



Bunbury City Council

Minutes

12 November 2013



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

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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
CAFF	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

GLOSSARY OF ABBREVIATED TERMS

Term	Explanation
IT	Information Technology
ITC	In Town Centre
ITLC	Former In-Town Lunch Centre (now the "In Town Centre")
LAP	Local Action Plan
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 12 November 2013.

Agenda

12 November 2013

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

1. Declaration of Opening / Announcements of Visitors

The Mayor acknowledged the traditional owners of the land on which we meet; the Noongar people and paid respect to their elders.

The meeting was declared open by the Mayor, Mr Gary Brennan, at 6pm. The Mayor made special mention to students from Bunbury Cathedral Grammar school who were here to observe the Council meeting for a school project.

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

There were no announcements.

4. Attendance

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor B McCleary
	Councillor K Steele
	Councillor W Giles
	Councillor J Miguel
	Councillor D Prosser
	Councillor J Hayward
	Councillor S Morris
	Councillor J Jones
	Councillor M Steck
	Councillor N McNeill
Councillor M Cook	
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms K Knight (Acting)
Director Corporate Services	Mr D Ransom (Acting)
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Manager Development Assessment and Building Certification	Mr G Fitzgerald
Community Development Officer	Ms I Evans
Administration Officer Corporate	Ms N Hribar
Others (Non-Voting)	
Members of the Public	40 approximately
Members of the Press	3

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.

Section 5.60A: *“a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”*

Section 5.60B: *“a person has a **proximity interest** in a matter if the matter concerns –*

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or*
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or*
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”*

Regulation 34C (Impartiality): *“**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”*

Cr Prosser declared a financial interest in the item titled ‘Proposed Transfer of a Portion of Mervyn Street Road Reserve and Amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury’ as Citygate Properties is the proponent and he is closely associated with a person who is a Director of Citygate. He will vacate the Chambers and not participate in the vote or discussion on the matter.

Cr Steck declared a financial interest in the item titled ‘Proposed Transfer of a Portion of Mervyn Street Road Reserve and Amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury’ as her partner is one of the Directors of Citygate Properties who are the proponents. She will vacate the Chambers and not participate in the vote or discussion on the matter.

6. Public Question Time

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

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

6.1 Public Question Time

Mr Daryl Heine, 10 Woodley Road Glen Iris

Mr Heine asked questions in relation to the Proposed Glen Iris Skatepark. Responses were provided on the night by Director Works and Services.

Question 1: Why is the proposed skatepark going to be built in a totally unsuitable location?

Response 1: Three (3) years of research and public consultation has deemed that the JB O'Reilly Park is the most suitable location in Glen Iris. Site determined through community consultations, no opposition from government stakeholders during DA (Department of Planning etc.), design of skatepark specifically tailored to site, wall to be used for urban art project to generate ownership by park users and those at risk of graffiti offending

Question 2: Where will the toilets and the carpark be built?

Response 2: I will provide you with a copy of the proposed layout of the skatepark which details these items after the meeting.

Question 3: Who will be responsible for maintaining law and order when the inevitable anti-social behaviour, vandalism, graffiti and littering occur?

Response 3: Law and Order: the Police are aware of the development and have had input into the Skatepark Management Plan. Vandalism, Littering: site to be incorporated into existing maintenance schedule.

Mr Michael Fenton, 25 Acacia Street Bunbury

Mr Fenton asked questions relating to the Regional Capitals Alliance and previous Council minutes. The responses were provided by the Mayor and CEO.

Question 1: On the 8th Oct, 2013 I emailed CEO Brien requesting the outcome of my questions asked at Public Question Time, 17th Sept, 2013, ref: 1) a significant omission from the Minutes; and 2) the CEO's non-attendance at the \$143/head National RCA breakfast in Canberra on Wed, 19th June. That email was not acknowledged so, a month later I

sent a hastener but Fiona rang me to say she knew nothing about my 8th Oct email because it had gone missing.

Tonight, can the CEO answer in detail:

- a) What happened to my 8th October email?*
- b) Question 1 from Public Question Time, 31st July, 2013.*

Response: CEO: In relation to the first question, as this was in the nature of the Council minutes it was forwarded to the relevant section however it was overlooked in the Council recess period. When you brought the matter to our attention earlier this week or late last week when you contacted Fiona you were advised she was unable to locate that email, however she indicated that if you provided a copy of it we would respond to it. We have subsequently sent you a response to that email in relation to the minutes.

