June 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 are less than anticipated due to the unpredictable timing of development completion. The forecast income for interim rating income to 30 June 2013 was decreased by \$26K to reflect the anticipated end of year income.	(\$26,007)
Operating Expenditure	
Salary Accruals – Annual leave entitlements to employees were not fully taken during the year.	(\$234,960)
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 unbudgeted payment of rates and other charges associated with the lease. These extra costs are offset by savings in the development of the car park shown as ‘Contractors Expenses’ in the Financial Statement. The forecast expenditure for equipment leases to 30 June 2013	(\$29,389)

was increased by \$22,912 (which includes the Victoria Street Carpark) to reflect the anticipated end of year expenditure.	
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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) [Grant funding has been confirmed and the project will be carried forward to 2013/14]</p> <p>PR-1858 Upgrade Koombana beach toilet block (\$280,000) [Grant funding has been confirmed and the project will be carried forward to 2013/14]</p> <p>PR-1444 Implement Hands Oval Master Plan (\$335,000) [Grant funds of \$1.0M have been received. The balance will be received in 2013/14 when the project is completed]</p> <p>PR-1259 Replace ablution block Hay Park (\$300,000) [Grant funding has been confirmed and the project will be carried forward to 2013/14]</p> <p>PR-1018 Deconstruct Timber Jetty (\$735,678) [Grant funds of \$1.4M have been received from Landcorp. The balance will be received in 2013/14]</p>	(\$1,955,578)

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
Interest Received – Additional interest received due to greater amount of funds held in investments as projects were not completed during 2012/13.	\$170,562
Other Revenue – Additional revenue received from private works, property settlement enquiry fees, collection of hazardous waste (including e-waste) and compensation on disposal of Part Lot 11 South Western Highway).	\$45,795
Operating Expenses	
Other Expense – Budget savings over many budget lines. Some operating project budgets will be carried forward to 2013/14.	\$233,465
Capital Revenues	
Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.	(\$1,955,578)
Interest Received on Capital Grants – Additional interest received on grant funds invested for BREC expansion and Somerville Drive extension.	\$48,710
Capital Expenses	

<p>Acquisition of Assets – Variance due to delay in progress of various projects. Projects that were not completed by 30 June will have the remaining funds carried forward into the 2013/14 budget, including:</p> <ul style="list-style-type: none">PR-1035 Design and construct an extension to the BRECPR-1021 Construct Hay Park south multi sports pavilionPR-1018 Deconstruct timber jettyPR-1250 Construct Glen Iris skate parkPR-1089 Traffic signals intersection Blair, Stuart and MervynPR-2365 Extensions to Withers Library <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>	<p>\$7,600,263</p>
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Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation on this report.

Councillor/Officer Consultation

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

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

Outcome – Council Committee Meeting 20 August 2013

The Executive recommendation (as printed) was moved Cr Steck, seconded Cr Leigh subject to the reference to the Withers Action Plan being removed from PR-2365.

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

Outcome – Council Meeting 27 August 2013

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

Council Decision 263/13

The Financial Management Report for the period ending 30 June 2013 be received.

CARRIED

12 votes "for" / nil votes "against"

10.4 Department of Sport and Recreation CSRFF Applications July 2013 (was listed as item 10.3.3 on the meeting agenda)

File Ref:	SLAL
Applicant/Proponent:	Internal Report
Author:	Gary Thompson, Sport and Recreation Liaison Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-7

Summary

Council has received one (1) external CSRFF small grant application which was submitted in the July 2013 round:

1. Koombana Bay Sailing Club
The application seeks a financial contribution of \$36,281.82 from council for the clubs proposed refurbishment of ladies toilet and change rooms.

The Department of Sport and Recreation (DSR) requires the provision of a Council resolution supporting the application for funding before they can be considered. This application needs to be submitted to DSR by 30 August 2013.

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

Funding Source	Koombana Bay Sailing Club
Council Contribution	\$36,281.82
Applicants Cash	\$36,281.82
Voluntary Labour	Nil
Donated Materials	Nil
Loans and Sponsorship	Nil
Other State or Federal Funding	Nil
CSRFF Grant Requested	\$36,281.82
Development Bonus Requested	Nil
Total Cost of Project	\$108,845.46

Council Committee Recommendation

That Council:

1. Approves the CSRFF application from the Koombana Bay Sailing Club.
2. Council endorses the allocation of \$36,281.82 from the 2013/14 budget on the condition that the Club is successful in obtaining a grant from the CSRFF.

Background

The Department of Sport and Recreation ("DSR") administers the CSRFF grant funding program for small, annual and forward-planning grants. Applications for the current round are to be submitted to DSR's South West Regional Office no later than 30 August 2013. Successful applicants are expected to be advised in November 2013.

The CSRFF program operates on a reimbursement system with grants paid to the grantee only. The maximum CSRFF grant approved by the State Government will be no greater

than one-third of the total estimated cost of the applicant's project and must be matched by the applicant's own cash or in-kind contribution. Furthermore the balance of the final one-third of requisite funds required is to be sourced by the applicant.

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

The Department of Sport and Recreation requires the Council to demonstrate support (or otherwise) for each project.

The Koombana Bay Sailing Clubs grant application form is **attached** at Appendix DCS-7.

Policy Compliance

There are no Council policies applicable to CSRFF applications.

Legislative Compliance

Not applicable

Officer Comments

The reason that the Koombana Bay Sailing Club is seeking funding is to refurbish the ladies toilet and change rooms within their club. The ladies toilet and change rooms were built in the 1960s and are tired, out dated and inadequate for the clubs purposes and are also not accessible by disabled people.

The toilets and change rooms at the club are used by 506 members from over three (3) clubs who are Koombana Bay Sailing Club, Rotary Sail into Life and the West Coast Outrigger Canoe Club. The Rotary Sail Into Life Club gives people with disabilities and special needs the opportunity to enjoy sailing and the current toilets and change rooms are not of a standard that are appropriate for people with disabilities.

The Koombana Bay Sailing Club have followed the correct procedures involved with the CSRFF process and have discussed their plans with the Department of Sport and Recreation, the City of Bunbury's Sport and Recreation Liaison Officer and the City of Bunbury's Senior Building Surveyor.

Analysis of Financial and Budget Implications

The funding request from the Koombana Bay Sailing Club is not scheduled into Councils budget for 2013/14.

Life-cycle Maintenance Costs (Capital Works Projects Only)

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

The Koombana Bay Sailing Club has supported their projects with cash, indicating their ability to fund facility maintenance.

Relevant Precedents

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

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

Outcome – Council Committee Meeting 20 August 2013

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

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

Outcome – Council Meeting 27 August 2013

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

Council Decision 264/13

That Council:

- 1. *Approves the CSRFF application from the Koombana Bay Sailing Club.***
- 2. *Council endorses the allocation of \$36,281.82 from the 2013/14 budget on the condition that the Club is successful in obtaining a grant from the CSRFF.***

CARRIED

12 votes "for" / nil votes "against"

10.5 Draft Structure Plan – Lots 58, 59, 60, 61, 62 and 120 South Western Highway, Glen Iris (was listed as item 10.4.3 on the meeting agenda)

File Ref:	P07781
Applicant/Proponent:	Harley Global
Author:	Neville Dowling, Planning Officer
Executive:	Bob Karaszekewych Director Planning and Development Services
Attachments:	Appendix DPDS-8, DPDS-9, DPDS-10, DPDS-11

Summary

Council's decision at its meeting on 6 August required:

“the Draft Nenke Way Structure Plan be deferred for further information and consultation to be undertaken and returns to Council upon notification from the applicant”.

Since the Council (Standing) Committee Meeting on 30 July 2013, two (2) City officers met with consultants Harley Global (for the applicant) and five (5) submitters opposed to the application, subsequently the report and plan was been amended to reflect their concerns. The on-site meeting with submitters occurred on 9 August 2013 to discuss various concerns, particularly the original (rejected) proposal for Nenke Way traversing residents' properties. It was agreed that Harley Global would remove any reference to Nenke Way on the modified draft Structure Plan (attached) from linking with adjacent residents properties, a copy of the modified plan (as been agreed) was provided to both Beth Kozyrski and Roy Little. Residents were further advised that any proposed development of their properties would require their consent, followed by Council and WAPC approval. Officers' observation was that the meeting concluded amicably with the added advice that the modified Agenda and Plan is available on Council's Website and that the item will be presented to Council on 20 August 2013 with an opportunity to again present to Council.

Advertising of the then named “Draft Nenke Way Structure Plan – Precinct 1”, for clarity has been renamed Structure Plan – “Lots 58, 59, 60, 61, 62 and 120 South Western Highway, Glen Iris”, was undertaken between 15 May and 26 June 2013.

Sixteen (16) submissions were received and there were objections in relation to the plan. The majority of submissions related to two (2) issues, being:

1. Concerns relating to the need for traffic lights at the intersection of Dodson Road and South Western Highway – seven (7) submissions.
2. Strong objections against the internal connector road being shown as an option for the land west of the subject site (outside of the structure plan area) – four (4) submissions.

The revised structure plan document can be found **attached** at Appendix DPDS-8. The schedule of submissions can be found **attached** at Appendix DPDS-9.

Council Committee Recommendation

That Council resolves to:

1. Approve the modified draft Structure Plan - Lots 58, 59, 60, 61, 62 and 120 South Western Highway, Glen Iris.

2. Forward the Structure Plan to the Western Australian Planning Commission with a request for final approval.
3. Continue to liaise with Main Roads WA to pursue the upgrading of the intersection of Dodson Road and South Western Highway.
4. The property owners are required to retain existing significant trees on site to afford their protection to the satisfaction of the City of Bunbury.
5. Note that it still opposes the construction of Nenke Way as a road.
6. Advise the applicant of Council's decision.