In relation to the second part of your question, we have contacted the Regional Capitals Alliance Australia and have requested copies of the minutes of the meeting where it was decided to hold the breakfast in conjunction with the conference. The mechanism of payment for this conference was through registration and payment to Regional Capitals Australia. In relation to the booking of the Fitzroy room, this was all coordinated through Regional Capitals Australia through their office in Victoria. There were non-financial members present at the breakfast but each paid their way through the registration and payment processes along with all other guests. The exception being specially invited guests such as Federal Politicians. Each attendee with the exception of the invited guests registered and paid to attend the breakfast there was no subsidy paid by the City of Bunbury Ratepayers other than the original \$143 registration for the Mayor.

Question 2: Wednesday 19th June referred above, was the last day of the \$1,000/head, ratepayer funded, Canberra ALGA 3-day Conference. Did CEO Brien attend that last day?

Response 2: CEO: The last day of the conference was only a half day programme. On the day in question I also met with Bob Baudin, who was then shadow Minister for Regional Development; Luke Hardswick, the Shadow Minister for Communication and Neil Jones who was the Regional Advisor to Minister Albanese's Office at that point in time. So yes I did attend the last day and I had those other meetings in Canberra before I flew back on that night.

Question 3: For Mr Brennan please. According to Wodonga based Regional Capitals Alliance website, you are now an RCA Executive Board Member (Bunbury Mayor and CEO). As an AICD graduate and advocate for proper governance in the NGO sector, how do you rationalise a leadership position in this non-incorporated ratepayer funded entity which produces no financial statements nor publishes Minutes of its frequent meetings?

Response 3: Mayor: Thank you for mentioning my membership of those bodies and my qualifications. I attended the first meeting of RCA last week with the CEO at the Local Government Department in Perth. The minutes of any Federal body or the State body will be given to each of the members and those minutes will be published publicly.

Mr Trevor Oxby, 34 Vittoria Road Glen Iris

Mr Oxby asked questions in relation to the Proposed Skatepark in Glen Iris. The responses were given by Director Works and Services (DWS) and the Mayor.

Question 1: Would all Councillors like a skate park 12 metres from their fence, if not why not?

Response 1: Mayor: we might invite each of the Councillors to respond, not tonight, but we will see if they wish to respond and get that into the minutes.

Question 2: If the skate park drop in ramp is 1.5 metres high and the average skate park user is 1.7 metres tall that equals 3.2 metres in height, Why is the proposed noise abatement and privacy wall only 2.6 to 2.7 metres in height leaving 0.5 metres of open view into our backyard by the average 1.7 metre tall skate park user?

Response 2: DWS: The height and distance of the wall will only allow a person of a height mentioned in the above question to only view the roof of the adjoining property.

Mrs Jennifer Letchford, 73 Kurrajong Circle Glen Iris

Mrs Letchford asked questions in relation to the Proposed Skatepark in Glen Iris. The responses were given by Community Development Officer (CDO) and Director Works and Services (DWS).

Question 1: It has previously been stated in the local Newspaper that "Events" will be held at the Park. What sort of "Events"? Does this mean Skating Competitions? How long will they run for?

Response 1: (CDO): In conjunction with Skateboarding Australia the City delivers a calendar of skate events as part of a South West Skate Hub. The current calendar for these events is attached and upon completion the Glen Iris Skate Park will be incorporated into this. As the calendar demonstrates, these events involve a skateboarding clinic for children and young people learning to skate, sometimes followed by a 'game of skate' competition session. Also attached is a photo from an event at the Bunbury Skate Park last year. These are skills based workshops which are run from 10am to 2pm.

The City also delivers a number of youth events throughout the year, including a calendar of events for National Youth Week falling annually in March. The Glen Iris Skate Park may be incorporated into these or be a site for other community-focussed events as they arise. Following the completion of the skate park a user reference group will be developed to monitor activity at the park and respond to any needs or issues from the park users and the Glen Iris community, and this group will be consulted in the planning of any events. Details on this group and an invitation to join will be circulated following the park's completion.

Question 2: When are Footpaths going to be installed along Yate Way and Kurrajong Circle to give the public safe access to both "Fenian Park" and "J B O'Reilley Park? I have previously submitted a public submission letter on 17/4/2013 Ref: F00230 in regards to the proposed Skate Park stating my concerns?

Response 2: The sub division design standard at the time of construction required that footpaths only need to be constructed of a certain category of road that generated through traffic. The two parks in question are connected via a safe network of existing path networks.