Background

Historical Circumstance

At the 28 July 2009 Ordinary Council Meeting, Council considered the "Draft Nenke Way Structure Plan" (draft Plan) for the entire locality, as had at the time been prepared by the City's Strategic Planning section. The draft Plan, at that time, was prepared as an integral part of Scheme Amendment 31. Council's decision on the draft Plan, is as follows:

"Council Decision 145/09

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

Current Situation

The draft Plan prepared by Harley Global is to facilitate low density residential development (R15 coding) at the eastern portion of the locality referred to as Precinct 1 (not the entire Nenke Way locality). It shows the creation of three residential lots ranging from 1,103m² to 2,197m².

At its Ordinary Meeting of 16 April 2013, Council agreed to advertise the *Draft Nenke Way – Precinct One Structure Plan* (since renamed) in accordance with the requirements of Clause 6.2.5.2 (a) of TPS 7. The period for receipt of written comments closed on 26 June 2013.

Council (Stranding) Committee Meeting 30/31 July 2013

At the Council Committee Meeting of the 30th July 2013 the following issues were raised:

- Both the entry and exit onto the South Western Highway should be by way of a service road, similar to Hudson Road and Ocean Drive
- Remove all mention of a Nenke Way Road extension.
- The entry into the development should be further away from Dodson Road
- The plan needs to be amended to incorporate the requests from Main Roads

- Request that the “hook” at Nenke Way be removed
- Structure plan needs considerable work before it should be passed.

Council Committee Recommendation 30/31 July 2013

The Council Committee recommended, as follows:

Pursuant to Clause 11.1(b) of the City of Bunbury Standing Orders 2012, the debate be adjourned until the Council meeting on 6 August 2013 for further information and clarification on the issues raised to be sought.

A meeting with the consultants from Harley Global was held on 1 August 2013 to address the above comments and to accordingly revise the structure plan.

Council Policy Compliance

The City's *Local Planning Policy (LPP): Development within 100m of the toe of the Preston River Levee* provides provisions and standards applicable to control new development within 100m of the toe of the Preston River Flood Plain. The proposed residential lots in the structure plan and given the application of appropriate set-back can comply with this requirement and accommodate residential development.

Legislative Compliance

The Scheme provisions that are considered to be most relevant in the preparation and advertising of the Draft Structure Plan are Clause 6.2 of the Scheme that specifies the manner in which a Structure Plan should be prepared, in terms of planning requirements and the process of adoption of a proposed Structure Plan.

Officer Comments

Recent Actions

Following Council's decision at its meeting on 6 August 2013 the Draft Nenke Way Structure Plan, the matter has been deferred pending further information from the applicant and consultation with the main objectors.

A meeting has been held with consultants Harley Global and the report has been amended accordingly. Also an on-site meeting including five (5) of the key concerned residents, the consultants and Council staff has been held on Friday, 9 August, 2013 to review nearby resident's concerns regarding the plan. Also more succinct information has been received regarding the issue of the Dodson Road/South Western Highway intersection (refer **attached** Appendix DPDS-8).

The Advertised Plan

The draft plan prepared over six (6) Lots (Lots 58, 59, 60, 61, 62 and 120 South Western Highway). The draft Plan area covers approximately 1ha.

Clause 6.2.3.1 of TPS 7 specifies the need for the preparation of a structure plan in the Development Investigation Policy Area (DIPA). Specifically, Clause 6.2.4.3 of TPS 7 states that “A Structure Plan may relate to only part of Development Investigation Area.” The preparation of the structure plan is in line with Scheme requirements.

The advertised Draft Nenke Way Structure Plan that Council had recently considered, referenced:

- Access arrangement onto the South Western Highway i.e. interim and an indicative layout for the future four way intersection (South Western Highway and Dodson Road) as recommended by the MRWA.
- Three low density (R15) residential lots ranging from 1103m² to 2197m².
- The balance of Nenke Way locality (DIPA) titled as “Nenke Way Structure Plan, Precinct 2”.
- Significant vegetation within the draft Plan area.
- The existing line of Levee Bank at 6.30m AHD and the Conservation Category Wetland (CCW) Policy Boundary.
- The location of essential services in the immediate locality; and
- The Regional Open Space (ROS) in accordance with the Greater Bunbury Regional Scheme (GBRS).
- Possible Future Nenke Way Link to the balance of Nenke Way locality in the west.

At that time, it was clear from submissions, and phone and counter queries the appearance of the “Possible Nenke Way Extension” on the plan was not supported and reinforced by the Council on 28 July 2009.

The Modified Plan

The modified draft structure plan (Map - 02/08/2013 version) **attached** at Appendix DPDS-10, does not refer to any route through the Lots to the west of the subject land. The draft Plan features to a cul-de-sac road access to the proposed Lots. The road reserve is designed such that a four-way intersection can be accommodated if the opportunity arises in future (i.e. it extends to the southern boundary of the subject land, adjacent to South Western Highway reserve. The traffic island east of Dodson Road shows an extension in order to prevent traffic moving west from turning into the proposed internal access road.

In addition to the above, all references to the ‘Nenke Way Extension’ have been removed from the Map.

The Greater Bunbury Region Scheme (GBRS)

The large portion of the structure plan is zoned “Urban” under the GBRS. In addition, the northern portion of Lots 58, 59, 61, and 120 South Western Highway and substantial portion of Lot 62 comes under “Regional Open Space” with the north-east portion of Lot 62 shown as “Waterways” under the GBRS and states that all development will occur in the “Urban Zone”.

Environmental

The subject site is located within the Preston River Flood Plain. Protection from a possible flood event is one factor that should be considered before any development occurs onsite. The draft plan depicts a substantial part of the land as flat with a height of approximately 6m AHD and that the site will be filled at least to the top of the levee bank at 6.3m AHD. It is noted that the levee bank traverses the site east-west and that it is located between possible development site and the river. Achieving the required Finished Floor Level at development stage and the presence of levee bank within the subject site are considered to

be sufficient measures to mitigate flood events. The DEC's advice to applicant that "...*the installed levee now prevents the regular flooding of the land*" should be noted in this regard.

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

The City notes the applicant's justification; however no Geotechnical Investigation has been undertaken to prove up the land fill materials are free from any contaminants. It is not known as to whether the land fill materials are acceptable for development to occur on site. It is also noted that no acid sulphate soil investigations is addressed in the Part 1 – Statutory Section. It is therefore recommended that Geotechnical Investigation requirement be incorporated in Part 1 – Statutory Section of the draft plan report so as to simultaneously address the matter of Acid Sulphate Soil and to deal with the content of the land fill materials on site to the satisfaction of the City.

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

Consultation with Service Agencies

Main Roads WA and Controlled Intersection at Dobson Road/South Western Highway

The proposed access onto South Western Highway has been designed in line with the agreed outcome with Main Roads WA, and the City is supportive of the proposed interim access and the four way intersection layout onto the South Western Highway. The City's Engineering Services have been in regular contact with Main Roads WA in regard to the issue of upgrading the intersection to assist with traffic control as there is often a bank up of traffic on Dodson Road to turn right onto South Western Highway.

Recently (24 July 2013), Council's Engineering Department received a letter from Main Roads WA regarding the issue of the need to upgrade the intersection. A copy of this letter is **attached** at Appendix DPDS-11. This letter indicates the Main Roads WA most current position on the matter.

Also, the City's Development Engineer discussed with consultants Harley Global about the possibility of the developer contributing to the future installation of traffic lights at the South Western Highway Dobson Road intersection. With the uncertainty as to whether the ultimate intersection will be created as "T" or a four-way intersection, officers considered that the proposal should create a new road reserve to facilitate future intersection construction if required and to build the internal road to facilitate future possible connection to the South Western Highway Dobson Road light as a reasonable contribution considering the size of the development. The large area of road reserve that they are to create for this purpose significantly reduces the amount of land area available for residential lots 58 and 59, therefore this is considered a reasonable contribution to a four-way controlled intersection at Dodson Road/South Western Highway. Costs in relation to developing the subdivision are already substantially high, especially in regard to extending the reticulated

sewer service which will need to come from the southern side of South Western Highway (i.e. go under the highway from the NE corner of the Morrissey House property).

Department of Environment and Conservation (DEC)

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

Department of Water (DoW)

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

Analysis of Financial and Budget Implications

There are no financial or budget implications.

Community Consultation

The advertised Draft Nenke Way Structure Plan – Precinct 1 was advertised for 42 days from 15 May – 26 June 2013. Sixteen (16) submissions were received and comments on each submission can be viewed in the Schedule of Submissions **attached** at Appendix DPDS-9.

Four (4) submissions raised objections regarding the draft Plan showing the possible internal link road extending from the western boundary of the subject land. This is because it was not approved by Council and the majority of residents in the western portion of the Nenke Way precinct, objected to the imposition of the road.

Another major issue raised, in seven (7) submissions, was the concern regarding traffic safety and congestion that is occurring at the intersection of Dodson Road and South Western Highway. The City has recently undertaken negotiations with Main Roads WA to pursue the upgrading of this intersection. Despite the need for traffic control at the intersection there are currently no plans to fund an upgrade of the intersection in the near future.

Councillor/Officer Consultation

A number of discussions have been undertaken at officer level. The common consensus has been that the Structure Plan should be supported and that it will allow for the tidying up of a site that is currently in a degraded condition.

Delegation of Authority

Pursuant to Clause 6.2.5.2 of TPS 7, Council determination is required to allow the structure plan to be advertised for public viewing and consultation and this has been carried out.

Relevant Precedents

There are no known precedents, however, it should be noted that the City, in the past, attempted to endorse the Draft Nenke Way Structure Plan as part of *Scheme Amendment 31* for the entire locality. At that time, Council resolved not to adopt the Draft Nenke Way Structure Plan, instead it decided to adopt *Scheme Amendment 31* to facilitate the designation of the Nenke Way locality as a DIPA.

Outcome – Council Committee Meeting 20 August 2013

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

Cr Steele moved, Cr Steck seconded the following amendment:

Add a new point 5 which reads as follows:

“5. Note that it still opposes the construction of Nenke Way as a road.”

The Mayor put the amendment to the vote and was CARRIED 9 votes “for” / 1 vote “against”.

The motion (as amended) now reads as follows:

“That Council resolves to:

- 1. Approve the modified draft Structure Plan - Lots 58, 59, 60, 61, 62 and 120 South Western Highway, Glen Iris.*
- 2. Forward the Structure Plan to the Western Australian Planning Commission with a request for final approval.*
- 3. Continue to liaise with Main Roads WA to pursue the upgrading of the intersection of Dodson Road and South Western Highway.*
- 4. The property owners are required to retain existing significant trees on site to afford their protection to the satisfaction of the City of Bunbury.*
- 5. Note that it still opposes the construction of Nenke Way as a road.*
- 6. Advise the applicant of Council’s decision.”*

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

The Mayor put the motion to the vote separately as follows:

Points 1 – 4: CARRIED 10 votes “for” / nil votes “against”

Point 5: CARRIED 9 votes “for” / 1 vote “against”

Point 6: CARRIED 10 votes “for” / nil votes “against”

Outcome – Council Meeting 27 August 2013

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

Council Decision 265/13

That Council resolves to:

- 1. Approve the modified draft Structure Plan - Lots 58, 59, 60, 61, 62 and 120 South Western Highway, Glen Iris.***
- 2. Forward the Structure Plan to the Western Australian Planning Commission with a request for final approval.***

- 3. Continue to liaise with Main Roads WA to pursue the upgrading of the intersection of Dodson Road and South Western Highway.**
- 4. The property owners are required to retain existing significant trees on site to afford their protection to the satisfaction of the City of Bunbury.**
- 5. Note that it still opposes the construction of Nenke Way as a road.**
- 6. Advise the applicant of Council's decision.**

CARRIED

12 votes "for" / nil votes "against"

10.6 Probity Review – Procurement Systems (was listed as item 10.2.1 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Confidential Report CRUSC-1

Summary

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

“That Council:

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

The results of the independent review of Councils Procurement processes have now been completed and a confidential report is **attached** at CRUSC-1.

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

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

At the ordinary meeting of Council held 11 June 2013, Council resolved as follows:

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

A briefing was given to the Councillor's by the WALGA representatives on Tuesday, 13 August 2013.

Council Committee Recommendation

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

Background

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

The Scope of service for the review included:

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

Table of Recommendations

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

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

10	7.3.2 Delegations Register	That the City enforce its delegation to the Chief Executive Officer to approve all future acquisitions of light fleet.
11	7.3.3 Gift Register	That the City reviews its Gift Registration Form to provide essential information required in line with the Code of Conduct and associated Gifts Policy.
12		That the City updates its method of recording declaration of gifts received onto a database to enhance its reporting capability by staff members and/or vendors.
13	7.4 Training	That the City invests in training for staff involved in procurement activities to ensure that they are sufficiently skilled to undertake and manage all procurement processes for the City to ensure compliance, achieve value for money outcomes and minimise exposure to undue risk.
14	7.5 Records Management	That the City mandates the use of Tenderlink as the sole source of receiving electronic tenders and quotations.
15		That any further customisation to Sharepoint gives consideration to the additional level of security for tender and quotation processes and for the sharing of vital documents and/or containers.
16		That a policy be developed and implemented to ensure that appropriate records are created and retained relating to contractual clarifications, supplier meeting notes, site visits or communications between tenderers and City staff.
17	7.6 Tender Evaluations	That a representative from the Contracts and Property Branch is nominated as Chairperson for every Evaluation Panel for a City tender.
18		That the City adapts the evaluation templates available in the WALGA Procurement Handbook, particularly the Tender Evaluation Workbook and Tender Evaluation Report for its own use.
19		That individual selection criteria be determined for each procurement process undertaken by the City to ensure that the criteria used are directly relevant to the process and the application of value for money principles are correctly applied.
20		That evaluators be encouraged to make notes as to how they reached their evaluation decisions and that these notes be included in the records for this procurement decision within the City's EDRMS.
21		That City's officers regularly involved in tender evaluations participate in a tailored training session on how to conduct an effective and compliant evaluation process and in particular, how to adopt value for money principles to tender evaluations.
22	7.7 Conditions of Contract	That the City updates its current suite of Conditions of Contract for the Supply of Goods, Supply of Goods and Provision of Services and Provision of Minor Works to align to the current versions in the WALGA Procurement Handbook.

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

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

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

Council Policy Compliance

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

Legislative Compliance

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

Officer Comments

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

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

Analysis of Financial and Budget Implications

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

Community Consultation

There is no requirement for community consultation.

Councillor/Officer Consultation

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

Outcome – Council Committee Meeting 20 August 2013

Pursuant to clause 11.6 of the City of Bunbury Standing Orders 2012, Cr Cook moved Cr Steck seconded that the debate be resumed in order for further discussion to be undertaken.

The Mayor put the procedural motion to the vote and was CARRIED 10 votes “for” / nil votes “against”.

In regards to Part B of the recommendation they were taken as separate items as follows:

Point 1 of the Executive recommendation (as printed) was moved Cr Steck, seconded Cr Kelly.

The Mayor put the motion to the vote and was CARRIED 10 votes “for” / nil votes “against”.

Point 2 of the Executive recommendation (as printed) was moved Cr Cook, seconded Cr McNeill.

The Mayor put the motion to the vote and was CARRIED 8 votes “for” / 2 votes “against”. It was requested that the votes be recorded as follows:

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

Point 3 of the Executive recommendation (as printed) was moved Cr Steck, seconded Cr Leigh.

The Mayor put the motion to the vote and was CARRIED 10 votes “for” / nil votes “against”.

Outcome – Council Meeting 27 September 2013

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

Cr Cook left the chambers at 7.17pm and returned at 7.20pm. He was present for the voting on the item.

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

Council Decision 266/13

- | |
|--|
| <ol style="list-style-type: none"><i>1. That Council note the outcomes of the Procurement Probity Audit.</i><i>2. Council endorse the 46 recommendations contained in the report; and</i> |
|--|

3. *The CEO to provide a further report to Council outlining how each of the recommendations have been implemented.*

CARRIED

10 votes “for” / 2 votes “against”

It was requested that the votes be recorded as follows:

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

Against: Cr Leigh, Cr Steck

10.7 Adoption of Proposed Tuart Brook Local Structure Plan (was listed as item 10.4.1 on the meeting agenda)

File Ref:	A03923
Applicant/Proponent:	City of Bunbury
Author:	Ann-Kristin Jank, Senior Strategic Planner
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1

Summary

The draft proposed Tuart Brook Local Structure Plan has been submitted by MPM Development Consultants, on behalf of the Department of Housing and Kingslane Pty. Ltd.

The draft proposed Structure Plan was advertised for 21 days and is now returned to Council for adoption, prior to forwarding to the Western Australian Planning Commission (WAPC), seeking final approval.

A copy of the draft proposed Structure Plan is **attached** at Appendix DPDS-1. Given the extensive amount of documentation, a compact disc (CD) containing a copy of the full draft proposed Tuart Brook Local Structure Plan, including supporting appendices, has been provided in Attachment 2 **attached** as Appendix DPDS-2, from which hard copies of relevant extracts can be produced as required.

Council Committee Recommendation

That Council:

1. Adopt the draft proposed Tuart Brook Local Structure Plan, including corrections and modifications to the draft proposed Tuart Brook Local Structure Plan map and text, as documented within the Schedule of Modifications and the Modifications Map (Appendix DPDS-3).
2. Notify the Western Australian Planning Commission of Council's resolution in accordance with relevant provisions of the City of Bunbury Town Planning Scheme No.7.
3. Recommends to the Western Australian Planning Commission that any land reserved by the draft proposed Tuart Brook Local Structure Plan for inter alia wetland buffers to "Regional Open Space" and noise buffers to "Primary Regional Roads" under the Greater Bunbury Region Scheme, be correspondingly reserved as a consequential amendment to the Region Planning Scheme.
4. Inform submitters of Council's resolution.

Background

At its meeting of 21 May 2013 Council resolved (Decision 140/13):

"That Council:

1. *Advertise the Tuart Brook Local Structure Plan (draft) on a 'without prejudice' basis, for a period of twenty-one (21) days.*
2. *Refer the Tuart Brook Local Structure Plan (draft) to relevant public authorities for their consideration and comment over the advertising period.*

3. *Forward a copy of the Tuart Brook Local Structure Plan (draft) to the Western Australian Planning Commission, for information.*
4. *Reconsider the proposal at the conclusion of the public advertising period.*
5. *Notes that it does not support the unnecessary clearing of native vegetation in the Structure Plan area.*

The draft proposed Structure Plan was advertised for 21 days (from 29 May 2013 until 19 June 2013) with 26 submissions having been received.