I have a diagram available that details the path connection on Kurrajong between the two parks. The remaining sections of road network have been identified for future construction however exact construction timeframes remain subject to competing priorities within the City's Path Asset Management Plan.

Mr David Smith, 8 Picton Crescent Bunbury

Question 1: With respect to the CEO and four executive directors and their partners, what are the total amounts that has been paid for each by the City of Bunbury since their appointments for attending conferences or meetings including:-

- a) Conference Registrations*
- b) Travel expenses*
- c) Accommodation*
- d) Meals*
- e) Refreshments*
- f) Entertaining others*
- g) Taxi fares*
- h) Car hire*
- i) Other ancillary expenses*

Response 1: CEO: I will have to take this question on notice so that we can go through and see what information we can provide. In terms of the breakdowns, I am not sure that we can get that level of detail. We can certainly provide the overall costs.

Mayor: It is my intention that at least once a month I am going to make public every cent that is spent through my office on me whilst I serve the City of Bunbury. It's a matter for each of the other Councillors if they wish to do the same but I think it's paramount that we are transparent and accountable to the community of Bunbury for every cent that we've spent in addition to sitting fees and other bits and pieces. In fact I might ask the CEO to go back and include former elected members in that list as well.

Question 2: Noting that while the Mayor was CEO of the City of Bunbury, he advised Council to withdraw from being the Manager of the College Grove Development on the basis that too much staff time was involved and that Councils Staff lacked the expertise to fulfil that role, which advice the then Council accepted and appointed Landcorp to the role, is the Mayor aware that Council has or is about to agree to again taking on that role even though most of the benefits of any land development will go the State and is this one of the matters which Council will reconsider as "everything is on the table" especially as Council has not budgeted for the costs involved?

Response 2: Mayor: I am aware that the CEO has recently signed on behalf of Council an agreement with Landcorp to surrender the College Grove Development. You are quite right, I was instrumental in convincing the former Council to go that way and in fact I was the chairman of the College Grove Redevelopment Committee. It was for the CEO back in those to do that. I think Landcorp did a pretty good job. I understand that Council has formally agreed to dissolve the relationship with Landcorp but I will

have a look at that for you and I'll advise you in writing on whether that is something that we can look at again or not.

Question 3: Can the Mayor give a public assurance that the interest on all project grants funds invested by Council will be applied to those projects and not for general Council purposes especially in relation to the grant funds for the second theatre at BREC and the Multi-Sports Pavilion at Hay Park and the Commonwealth Grant for Tuart Brook and the Coast to Preston Regional Park?

Response 3: Mayor: My understanding is that if we receive grant funds from any source or for any purpose those grant funds are allocated for that special purpose. They should not be incorporated into the general revenue for the City expenditure. I will be looking at that in the future. My understanding is that the interest on grants should be dedicated to the project that the grants were initially given.

CEO: In relation to any of the major grants that we do get one of the requirements in all the grant agreements is that any interest that is earned on the funds whilst invested by Council must go back into those projects and must be acquitted as part of the acquittal process.

Mrs Tresslyn Smith, 8 Picton Crescent Bunbury

Question 1: I refer to the recommendation on tonight's agenda for the abolition of the Standing Committee of Council and ask: -

- a) Is it intended that the public who are not part of a deputation and the media will be able to attend briefing sessions?*
- b) Will the briefing sessions include briefings on the agenda items to be included in the agenda for the next ordinary Council meeting?*
- c) Will the briefing sessions be minuted or live streamed whether or not a deputation is in attendance?*

Response 1: Mayor: In relation to whether the public will be able to take part in the briefing session the answer is yes, absolutely. It is my intention that every meeting, every forum, everything we discuss will be open to the public whether or not we make decisions. There will be times of course when the public won't be invited to attend and they will be very rare indeed. They will be matters of staffing or contractual matters that I think you will be familiar with. With respect to (b) yes that will be the purpose of the briefing session to consider the agenda items to be tabled at the following weeks Council meeting. It is unlikely that they will be minuted or live streamed but that's a matter we can review.

Question 2: Is the intention that there is to be no as of right opportunities at ordinary Council meetings for members of the public to make presentations to Council meetings and if so what criteria is Council going to use whether a deputation or a member of the public can address ordinary Council meetings?