The Schedule of Modifications and Modifications map is **attached** at Appendix DPDS-3

Council Policy Compliance

The draft proposed Structure Plan complies with clause 6.2 of the Scheme. Adopted land use planning strategies and policies of the City of Bunbury's Local Planning Policy Framework will continue to be relevant throughout subsequent detailed planning, subdivision and development phases.

Legislative Compliance

Once advertised, in accordance with clause 6.2.5.7, the local government is to consider all submissions received and then (within 60 days of the end of the advertising period or within an extended period of time agreed with the submitter) either:

- (a) adopt the draft proposed Structure Plan with or without modifications; or
- (b) refuse to adopt the draft proposed Structure Plan and give reasons to the proponent.

The matter then passes to the WAPC for a final determination.

Officer Comments

The proposed Structure Plan area is located in proximity to Bussell Highway, South West Institute of Technology, Edith Cowan University, Bunbury Regional Hospital, St John of God Hospital and the Hay Park sporting and recreational complex; and is generally regarded as a self-contained green-field site with a number of different ownerships. The draft proposed Structure Plan proposes a range of residential densities to promote housing choice (R20, R30, R40, R60 including two aged person's sites), a local centre and a primary school, in addition to both local and regional open space.

Once developed, the Structure Plan area is estimated to be capable of supporting approximately 1,200 dwellings – accommodating a population of approximately 3,000 people.

Since receiving the draft proposed Structure Plan, the City's Sustainability and Integrated Land Use Planning (SaLUP) department has extensively liaised with the applicant and state government agencies to work through a range of issues affecting the structure planning area and proposals.

Not all of the changes requested in submissions were incorporated or resolved in the advertised version of the draft proposed Structure Plan. Therefore, SaLUP has provided a Modifications Map and a Modifications Schedule illustrating and outlining recommended modifications that seek to balance and trade off impacts/risks and mitigations.

The draft proposed Structure Plan generally takes the form expected by the WAPC as per the Structure Plan Preparation Guidelines (August 2012) and comprises the following elements:

- (a) Part One: Statutory Provisions;
- (b) Part Two: Explanatory Report; and
- (c) Part Three: Technical Appendices.

Part One includes the Proposed Structure Plan Map and clauses that give specific development requirements and standards that if endorsed, would hold the same weight and effect as if they were contained in the Scheme. It is imperative therefore that these are clear and precise so that they can be applied with confidence in decision making when dealing with subdivision application referrals and subsequent application for development approval.

Following assessment of Part One, modifications are required in line with submissions addressing the following issues:

Management of Remnant Vegetation

In its submission, the Department of Parks and Wildlife (DPaW) states that the Plan area contains remnant vegetation, which is part of the Maidens/Preston River Ecological Linkage. *“Much of the vegetation within this ecological linkage is considered to be regionally significant.”* DPaW advises that *“any development should therefore aim to minimise impacts to and fragmentation of the vegetation within the property, as well as to adjoining vegetated areas.”*

An environmental assessment by the consultancy firm ENV Australia (ENV) in 2006 (Appendix 4 of the Plan documentation) reported that five large Tuart trees (*Eucalyptus gomphocephala*) were identified within a patch of Tuart/Marri/WA Peppermint/Banksia woodland, which is located immediately south-west of the northern wetland. DPaW outlines that *“the Assessment states that these Tuarts are considered to be of ‘high ecological significance’ and are recommended for retention”*. DPaW agrees that consideration should be given towards protection of these Tuarts and the remnant vegetation within this location, as they constitute potential habitat for Western Ringtail Possums (WRP) and Black Cockatoos.

DPaW notes that proposed development shown on the Plan will severely impact this vegetation. *“To avoid impacting this vegetation, the main east-west ‘neighbourhood connector’ road should be shifted south by approximately 20 metres.”* DPaW further recommends re-alignment of the access road to the north and removal of the eastern half of the R20 precinct and shifting of the access road to the north-west against existing development (extension of Northwood Gardens). Further, the drainage infrastructure indicated in this area would require substantial clearing and it is recommended that the drainage infrastructure *“be relocated within an already cleared area, well clear of existing significant remnant vegetation”*.

DPaW advises *“that the unsurveyed remnant vegetation west of Parade Road contains a stand of large mature Tuart, as well as WA Peppermints”*. *“It is recommended that consideration be given towards retaining these Tuart and WA Peppermint trees within a neighbourhood park.”*

Management of Fauna

Surveys conducted by ENV in 2008 (Appendix 6 of the Plan documentation) identified two (2) listed species observed within the Plan area – being the Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) and the Western Ringtail Possum (*Pseudocheirus occidentalis*). Black Cockatoos and WRP are listed as threatened species under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and under the State's *Wildlife Conservation Act 1950*.

"DPaW recommends that clearing or modification of the remnant vegetation on-site is avoided."

"Given that the Plan involves the clearing of Black Cockatoo and WRP habitat, DPaW [sic] concurs with the recommendation of the ENV Fauna Assessment that the proponent seek advice from the Department of Sustainability, Environment, Water, Population and Communities (SEPA) to determine if there is a requirement for the proposed action to be referred to that Department for assessment under the EPBC Act."

"DPaW generally concurs with ENV's advice regarding WRP's and confirms the need for a WRP Management Plan which addresses (inter alia) the retention of suitable habitat trees and vegetated corridors, and the planting of WA Peppermint trees in connected rehabilitation areas." DPaW also recommends "that the proponent be required to undertake a Black Cockatoo Habitat Assessment over those areas that will be subject to future clearing", and advises that "the preparation and implementation of a Black Cockatoo Management Plan may also be required".

Since no flora or fauna survey has been undertaken west of Parade Road to date, DPaW recommends that *"the proponent be required to undertake a Fauna Survey over all areas of remnant vegetation west of Parade Road", specifically targeting Black Cockatoos and WRP, including a habitat assessment for both species. "The results of the Fauna Survey should inform the design of the Proposed Structure Plan, which should aim to protect identified significant fauna values, particularly Black Cockatoo and WRP habitat"*.

Wetland Management

The ENV Environmental Assessment in 2006 (Appendix 4 of the Plan documentation) and follow-up Wetland Assessment recommended that *"a 50 metre buffer be provided around both wetlands"* on site. However, a Wetland Management Plan by Bioscience (undated) (Appendix 2 of the Plan documentation) has also been prepared and states that the wetland *'does not require a buffer protection zone due to its highly degraded state'*.

"DPaW disagrees with the conclusions and recommendations of the Bioscience Wetland Management Plan, particularly the advice that the provision of a wetland buffer is not justified, and that drainage infrastructure should be placed within the wetland."

"Although the Tuart Brook Structure Plan Report (MPM, April 2013) does not appear to explicitly, say so, it is apparent that the recommendations of ENV reports have been ignored in favour of those of the Bioscience Wetland Management Plan, and that no buffers have been provided against the on-site wetlands."

"DPaW would normally recommend a minimum 50 metre buffer against both wetlands", but in this instance would be prepared to support "an effective buffer of at least 30 metres". "However, such a reduction should be subject to the preparation and implementation of a satisfactory wetland management plan which clearly commits the proponent to the

successful re-vegetation of the wetland buffers, together with selective planting and weed control within the wetland, and the construction of protective fencing.”

“DPaW considers that the current draft of the Wetland Management Plan requires substantial modifications to be acceptable.”

It is noted that a Resource Enhancement wetland is located on adjoining Lot 632, which abuts the Structure Plan area to the south. *“DPaW considers that an appropriate buffer is required against this significant Resource Enhancement wetland, and in accordance with above advice, recommends that the east-west perimeter road is shifted north to provide a minimum 30 metre buffer against the wetland.”*

Drainage Management

DPaW notes that *“two significant drainage installations have been proposed on land which has been reserved as Regional Open Space (ROS)”*. *“The placement of drainage infrastructure within ROS is inconsistent with its management for conservation purposes, and is not supported.”*

As previously outlined, drainage infrastructure has also been indicated within the significant standard of Tuart/Marri/Peppermint/Banksia, which is recommended for protection.

DPaW states that *“it may be acceptable in this instance to place some drainage infrastructure within the recommended wetland buffers”*. *“Careful calculations will need to be made to insure that as far as possible, the natural hydrological regime is maintained within these wetlands.”*

Consequently, a revised Wetland Management Plan and an integrated Local Water Management Strategy (LWMS) are required to identify suitable locations for the proposed drainage infrastructure and need to be approved by DPaW and the Department of Water (DoW).

A copy of the full submission of DPaW is provided in **attached** Appendix DPDS-2.

Local Water Management Strategy

The LWMS (Appendix 11 of the plan documentation) is still being assessed by DoW in liaison with City of Bunbury officers, which are waiting for the proponent to revise the proposed LWMS in accordance with the DoW’s latest comments. Outcomes of these negotiations are to be captured within a finalised LWMS endorsed by the DoW and the City of Bunbury, which will then inform the implementation of the Structure Plan.

Implementation of the LWMS will be undertaken through the development and implementation of Urban Water Management Plans for individual stages of subdivision within the site.

It is noted that proposed detention/catchment basins located within ROS and vegetated public open space (POS) are not supported by DPaW and revision of the LWMS, in conjunction with an integrated Wetland Management Plan, is therefore required prior to any application for subdivision.

Since the location of the drainage infrastructure is still to be confirmed, it is recommended that the draft proposed Structure Plan map (Figure 3) does not show any drainage infrastructure at this stage.

Public Open Space

A large proportion (69.3%) of the POS provided for in the draft proposed Structure Plan is deemed restricted in terms of its recreational use, as a response to the associated conservation objectives relevant to the site's proximity to the Preston River to Ocean Regional Park. However, the WAPC's operational policy Liveable Neighbourhoods (Ed 4, October 2008) allows for a maximum of 20% of POS to be restricted.

The proponents advise that this relatively high proportion of restricted POS shall be offset by the approximately 7.5ha of 'unrestricted' ROS within the Plan area. The degraded portion of ROS area provides a potential opportunity to address the shortfall in provision of unrestricted POS for active recreational use. However, DPaW advises that if the active recreation is *"proposed in the form of playing field(s), there is a real potential for significant impact upon adjoining connected wetlands and remnant vegetation"*. It is therefore recommended that further investigations are required in relation to the proposed Active Open Space Precinct and that consideration should be given to its enhancement through development of trails and bike paths or other low impact uses.

The local government however may require developer contributions in regard to this future Active Open Space Precinct, and clarification in this regard needs to be included in modifications to the Plan documentation. Though, it should be noted that the ultimate decision lies with the WAPC to accept the proposed provision of POS.

Wastewater Pump Station

The LWMS nominally locates a deep Wastewater Pump Station in the vicinity of the Primary School site. The Water Corporation advises that this new pump station will service the entire development area (other than a very small area west of Parade Road), and the existing temporary wastewater pump station will be decommissioned once the new pump station is in place and the connecting infrastructure is installed.

It is recommended that the location and extent of the new pump station infrastructure is required to be shown in the Structure Plan map (Figure 3) and needs to be reserved for Public Purposes or included in ROS, if permitted. The location of the pump station should not compromise any area for the school or active POS, as the provision of unrestricted open space is already less than outlined in Liveable Neighbourhoods.

Noise Assessment

The Department of Environmental Regulation (DER) advises that berms and fences are required to be located and constructed as detailed in the Traffic Noise Assessment (2010) by Gabriels Environmental Design, in order to see the proposed development achieve the objectives of State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4). DER also advises that *"the most appropriate location for the berm and fence within the 20m buffer zone should be determined by the acoustic consultant, (most likely as close to the western boundary of the buffer as possible)"*.

The break in the noise barrier at the intersection to Bussell Highway shows some properties receiving noise levels above the SPP 5.4 'limit' and DER recommends that this could be addressed with return barriers parallel to the neighbourhood connector.

DER also recommends that the first row of dwellings adjacent to Bussell Highway should receive acoustic treatments as detailed in the SPP 5.4 guidelines.

Local Centre

A 'local centre' is proposed in the draft Structure Plan to be located west of Parade Road. Submissions from residents were concerned with the location of the shopping centre north of the proposed Liam Street extension, as they felt this was too close to existing dwellings. It is recommended that the Structure Plan map (Figure 3) be modified to locate the bulk of commercial development south of proposed Liam Street extension.

Developer Contribution Plan

It is considered imperative that a Developer Contribution Plan, prepared in accordance with State Planning Policy 3.6 Development Contributions for infrastructure should be provided and adopted prior to subdivision clearance.

Access from Bussell Highway

Main Roads has expressed concerns in its submission with regard to the proposed new access road intersection with Bussell Highway, stating that the proposal of the new access from Bussell Highway as a full intersection requires the installation of traffic signals, and the existing Centenary Road intersection requires modification to left in/left out only.

Main Roads also notes that *“the cost of construction of the intersection with traffic lights may not be feasible within the staging of the development and different landowners. Main Roads has concerns from recent experience with contribution agreements which often result in a shortfall in funds for required works.”*

Main Roads further advises that *“if the proposed new access is to be constructed a suitable legal agreement will be required with Main Roads regarding any staging of the works with appropriate bench marks for requirements for construction of the intersection.”* Such an agreement would also address provision of alternative link roads through to Washington Avenue and/or Parade Road and costs of the resulting modifications to the intersection of Centenary Road and Bussell Highway.

After careful consideration of the submissions, SaLLUP has drawn a Modifications Map to depict a synthesis of the rationalised changes requested in submissions. The Modifications Schedule also outlines some alternative modifications to address potential options for dealing with unresolved issues requiring further investigation.

Whilst it is the WAPC that will essentially determine the acceptability of the proposed modifications, it is the local government that will be responsible for implementing the draft proposed Structure Plan in terms of:

- assessing subdivision applications and providing recommendations to the WAPC - referencing clauses contained within Part One of the Structure Plan;
- assessing design of infrastructure assets - referencing clauses contained within Part One and Part Two of the Structure Plan;
- assessing and determining development applications - referencing clauses contained within Part One of the Plan;
- presenting proposals and recommendations to Council; and
- managing the bulk of the resulting infrastructure (roads and drainage) and other environmental and recreational assets.

The Schedule of Modifications also contains proposed changes and corrections to elements contained within Part Two of the draft proposed Structure Plan text, which is an explanatory guide to support and outline the implementation of the statutory provisions in Part One.

In conclusion, it should be noted that in the City of Bunbury's letter dated 30 January 2013 to the proponent, it was advised that:

“The WAPC's Structure Plan – Digital Data and Mapping Standards (2012) guideline has been developed to provide specification and guidance for submission of electronic data in structure plan applications in terms of the required format of digital and geospatial files. Specifically, that geospatial data submitted should comprise of at least the following files:

- a. structure plan boundary (as polygon);*
- b. land use type and/or designation (as polygons); and*
- c. Residential densities or design codes (R-Code) – if applicable (as polygons).*

Further, that geospatial data files should be in the following formats or types:

- a. Shapefiles (.shp);*
- b. File or personal geodatabases (.gdb, .mdb);*
- c. CAD – includes Microstation (.dgn) or AutoCAD (.dwg, .dxf); or*
- d. Environmental Systems Research Institute (ESRI) map document files (mxd), providing all accompanying or referenced data is included in any of the above formats and file path names are set to 'relative'.”*

In reply to this advice the proponent stated in their letter dated 27 February 2013 that:

- 32. The Structure Plan has been prepared in accordance with, and meets the Mapping requirements and will be provided in the formats required once ready for submission to the WAPC.*

Consequently, as the proponent did not supply the City of Bunbury with the necessary digital data to undertake independent quantitative analysis using Geographic Information System (GIS) tools, it must be acknowledged that there may be limitations or potential errors/omissions in the accuracy of any assessment of the draft proposed Structure Plan, including the recommended changes proposed in the Schedule of Modifications and the Modifications Map.

Therefore, given the stated potential for limitations, errors or omissions in the assessment and recommended modifications, the City of Bunbury advises that it shall not be liable for any loss or damages howsoever caused as a result of reliance upon information contained in the draft proposed Structure Plan, or Schedule of Modifications and Modifications Map. The WAPC should be advised that a full and fundamental assessment of the draft proposed Structure Plan may be required in order to certify the veracity of the Structure Plan map, and any associated area and/or volume calculations.

Analysis of Financial and Budget Implications

Conditions of land subdivision include, but are not limited to, the following items that are to be dedicated/constructed at the subdivider's/developer's cost and to the specification and satisfaction of the relevant public authorities:

- all lots with frontage to a constructed and drained subdivisional road that is connected to the local road system;
- a contribution towards traffic calming measures, including intersection treatments connecting to main roads;

- a contribution towards roundabouts, road intersections, cycleways, dual use pathways and footpaths;
- land being filled, drained and connected to the City's stormwater drainage system; and
- all lots with connection to the reticulated potable water and sewerage systems.

Notwithstanding the provisions of clauses 6.2.8 and 11.5 of the Scheme, the WAPC should be advised that in adopting the draft proposed Structure Plan, the City of Bunbury does not assume or take responsibility for and is not the responsible authority in relation to the making or amending of the Structure Plan, whereby land is reserved for public purposes such that it may be injuriously affected and may be subject to a claim for compensation under Part 11 of the *Planning and Development Act 2005*.

As such, it should be noted that the City of Bunbury advises that it does not accept liability for any modifications recommended by the City of Bunbury (i.e. in accordance with the Schedule of Modifications and the Modifications Map), based upon the information provided to the local government in submissions prepared and lodged by state government agencies or statutory corporations, which may be made by the WAPC in approving the draft proposed Structure Plan.

Given that the modifications proposed by the City of Bunbury in its Schedule of Modifications and the Modifications Map are directly related to the requirements of a state government agency / policy position, it is recommended that any land reserved by the draft proposed Structure Plan be reflected in a consequential amendment to the Greater Bunbury Region Scheme (e.g. incorporation of wetland buffers and noise buffer into appropriate regional reserves).

Community Consultation

As per Council resolution, the advertising period was 21 days. The draft proposed Structure Plan has been advertised from 29 May 2013 until 19 June 2013 in the press and by notices on site in accordance with relevant legislation. The Schedule of Submissions **attached** at Appendix DPDS-4 sets out all comments received by the City of Bunbury during the public consultation period, and a response is provided where relevant.

A total of 26 submissions were received, including 13 from adjoining residents and landowners – comprising one of general support, three of conditional support and nine raising objections. Objections included the following concerns:

- increased traffic, noise and antisocial behaviour in the vicinity of the proposed local centre;
- environmental concerns – retention of remnant vegetation; and
- retention of individual access from Bussell Highway to private properties.

Councillor/Officer Consultation

Council officers have liaised with DPaW, MRWA, MPM Development Consultants, Department of Housing and Kingslane Pty. Ltd. in relation to progressing the draft proposed Structure Plan.