Response 2: Mayor: Certainly tonight I am going to ask the Council to give approval to a deputation to be received tonight. Again it is my intention, to have this Council integrated with the public as much as we can and I certainly want to find reasons why we should hear the community rather than find reasons why we should not.

Question 3: Noting that the Mayor is not proposing to be a member of the Board of BWEA or SWLGA is Council aware that it is the practice for other Shire Presidents and the Mayor of Busselton to be their Representatives, and many these changes be seen as a lack of support by the City for BWEA and SWALGA of meetings?

Response 3: Mayor: With respect to my membership to BWEA or the SWLGA or anything else, it is my intention for the first period of my term as Mayor to dedicate myself totally to this community. There is much to do. It is certainly no reflection on the importance of these boards or those groups and depending on what the Council decides tonight, the Councillors that have been nominated to those two bodies in particular have a great deal to offer and I believe will represent the Council and this community well. It certainly should not be interpreted as a lack of support by the City for BWEA or the SWLGA

Question 4: Is the observation correct that no new Councillor has been considered for appointment as Councils representatives to these external meeting?

Question 5: When will the Community representatives on Council Committees be appointed?

Response: Mayor: On questions 4 and 5 we will get you the responses for those. We are not going to answer them tonight.

Mr Glen Willetts, 40 Wilkerson Way Withers

Question 1: Prior to the election nominations were called for Community representatives for the Withers Action Plan Advisory Committee. It was advised that it was coming back to the Committee meeting last week. It was also advised that there was an item going up to appoint the Councillors to that Committee. When will the Withers Advisory Committee memberships be appointed?

Response 1: Mayor: The Council at last week's Committee meeting looked at the Councillor appointments to committees that we were required to by statute. The higher level committees if I can use that description. I have also asked the CEO and his staff to review all the remaining committees of council, all the ones that Councillors have been invited to join or committees that we have actually initiated. I want to make sure that the time Elected Members spend at these various committees is time that is well invested and there are outcomes that we can actually see. I am mindful of the fact that these Councillors have families and other commitments that they need to adhere to and already there is a very heavy workload on them so for that reason we are reviewing all those committees. The CEO will be bringing recommendations to the Council in the not too distant future. I would say this side of Christmas.

Mr Bernard Kemps, 44 Wilkerson Way Withers

Question 1: When are we finally going to see some work on the ground done in the Withers area? There is a lot of ground work that needs to be done to curb anti-social behaviour.

Response 1: Mayor: Certainly the issues that you have raised are a shared responsibility between the Police in respect to the anti-social behaviour. There is a role for the City Council

to be involved as well. Our role is to provide an amenity which people can enjoy and socialise in harmony and safety so they are issues that rest easily with me. What I can do is ask the CEO to prepare a list for you of projects that we may have done in the past to work with the Police or work off of our own back to provide a better amenity to improve the socialisation of that community. I am meeting with the Superintendent of the Police this week just in general so he and I will be having regular discussions about the community.

Question 2: I was actually referring to the closing of the laneways. We did have a meeting with Mr Harris and stated that the laneways could take between 24 months and 36 months to have them closed or have them amalgamated or sold to surrounding landowners. We would like to see a timeline or guideline of when this is going to occur.

Response 2: Mayor: So you are talking about what the City can do to improve socialisation within that area rather than it being an illegal activity.

DWS: Probably be best to provide a written response on that one. I can say though that work commenced on Des Ugle Park today and that included a lot of small items to arrest anti-social behaviour. We are working on the laneway closures and some other bits and pieces and hopefully a report will come to Council in the next round.

6.2 Responses to Public Questions Taken ‘On Notice’

At the Council Meeting held 17 September 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: In response to my question to Council on 6 August the CEO replied that all his expenses, travel and accommodation and registration, were all paid for by CAMMS. Who was benefiting by the CEO’s attendance at the event? Was it CAMMS or the City of Bunbury? If it was the latter, the City of Bunbury, we as ratepayers benefit by this in what way? And has the CEO provided Council with a report?

Response: (CEO) Attendance by staff at any conference or seminar where they are presenting achievements or progress made by the City is a benefit to both Council and the Local Government Industry in general.

During attendance at the CAMMS Conference, discussions were held with the City of Maitland who, following the conference provided an overview of the Shared Services Model for Core Local Government IT systems.

This in turn, has led to a model being explored for regional service delivery of Information Technology which if successful would result in both a revenue stream and cost savings to the Council. The City, in conjunction with the Department of Local Government, have been exploring further opportunities to progress this model.

Question: What steps have Council taken to recoup the costs of the CEO’s time? I ask this question as a ratepayer as I am concerned that our rates are being used in ways

that aren't necessarily a benefit. I will accept that this question will be taken on notice.

Response: No steps have been taken to recoup any costs associated with the CEO's attendance.

It is deemed that attendance at seminars and conferences provides professional development and Council with networking opportunities, which assist with delivery of Council's core business activities.

Question: *Can the CEO confirm that Ms Addison-Brown has not attended any function and that her expenses were met by CAMMS?*

Response: As part of the original contract with CAMMS, 2 staff from the City of Bunbury were able to participate in a user group along with a range of other councils across Australia to provide feedback on the service review module and discuss issues relating to that software which the City of Bunbury already had licences for. Several CEOs and senior staff from a number of other councils from across Australia attended to provide feedback and be trained in the use of the software.

The CEO attended and due to the Director Corporate Services not being able to attend, the Director Community Development attended as her team was planning to use the software in the subsequent year. Attendance costs were covered by CAMMS for Bunbury and for all the other councils who attended as part of the contract but no additional activities were covered other than the travel, meals and one night's accommodation and there was no personal benefit for either of the attendees. Neither the CEO nor the Director were involved in any CAMMS promotion during their participation in the user group, nor afterwards as a result of it.

The benefit for the City in having staff attending was that changes to the system could be made to meet specific needs of the individual councils without any additional costs to those councils and also some assistance in pilot areas for review. The other positive outcome for the City of Bunbury was the ability to benchmark with the other councils involved to help determine the levels of efficiency and to compare service review processes and procedures.

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 Ordinary meeting of the Bunbury City Council held 17 September 2013 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 17 September 2013 be confirmed as a true and accurate record.

Outcome – Council Meeting 12 November 2013

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

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

Council Decision 301/13

The minutes of the Ordinary meeting of the Bunbury City Council held 17 September 2013 be confirmed as a true and accurate record.

CARRIED

13 votes "for" / nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Applicant/Proponent:	Internal Report
Author:	Various
Executive:	Various
Attachments:	Appendix MTBN-1, MTBN-2, MTBN-3, MTBN-4, MTBN-5, MTBN-6, MTBN-7, MTBN-8, MTBN-9

Summary

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

1. Title: Minutes – Policy Review and Development (Standing) Committee meeting 2 July 2013
Author: Greg Golinski, Manager Corporate Performance
Appendix: MTBN-1
2. Title: Minutes – Major Projects Committee meeting 13 August 2013
Author: Andrew Brien, Chief Executive Officer
Appendix: MTBN-2
3. Title: Minutes – Major Projects Committee meeting 3 September 2013
Author: Andrew Brien, Chief Executive Officer
Appendix: MTBN-3
4. Title: Minutes – Bunbury-Setagaya Sister Cities Committee meeting 29 August 2013
Author: Jenni Brown, Executive Officer Setagaya
Appendix: MTBN-4
5. Title: Minutes – Bunbury-Setagaya Sister Cities Committee meeting 26 September 2013
Author: Jenni Brown, Executive Officer Setagaya
Appendix: MTBN-5
6. Title: Minutes – Bunbury Wildlife Committee meeting 2 September 2013
Author: Kristina Knight, Manager Wildlife Park
Appendix: MTBN-6
7. Title: Minutes – Youth Advisory Council Committee meeting 2 October 2013
Author: April ten Brinke, Community Development Officer
Appendix: MTBN-7
8. Title: Minutes – Community Access Committee meeting 11 October 2013
Author: Isabell Evans, Community Development Officer
Appendix: MTBN-8
9. Title: Minutes – City of Bunbury Art Collection Management Committee meeting 14 October 2013
Author: Stephanie Addison-Brown, Director Community Development
Appendix: MTBN-9

Council Committee Recommendation

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

1. Policy Review and Development (Standing) Committee meeting 2 July 2013
2. Major Projects Committee meeting 13 August 2013
3. Major Projects Committee meeting 3 September 2013
4. Bunbury-Setagaya Sister Cities Committee meeting 29 August 2013
5. Bunbury-Setagaya Sister Cities Committee meeting 26 September 2013
6. Bunbury Wildlife Committee meeting 2 September 2013
7. Youth Advisory Council Committee meeting 2 October 2013
8. Community Access Committee meeting 11 October 2013
9. City of Bunbury Art Collection Management Committee meeting 14 October 2013

Outcome – Council Committee Meeting 5 November 2013

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

The Mayor requested that the Executive ensure that all recommendations from the Advisory Committee's be presented to Council as soon as practicable.