The staff of the Planning and Development Services directorate have participated in the review and assessment of the draft proposed Structure Plan.

Outcome – Council Committee Meeting 20 August 2013

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

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

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

Outcome – Council Meeting 27 August 2013

Mr Paul Barron from 368 Bussell Highway Bunbury and Mr Graham Harradine from Lot 12 Bussell Highway Bunbury addressed the Council outlining a few concerns they had over the proposed structure plan. They spoke in general support of the plan but raised concerns regarding the noise buffer zones and road access off of Bussell Highway.

Cr Steele left the chambers at 7.32pm and returned at 7.46pm. She was not present for the vote on the procedural motion but she was present for the vote on the substantive motion.

Pursuant to Standing Order 11.1(b) Cr Slater moved Cr Morris seconded that the "debate be adjourned" in order to consider the issues raised by Mr Barron and Mr Harradine. The Mayor put the procedural motion to the vote and was LOST 5 votes "for" / 6 votes "against".

Cr Kelly moved Mayor D Smith seconded the following amendment:

Add point 5 & 6 which read as follows:

5. *Council does not support the closure of access to the Veterinary premises on Bussell Highway.*
6. *That Council requests the WAPC to consider alternative noise attenuation methods between the structure plan area and the Bussell Highway."*

The Mayor put the amendments to the vote and was CARRIED 12 votes "for" / nil votes "against".

Cr Kelly moved, Mayor D Smith seconded the Council Committee recommendation with the added amendments. The full motion reads as follows:

"That Council:

1. *Adopt the draft proposed Tuart Brook Local Structure Plan, including corrections and modifications to the draft proposed Tuart Brook Local Structure Plan map and text, as documented within the Schedule of Modifications and the Modifications Map (Appendix DPDS-3).*
2. *Notify the Western Australian Planning Commission of Council's resolution in accordance with relevant provisions of the City of Bunbury Town Planning Scheme No.7.*
3. *Recommends to the Western Australian Planning Commission that any land reserved by the draft proposed Tuart Brook Local Structure Plan for inter alia wetland buffers to "Regional Open Space" and noise buffers to "Primary Regional Roads" under the Greater Bunbury Region Scheme, be correspondingly reserved as a consequential amendment to the Region Planning Scheme.*
4. *Inform submitters of Council's resolution.*

5. *Council does not support the closure of access to the Veterinary premises on Bussell Highway.*
6. *That Council requests the WAPC to consider alternative noise attenuation methods between the structure plan area and the Bussell Highway.”*

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

Council Decision 267/13

That Council:

1. ***Adopt the draft proposed Tuart Brook Local Structure Plan, including corrections and modifications to the draft proposed Tuart Brook Local Structure Plan map and text, as documented within the Schedule of Modifications and the Modifications Map (Appendix DPDS-3).***
2. ***Notify the Western Australian Planning Commission of Council's resolution in accordance with relevant provisions of the City of Bunbury Town Planning Scheme No.7.***
3. ***Recommends to the Western Australian Planning Commission that any land reserved by the draft proposed Tuart Brook Local Structure Plan for inter alia wetland buffers to "Regional Open Space" and noise buffers to "Primary Regional Roads" under the Greater Bunbury Region Scheme, be correspondingly reserved as a consequential amendment to the Region Planning Scheme.***
4. ***Inform submitters of Council's resolution.***
5. ***Council does not support the closure of access to the Veterinary premises on Bussell Highway.***
6. ***That Council requests the WAPC to consider alternative noise attenuation methods between the structure plan area and the Bussell Highway.***

CARRIED

12 votes "for" / nil votes "against"

10.8 Proposed Men’s Shed – Emergency and Community Services Hub site – Lot 4656, Reserve 23839, Bussell Highway, South Bunbury (was listed as item 10.4.2 on the meeting agenda)

File Ref:	P14239 DA/2013/137/1
Applicant/Proponent:	Internal Report
Author:	Neville Dowling, Planning Officer
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Appendix DPDS-5, DPDS-6, DPDS-7

Summary

The application is to construct a ‘Men’s Shed’ building to be sighted in the northern-most end of Reserve 23839, currently approved for the Emergency and Community Services Hub (ECSH) endorsed by Council 3 October 2012 (DA/2012/150/1).

The approved ECSH includes provision for the ‘Men’s Shed’, as part of the ECSH Concept Plan, however it was not included as part of previous applications. The Men’s shed will continue as a ‘Community Purpose’ land use upon the site.

The ‘Men’s Shed’ is a single story structure to accommodate three (3) work bays (Mechanical, Steel and Timber), and a tools/planning area, meeting room, small kitchen and front office.

A copy of the site plan and elevations for the proposed ‘Men’s Shed’ is **attached** at Appendix DPDS-5.

Council Committee Recommendation

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

1. Grant (conditional) Planning Approval to the City of Bunbury for the construction of the proposed ‘Men’s Shed’, together with associated landscaping and parking provision at Lot 4656, Reserve 23839 Bussell Highway (Drawings A00-A03, Veens Drafting 25/6/13).

Note: Conditions to be to the satisfaction of the Manager Development Assessment and Building Certification.

Background

At its meeting on the 13 September 2011, Council resolved:

“Council Decision 216/11

1. *Adopt the revised Emergency & Community Services hub Concept Plan (August 2011) as a guide to the future development of Reserve 23839 and associated portion of Adam Road Reserve.*
2. *That any Development proposals for Reserve 23839 be advertised in accordance with the provisions of Clause 9.4.3 of the City of Bunbury Town Planning Scheme No.7*

3. *Adopt changes to the revised Emergency & Community Services Hub Concept Plan (August 2011), as recommended to Council in the memo dated 6 September 2011.*
4. *Note that the Hub Concept Plan (August 2011) includes plans for a Men's Shed"*

At its meeting on the 22 May 2012, Council resolved to:

"Council Decision 155/12

1. *Adopt the revised Emergency & Community Services hub Concept Plan (May 2012) as a guide to the future development of Reserve 23839 and associated portion of Adam Road Reserve.*
2. *That any Development proposals for Reserve 23839 be advertised in accordance with the provisions of Clause 9.4.3 of the City of Bunbury Town Planning Scheme No.7*

At its meeting on the 3rd October 2012, Council resolved to:

"Council Decision 285/12

1. *Grant (conditional) Planning Approval to the City of Bunbury for the construction of the proposed Community Purpose Building (Stage 1 only of the Emergency and Community Services Hub), together with associated landscaping and parking provision at Lot 4656 No.0 Bussell Highway. (Refer Drawings: Emergency and Community Services Hub Concept Plan, A1-A01, A1-A02, A1-02A, A1-A03, A1-A04, A1-05 & A1-06 attached at Appendix DPDS-5)."*

Council Policy Compliance

Access and parking for Pedestrians, Bicycles and Vehicles – No.3.1

The application has been assessed against the requirements for parking as per this Local Planning Policy.

Legislative Compliance

Under Clause 9.4.2 of the City of Bunbury Town Planning Scheme No.7 (TPS7) the proposal has been advertised for a period of 14 days.

Local Planning Scheme

TPS7 indicates that Reserve 23839 is included in the "Parks and Recreation Reserve". The approval granted for the ECSH established a 'Community Purpose' use for the site, consistent with section 3.4 of the Scheme.

The vesting of the land from "Parks and Recreation Reserve" to "Public Purpose Reserve" is occurring through the current omnibus Scheme Amendment (Scheme Amendment Number 30). Amendment 30 is currently at the stage of final approval by the Minister for Planning.

Reserve 23839 Vesting, Purpose and Use

The process of the subdivision and vesting of the reserve is administered by the Office of State Lands and is currently waiting to be finalised.

No issues have been raised by other the relevant government agencies.

Officer Comments

The use of the Reserve 23839 for purposes of establishing an Emergency and Community Services Hub was approved by Council on the 30 September 2011. The concept plan was updated on the 22 May 2012, to incorporate revisions to the Community Home Care site the most recently approved ECHS Concept Plan, **attached** at Appendix DPDS-6.

Matters specific to the determination of this Development Application, are as follows:

Landscaping

The City's Landscape Architect has no objection to the proposal subject to suitable conditions being attached to any approval granted by the City.

Additionally, discussions have been made with the City's Property administration team and there is agreement in principle to provide a landscaping buffer directly to the north of the proposed 'Men's Shed' in the unused road reserve to assist in alleviating any visual impact of the proposal. Any approval granted by the City will be adequately conditioned to ensure any landscaping buffer is to the satisfaction of the City's Landscape Architect.

Parking

The parking provision for the 'Men's Shed' was taken into account when calculating the overall parking requirement for the entire site under the application for the ECHS. As such the car parking is considered acceptable for the proposed development and there is no further requirement.

Building Design and Appearance

The 'Men's Shed' consists of a building approximately 25m x 12m and a gross floor area of 283m². It is to be mostly clad in colorbond around the working areas and with linear board around the reception area at the east end of the building.

The eastern side of the building is linear board, painted signage and a window. The northern wall is to face the reserve (former Adam Road access) and have a high profile to Bussell Highway. The northern wall façade includes windows and both vertical and horizontal colorbond cladding to assist with the overall appearance.

Acoustic Impact

As the development to some degree will have a 'workshop' component where members of the 'Men's Shed' will be working on projects, the issue of acoustic impact has been considered by the City's Health Department.

It is taken that the site is not a commercial trade workshop that will be used on a daily basis all day long, and uses of the building will be of a sporadic nature that could be more attributed to a residential enthusiast.