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

Outcome – Council Meeting 12 November 2013

The Council Committee recommendation (as printed) was moved Deputy Mayor Cr Kelly, seconded Cr Prosser.

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

Council Decision 302/13

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

1. ***Policy Review and Development (Standing) Committee meeting 2 July 2013***
2. ***Major Projects Committee meeting 13 August 2013***
3. ***Major Projects Committee meeting 3 September 2013***
4. ***Bunbury-Setagaya Sister Cities Committee meeting 29 August 2013***
5. ***Bunbury-Setagaya Sister Cities Committee meeting 26 September 2013***
6. ***Bunbury Wildlife Committee meeting 2 September 2013***
7. ***Youth Advisory Council Committee meeting 2 October 2013***
8. ***Community Access Committee meeting 11 October 2013***
9. ***City of Bunbury Art Collection Management Committee meeting 14 October 2013***

CARRIED

13 votes "for" / nil votes "against"

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

8.1.1 Petition – Request to Reject Home Business Application at Lot 79 (No. 3) Sturt Street South Bunbury

Applicant/Proponent:	Mr Chris Gibbs
Tabled by:	Mayor Gary Brennan
Executive:	<i>If the petition is adopted by Council refer to:</i> Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix PET-2

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to:

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

Outcome – Council Committee Meeting 12 November 2013

The Mayor tabled a letter and petition from Mr Chris Gibbs requesting that the City reject the application for a home based business (counselling) to be run from the premises situated at Lot 79 and being 3 Sturt Street South Bunbury because if the application, is successful it will have a major impact on the amenity of the residential neighbourhood. The petition contained 20 signatures and a copy is **attached** at Appendix PET-2

In pursuant to clause 6.10(2)(a) Cr Cook moved Cr Jones seconded that the petition be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

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

Council Decision 303/13

Pursuant to clause 6.10(2)(a) the petition and letter from Mr Chris Gibbs in relation to the Proposed application for a home based business at Lot 79 (No. 3) Sturt Street South Bunbury be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

CARRIED

13 votes "for" / nil votes "against"

8.1.2 Petition – Request Review of the Site for the Proposed Glen Iris Skate Park (was listed as item 8.1.1 on the meeting agenda)

Applicant/Proponent:	TR Oxby
Tabled by:	Mayor Gary Brennan
Executive:	<i>If the petition is adopted by Council refer to:</i> Phil Harris Director Works and Services
Attachments:	Appendix PET-1

A letter and petition have been received from Mr TR Oxby in regards to proposed location of the Glen Iris Skate Park.

Pursuant to clause 6.10(2) of the City of Bunbury Standing Orders 2012, upon receiving a petition, the Council is to:

- a) Receive the petition and refer to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings; or
- b) Reject the petition

Outcome – Council Committee Meeting 5 November 2013

The Mayor tabled a letter and petition from Mr TR Oxby requesting that Council review all other sites that were considered for the Glen Iris Skate Park development rather than the proposed JB O'Reilly Park. The petition contains 51 signatures and the letter outlined issues surrounding the opposition of the JB O'Reilly location.

A copy of the letter and petition is **attached** at Appendix PET-1

In pursuant to clause 6.10(2)(a) Deputy Mayor Cr Kelly moved Cr Cook seconded that the petition be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

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

Council Committee Recommendation

Pursuant to clause 6.10(2)(a) the petition and letter from Mr TR Oxby in relation to the Proposed Glen Iris Skate Park be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

Outcome – Council Meeting 12 November 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 304/13

Pursuant to clause 6.10(2)(a) the petition and letter from Mr TR Oxby in relation to the Proposed Glen Iris Skate Park be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings.

CARRIED 13 votes “for” / nil votes “against”

8.2 Presentations

Nil

8.3 Deputations

All deputations were taken during the discussion on the items concerned.

8.4 Council Delegates' Reports

Nil

8.5 Conference Delegates' Reports

8.5.1 Conference Delegates Report – Cr Murray Cook 2013 International BiodiverCities Conference, Joondalup

Applicant/Proponent:	Councillor Murray Cook
Author:	Councillor Murray Cook
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CFDR-1

Summary

Councillor Murray Cook attended the 2013 International BiodiverCities Conference held in Joondalup from 9 to 12 September 2013 and has provided a report on the conference.

Council Committee Recommendation

The report from the 2013 International BiodiverCities Conference held from 9 to 12 September 2013 provided by Councillor Murray Cook be received and noted.

Outcome – Council Committee Meeting

The Executive recommendation (as printed) was moved Cr Cook, seconded Deputy Mayor Cr Kelly.

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

Outcome – Council Meeting 12 November 2013

The Council Committee recommendation (as printed) was moved Cr McCleary, 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 305/13

The report from the 2013 International BiodiverCities Conference held from 9 to 12 September 2013 provided by Councillor Murray Cook be received and noted.

CARRIED

13 votes "for" / nil votes "against"

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.1.1, 10.2.1, 10.2.2, 10.2.3, 10.2.6 and 10.3.2.

Items 10.1.2, 10.1.3, 10.2.4, 10.2.5, 10.2.7 and 10.3.1 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 Steck, seconded Cr Cook.

10. Reports and Recommendations

10.1 **2012/13 Annual Report and Annual Meeting of Electors** (was listed as item 10.1.1 on the meeting agenda)

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

Summary

The purpose of this report is for Council to consider accepting the 2012/13 Annual Report for the City of Bunbury, and confirm a date for the 2013 Annual Meeting of Electors.

Council Committee Recommendation

That Council:

1. Accept the 2012/13 Annual Report as presented;
2. Schedule the 2013 Annual Meeting of Electors for Thursday, 5 December 2013, commencing at 6pm in the Function Room of the Council Chambers, 4 Stephen Street Bunbury; and
3. Request the Chief Executive Officer undertakes all statutory advertising in this regard.

Background

In accordance with the provisions of section 5.27 of the *Local Government Act 1995* (the Act), a general meeting of electors of a district is to be held once every financial year, but not more than 56 days after the local government accepts the annual report for the previous financial year.

In addition, section 5.29(1) of the Act requires a minimum fourteen (14) day notice period of the annual meeting of electors be given via local public notice.

The 2012/13 draft Annual Report includes an abridged version of the Annual Financial Statements and Audit Report.

Legislative Compliance

Subdivision 4 of Division 2 of Part 5 of the *Local Government Act 1995* deals with meetings of electors.

Division 5 of Part 5 of the *Local Government Act 1995* deals with Annual Reports and Planning.

Officer Comments

The City's 2012/13 Annual Report is presented as **attached** at Appendix CEO-1 for the consideration of Council. The report contains an overview of the City's achievements during 2012/13, as well as all requisite statutory aspects.

Last year's Annual Meeting of Electors was held on Thursday, 29 November 2012. Giving consideration to the requisite statutory timeframes (in particular the 14 day notice period) and the lead time required to lodge a notice in any of the local newspaper publications as necessary for a "local public notice", the earliest that Council could hold its 2013 Annual Meeting of Electors is Wednesday, 4 December 2013.

To this extent it is suggested that the meeting be held on Thursday, 5 December 2013.

Community Consultation

Not applicable

Analysis of Financial and Budget Implications

All advertising costs can be accommodated within the 2013/14 budget.

Outcome – Council Committee Meeting 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

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

Council Decision 306/13

That Council:

- 1. Accept the 2012/13 Annual Report as presented;***
- 2. Schedule the 2013 Annual Meeting of Electors for Thursday, 5 December 2013, commencing at 6pm in the Function Room of the Council Chambers, 4 Stephen Street Bunbury; and***
- 3. Request the Chief Executive Officer undertakes all statutory advertising in this regard.***

CARRIED

13 votes "for" / nil votes "against"

10.2 Schedule of Accounts Paid for the Period 1 August to 31 August 2013 (was listed as item 10.2.1 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 August to 31 August 2013 has been issued to elected members under separate cover. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$6,370,514.90
2. Advance Account – payments totalling \$4,859,825.45
3. Visitor Information Centre Trust Account – payments totalling \$8,088.20
4. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$266,757.75
5. Bunbury-Harvey Regional Council Advance Account – payments totalling \$235,594.54

Council Committee Recommendation

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

Outcome – Council Committee Meeting 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

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

Council Decision 307/13

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

CARRIED
13 votes "for" / nil votes "against"

10.3 Schedule of Accounts Paid for the Period 1 September to 30 September 2013 (was listed as item 10.2.2 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-2