There is a separation distance of approximately 75m from the proposed 'Men's Shed' and the nearest residential dwelling along Parade Road. This distance, along with the sporadic nature of the use is considered suitable in regards to protecting the amenity of the nearby residents.

The City's Health Department have requested a condition requiring that work bay roller doors remain closed when power tools are being used.

Analysis of Financial and Budget Implications

Lease arrangements or vesting orders will need to be determined and administered by Council's Property Services in conjunction with organisations occupying the site that will be responsible for all development and construction costs, including the parking areas.

Community Consultation

Advertising was conducted in May in the form of a site notice, newspaper advertisements and neighbouring resident letter notification. There was one response from a neighbouring resident who raised concerns over the intensification of traffic along Parade Road and the intensification of vehicles using the access way which is directly across from the resident's property.

The Department of Fire and Emergency Services (DFES), Community Home Care (CHC), Independent Living Centre (ILC) and Technology Assisting Disability (TADWA) have all been consulted during the Development Application process.

There are no objections to the proposal, however the CHC have raised concerns regarding the shed design and road layout changes. Those issues have been resolved with the applicant, as part of the ongoing assessment process.

The Schedule of Submissions is **attached** at Appendix DPDS-7.

Officer Consultation

Since February 2010, Council staff has frequently liaised with FESA, CHC and the Bunbury Turf Club in regards to the development of the ECSH site. Internal consultation occurred involving Council's Building, Engineering, Health and Parks and Recreation Departments.

Economic, Social, Environmental and Heritage Issues

Economic

The proposal for the 'Men's Shed' has no financial implications for the City of Bunbury, except in terms of nominal income earned from lease arrangements.

Social

As touched upon in the summary, the proposed 'Men's Shed' is considered to assist mental health of men by creating a bonding and learning environment.

The social aspects of the 'Men's Shed' are in keeping with the 'Community Purpose' zoning for the site and the principles fundamental to the concept of the ECSH.

Environmental

As per the application for the ECSH, there are no issues with the removal of trees within the site.

Reserve 23839, is for the most part, cleared and has sparse vegetation. The DEC has provided recommendations for clearance of the remaining vegetation, and the requirement of a clearing permit, prior to commencement.

The DEC has advised that the site is located in vicinity where there are Western Ringtail possums and Black Cockatoo habitat. The Council's sustainability officer is aware of this advice and advised "... it is unlikely that the proposed clearing of vegetation will have a significant impact on federally protected species (western ringtail possums and 3 species of black Cockatoos) known to occur within the vicinity of the site..."

Heritage

There are no known heritage issues.

Relevant Precedents

The 'Community Purpose' use has been established on this site as per Council's Development Approval DA/2012/150/1 dated 3 October 2012.

Outcome – Council Committee Meeting 20 August 2013

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

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

It was requested that the votes be recorded as follows:

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

Outcome – Council Meeting 27 August 2013

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

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

Council Decision 268/13

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

- 1. Grant (conditional) Planning Approval to the City of Bunbury for the construction of the proposed 'Men's Shed', together with associated landscaping and parking provision at Lot 4656, Reserve 23839 Bussell Highway (Drawings A00-A03, Veens Drafting 25/6/13).***

CARRIED

11 votes "for" / 1 vote "against"

It was requested the Cr Slater's vote against the motion be recorded. All other Councillors voted for the matter.

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Councillor Murray Cook

Applicant/Proponent:	Councillor Murray Cook
Author:	Andrew Brien, Chief Executive Officer
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary/Background

Councillor Murray Cook requests leave of absence from all Council-related business from 8 to 12 September 2013 inclusive.

Section 2.25 of the Local Government Act 1995, allows a council to grant leave of absence to one of its members provided that the period of leave does not exceed six (6) consecutive ordinary meetings of the Council.

Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Cook is granted leave of absence from all Council-related business from 8 to 12 September 2013 inclusive.

Outcome – Council Meeting 27 August 2013

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

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

Council Decision 269/13

Pursuant to Section 2.25 of the Local Government Act 1995, Councillor Cook is granted leave of absence from all Council-related business from 8 to 12 September 2013 inclusive.

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

12. Motions on Notice

12.1 Motion on Notice – Bunbury Regional Arts Management Board Reserve

Applicant/Proponent:	Councillor Ross Slater
Author:	Councillor Ross Slater
Executive:	If adopted by Council refer to: Stephanie Addison-Brown, Director Community and Customer Services
Attachments:	Nil

Cr Slater submitted the following motion for the Council Committee Meeting on 27 August 2013:

"That Council identify \$50,000 in the next budget review to be provided to the Bunbury Regional Arts Management Board Inc. to be held in reserve to alleviate cash flow concerns at the commencement of each financial year."

Comments - Cr Slater

In support of his motion, Cr Slater states that, *"The Bunbury Regional Arts Management Board is funded each year from 1 July until 30 June the following year. The Board requests operational funding each simply to cover the costs of running the Bunbury Regional Art Galleries. It only asks for and receives the funds it projects it will require in addition to other earned income to deliver the service to the community. It does not request any contingencies or additional funds, meaning it is beyond its capacity to build up any reserve accounts other than what it required to ensure all its staff liabilities are met.*

Council is unable to fund the Board from 1 July as it must go through the process of approving and advertising its own budget prior to making funding allocation. As such, the Board does not receive operating funds from Council until September. A similar situation exists with the funds provided by the Art Gallery of Western Australia whereby funds are not available until late July at the earliest and September in a worst case scenario.

This circumstance require the Board, an organisation with very limited reserves to operate for at least one month, and possibly up to three, each year without any external funding available. This situation is beyond the Board's capacity to manage unassisted.

This year Council approved the early payment of \$50,000 to the Board to enable it to continue operating while waiting for full annual funding to become available. This was not additional funding but an early part payment of regular annual funding. As such, come 1 July 2014, the Board will find itself in the same situation awaiting payment of annual funding for 2014/15.

Providing the Bunbury Regional Arts Management Board with a one off additional payment of \$50,000 will alleviate this problem. These funds will be held in reserve to be accessed only to alleviate cash flow constrictions at the beginning of financial year. Once full funding for next financial year has been received, these funds will be returned to a reserve account to be used in the same manner the following year.

Provision of this off one payment will resolve an ongoing issue for the Bunbury Regional Arts Management Board. It will remove the need for Council to consider part payments or

advanced payments each year. It will also ensure the Bunbury Regional Art Galleries is able to maintain a continuity of service to the Bunbury community each year with undue financial concern."

Executive Comments

BRAMB have identified cash flow issues in the last couple of years and have needed to make requests to the City to provide an advance payment prior to the budget being adopted. An early payment would ensure this is no longer a problem.

Councillors may note that on 6th August 2013, Council made a decision "*to review the operational structures and functions of BRAG*" (Council Decision 240/13), and it may be prudent to resolve this issue within the context of this planned review and include recommendations relating to payments from the City of Bunbury into any future operational model.

The review of operational structures and functions of BRAG is due to be completed by 30 January 2014, well in time for Council to include recommendations in any future budget considerations.

Cr Slater's Motion

That Council identify \$50,000 in the next budget review to be provided to the Bunbury Regional Arts Management Board Inc. to be held in reserve to alleviate cash flow concerns at the commencement of each financial year.

Outcome – Council Meeting 27 August 2013

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

During the discussion, the motion was amended to read as follows:

- “1. *That Council make a prepayment to BRAMB in each year commencing on 1 July 2014 of 50% of its annual operating contribution with the balance to be paid on 30 December each year.*
2. *That Council make a prepayment to BREC in each year commencing on 1 July 2014 of 25% of its annual operating contribution with the balance to be paid quarterly each year.”*

The amended motion was moved Cr Slater, seconded Deputy Mayor Cr Craddock to become the new motion under discussion.

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

Council Decision 270/13

1. ***That Council make a prepayment to BRAMB in each year commencing on 1 July 2014 of 50% of its annual operating contribution with the balance to be paid on 30 December each year.***

2. That Council make a prepayment to BREC in each year commencing on 1 July 2014 of 25% of its annual operating contribution with the balance to be paid quarterly each year.

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

13. Questions on Notice

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

Nil

13.2 *Questions from Members*

Nil

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

A late agenda item was tabled at the meeting. Cr Leigh moved, Cr McNeill seconded that the matter be considered Urgent.

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”

14.1 Closure of Laneways – Withers

File Ref:	A05635
Applicant/Proponent:	Withers Action Group
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1

Summary

The Withers Action Group as representatives of the Withers community has identified ten (10) laneways for closure.

The item was previously submitted to Council Committee meeting of 6 August 2013 with Decision 220/13 being - *The motion on Closure of Laneways – Withers’ is deferred for further information and consultation to be undertaken and will return to Council upon notification from the CEO.*

Recommendation

Council requests the Chief Executive Officer initiate action to commence the closure of the following laneways in accordance with the request from the Withers Action Group

- | | | |
|----|-------------------------------------|-------------|
| a. | Davenport Way to Jacaranda Crescent | Lot 624 |
| b. | Plowers Place to Moriarty Park | Lot 605 |
| c. | Jacaranda Crescent to Whitley Place | Lot 604 |
| d. | Jacaranda Crescent to Wilkenson Way | Lot 55 & 56 |
| e. | Whitley Place to Hudson Road | Lot 55 |
| f. | Whitley Place to Open Space | Lot 55 |
| g. | Davenport Way to Open Reserve | Lot 623 |
| h. | Littlefair Drive to Crews Court | Lot 157 |
| j. | Lockwood Crescent to Craven Court | Lot 55 |
| k. | Whatman Way to Littlefair Drive | Lot 156 |

Background

During a deputation to the Special Meeting of Council on 24 July 2013 the convenor of the Withers Action Group, Mr Glen Willetts provided elected members with a list of Withers Action Plan projects (refer appendix DWS-1) which included details of ten (10) laneways that the group identified for closure.

Laneway closures is priority one (1) of the Withers Action Plan and is prominent in the most recent Withers Urban Renewal Strategy.

The Withers Action Plan of July 2011 identified proposed Laneway closures as

- *Jacaranda Crescent to Whitley Place (into the Reserve)*
- *Between Jacaranda Crescent and Des Ugle Park*
- *Littlefair Drive to Crewes Street*
- *Lockwood Crescent to Shaw Close*
- *Davenport Way to Jacaranda Crescent (exiting near the cul de sac)*
- *Between Stallard Place and Armstrong Way to Des Ugle Park*

Council Policy Compliance

Not Applicable

Legislative Compliance

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

Acting Chief Executive Officer Comments

Executive staff and some elected members attended a meeting with the Hon. Adele Farina and representatives of the Withers Action Group on Friday, 23 August 2013 where it was agreed that the City could initiate action to close laneways.

It is to be noted that any Laneway closure will be linked to future road openings, land use planning and further consultation with the community.

Officer Comments

Subject to Council endorsement Officers will initiate closure proceedings in accordance with section 58(3) of the Land Administration Act 1997. In conjunction with a letter drop to Withers residents a notice of intention to close laneways will be advertised in local Newspapers for a period of thirty-five (35) days during which time resident may submit objections in writing to the City. Following the thirty-five (35) day period a further report detailing objections will be presented to Council for further considerations.

No consideration to alternative pedestrian linkages has been considered in this report.

Analysis of Financial and Budget Implications

The financial implication to Council of closing the laneways to pedestrians is confined to the erection of fencing, associated advertising and staff times is estimated to be in the vicinity of \$5,000 per laneway.

Community Consultation

Community Consultation has been undertaken by the Withers Action Group.

Officer will seek comment from Aqwest, Atco Gas, Water Corporation, Department of Housing, Regional Development and Lands and the South West Development Commission.

Councillor/Officer Consultation

Laneway closures in the Withers area was subject to Council Resolution 128/11, Withers Action Plan and are referenced in the Withers Urban Renewal Strategy. Both documents have been presented to Council on previous occasions.

Outcome – Council Meeting 27 August 2013

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

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

Council Decision 271/13

Council requests the Chief Executive Officer initiate action to commence the closure of the following laneways in accordance with the request from the Withers Action Group

- | | | |
|-----------|---|-------------------------------|
| a. | <i>Davenport Way to Jacaranda Crescent</i> | <i>Lot 624</i> |
| b. | <i>Plowers Place to Moriarty Park</i> | <i>Lot 605</i> |
| c. | <i>Jacaranda Crescent to Whitley Place</i> | <i>Lot 604</i> |
| d. | <i>Jacaranda Crescent to Wilkenson Way</i> | <i>Lot 55 & 56</i> |
| e. | <i>Whitley Place to Hudson Road</i> | <i>Lot 55</i> |
| f. | <i>Whitley Place to Open Space</i> | <i>Lot 55</i> |
| g. | <i>Davenport Way to Open Reserve</i> | <i>Lot 623</i> |
| h. | <i>Littlefair Drive to Crews Court</i> | <i>Lot 157</i> |
| j. | <i>Lockwood Crescent to Craven Court</i> | <i>Lot 55</i> |
| k. | <i>Whatman Way to Littlefair Drive</i> | <i>Lot 156</i> |

CARRIED

12 votes "for" / nil votes "against"

15. Meeting Closed to Public

Prior to going behind closed doors the Mayor asked if there were any members of the public that wished to address the Council on this matter.

Mrs Janet Leyshon, 1 Young Close Kinkella, addressed the Council and requested that the residents be kept apprised as to the outcome of this matter.

MOVED Cr Steck SECONDED Cr Leigh

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

- 15.1.1 Section 31 Order – State Administrative Tribunal Act 2004 – Reconsideration of the Decision to Refuse the Change of use from Storage to Industry: Noxious (Industrial Sandblasting & Spraypainting) – Lot: 30 (No.22) Palmer Crescent, Davenport

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”. The meeting was closed to the public and press at 8.29pm.

15.1 Matters for which the Meeting may be Closed

15.1.1 Section 31 Order – State Administrative Tribunal Act 2004 – Reconsideration of the Decision to Refuse the Change of use from Storage to Industry: Noxious (Industrial Sandblasting & Spraypainting) – Lot: 30 (No.22) Palmer Crescent, Davenport

File Ref:	P07308
Applicant/Proponent:	David Evans
Author:	Anthony Pick, Planning Officer
Executive:	Bob Karaszewych, Director Planning and Development Services
Attachments:	Confidential Report CRUSC-2

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

Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

A confidential report and recommendation has been circulated to members **under separate cover** (Confidential Report CRUSC-2). The report is not for circulation.

Outcome – Council Committee Meeting 20 August 2013

Mrs Jannette Leyshon of 1 Young Close Kinkella, Mr Troy Mortley of 38 Twilight Terrace Kinkella and Mr Steven Clark of 8 Young Close Kinkella addressed the Committee outlining why they believed the Committee should not overturn the previous Council decision to not approve the application.

MOVED Cr Slater, SECONDED Cr McNeill that Council:

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

The Mayor put the motion to the vote and was CARRIED 9 votes "for" / 1 vote "against". The meeting was closed to the public and press at 8.02pm.

As this item has been listed as strictly confidential the minutes of this item has been recorded under confidentiality and any recommendations from the Committee will remain confidential until the Ordinary Council meeting on 27 August 2013 when the Council makes its decision in regards to this matter.

Outcome – Council Meeting 27 August 2013

The following recommendation from the Council Committee meeting was moved Cr Cook, seconded Cr Kelly:

"Council, pursuant to s31 provision 2 of the State Administrative Tribunal Act 2004 (WA), affirm the decision made on 2 July 2013 and request the Executive staff to inform SAT accordingly."

Cr Morris left the chambers at 8.44pm and returned at 8.46pm. He was present for the voting on the matter.

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

Council Decision 272/13

Council, pursuant to s31 provision 2 of the State Administrative Tribunal Act 2004 (WA), affirm the decision made on 2 July 2013 and request the Executive staff to inform SAT accordingly.

CARRIED

7 votes "for" / 5 votes "against"

It was requested that the votes be recorded as follows:

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

Pursuant to Regulation 11(da) of the Local Government (Administration) Regulations 1996 the Council needs to resolve by resolution the reasons as to why they decided against the recommendation from the Executive staff.

The following reasons for refusal were moved Cr Leigh, seconded Cr Kelly:

"Reasons for Refusal

- 1. The development is contrary to the provisions of Clause 10.2(d) of the City of Bunbury Town Planning Scheme No.7 (Scheme), in that the proponent has not fully demonstrated that the proposed development (Sand Blasting and Spray Painting) would comply with the Environmental Protection (EP) (Abrasive Blasting) Regulations 1998 or the EP (Metal Coating) Regulations 2001.

Furthermore, the Lot (at the time of determining the application) is not served by mains power and as such, the proponent is unable to comply with the aforementioned regulations. The absence of mains power for the proposed development would be contrary to Clause 10.2(s) of the Scheme.*
- 2. In the absence of a site specific environmental assessment (to establish the need for appropriate buffer distances and assess the impact(s) arising from the proposed development (Sand Blasting and Spray Painting activities), the City considers that the proposed development would be likely to have an adverse impact on the environment and the established resident amenity in the locality, by reason of dust, noise, vibration and smell arising from the development. The proposed development would therefore be incompatible with its setting and contrary to Clause 10.2, criteria (b), (d), (i), (l), (n) and (z) of the Scheme."*

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

Council Decision 273/13

Reasons for Refusal

- 1. *The development is contrary to the provisions of Clause 10.2(d) of the City of Bunbury Town Planning Scheme No.7 (Scheme), in that the proponent has not fully demonstrated that the proposed development (Sand Blasting and Spray Painting) would comply with the Environmental Protection (EP) (Abrasive Blasting) Regulations 1998 or the EP (Metal Coating) Regulations 2001.***

Furthermore, the Lot (at the time of determining the application) is not served by mains power and as such, the proponent is unable to comply with the aforementioned regulations. The absence of mains power for the proposed development would be contrary to Clause 10.2(s) of the Scheme.

- 2. *In the absence of a site specific environmental assessment (to establish the need for appropriate buffer distances and assess the impact(s) arising from the proposed development (Sand Blasting and Spray Painting activities), the City considers that the proposed development would be likely to have an adverse impact on the environment and the established resident amenity in the locality, by reason of dust, noise, vibration and smell arising from the development. The proposed development would therefore be incompatible with its setting and contrary to Clause 10.2, criteria (b), (d), (i), (l), (n) and (z) of the Scheme.***

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

15.2 Public Reading of Resolutions that may be made Public

MOVED Cr Leigh, SECONDED Cook that Council in accordance with Clause 6.2 of the City of Bunbury Standing Orders Local Law 2012 RESOLVES that the meeting be now held with Open Doors.

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / nil votes “against”.
The meeting was reopened to the public at 9.10pm

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

16. Closure

The meeting was declared closed at 9.11pm.