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 September to 30 September 2013 has been issued to elected members under separate cover. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$24,087,439.15
2. Advance Account – payments totalling \$22,353,410.51
3. Trust Account – payments totalling \$34,896.79
4. Visitor Information Centre Trust Account – payments totalling \$16,656.24
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$337,006.77
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$308,202.07

Council Committee Recommendation

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

Outcome – Council Committee Meeting 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

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

Council Decision 308/13

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

CARRIED

13 votes "for" / nil votes "against"

10.4 Financial Management Reports for the Periods Ending 31 August 2013 and 30 September 2013 (was listed as item 10.2.3 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-3, DCS-4, DCS-5, DCS-6, DCS-7

Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix DCS-3)
Actual Financial Performance to 30 September 2013
 - Actual income of \$38.41M is \$183K more than the year-to-date budgeted income of \$38.23M (refer explanation on next page).
 - Actual expenditure of \$9.3M is \$1.9M less than the year-to-date budgeted expenditure of \$11.2M (refer explanation on next page).
 - Actual operating surplus of \$29.12M is \$2.09M more than the year-to-date budgeted operating surplus of \$27.03M (refer explanation on next page).
2. Balance Sheet year-to-date and forecast balances are currently not available. A balance sheet report will be provided with the October 2013 Financial Statements following receipt of the end of year audit report for 2012/13 and the roll-over of the financial system to 2013/14.
3. Capital Works (**attached** at Appendix DCS-6)
 - Actual capital works of \$4.57M is \$6.25M less than the year-to-date budgeted capital works of \$10.82M, (refer explanation on next page).

The Financial Statements for the period ending 31 August 2013 are included for Councillor information (**attached** at Appendix DCS-7).

Council Committee Recommendation

The Financial Management Reports for the periods ending 31 August 2013 and 30 September 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-3)
- Statement of Financial Activity (**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-4) 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 YTD Budget Variance
Operating Expenditure	
<p>Material and Contracts (Fuel Expense) – Fuel costs are currently higher than year-to-date budget estimates. This budget will be closely monitored and adjusted in the February budget review if required.</p>	<p>(\$17,905) (13%)</p>
<p>Material and Contracts (Contract Employment Expense) – Contract employment expenses are higher than year-to-date budget estimates. Any increase in contract employment expenses has been offset by savings in salaries and wages.</p>	<p>(\$11,445) (67%)</p>
Non-Operating Income and Expenditure	
<p>Grants and Contributions for the Development of Assets – The following budgeted grant income has been carried forward from the 2012/13 financial year and not yet received:</p> <p>\$335,001 PR-1444 Implement the Hands Oval Master Plan – Stage 1 \$60,000 PR-1089 Modify traffic control signals at intersection of Blair, Stuart and Mervyn St Bunbury \$78,000 PR-2478 Modify traffic control signals at the intersection of Blair St and Stirling St, Bunbury \$48,000 PR-1193 Modify traffic control signals phasing at intersection of Blair St and Strickland St, Bunbury</p> <p>Work on these projects is continuing and the grant income will be received when completed. It is expected that these projects will be completed during this financial year and budgeted income will be received in 2013/14.</p>	<p>(\$553,526) (27%)</p>
<p>Proceeds Plant and Vehicle Disposals – An amount of \$20,000 has been carried forward from the 2012/13 financial year for disposal of a heavy plant item. It is anticipated that this disposal will occur in March 2014.</p>	<p>(\$21,932) (24%)</p>

Statement of Financial Activity	YTD Actual to YTD Budget Variance
Operating Revenues	
<p>Grants and Subsidies – Operating – The following new grants have been received that were not previously included in the 2013/14 budget:</p> <p>\$55,670 PR-2488 Deliver Sport 4 All Kidsport \$25,000 PR-3432 Implement early years initiatives</p> <p>These grant revenue items and associated expenditure will be included in the October Budget Review.</p>	\$61,224 (16%)
<p>Contributions Reimbursements and Donations – Reimbursement income for both Parking Legal Fees and Workers Compensation Claims are higher than expected. Additional revenue for these items will be included in the October Budget review.</p>	\$29,728 (14%)
Operating Expenses	
<p>Material and Contracts – Actual expenditure is down on budgeted expenditure as of 30 September 2013 over both base operating and projects for ‘Material and Contracts’. It is anticipated that the current budget for the year will be achieved, and this will be subject to ongoing monitoring. The variance of \$1.6M includes approximately \$700K for projects uncompleted and carried forward from 2012/13 which have been budgeted to be spent during July 2013 to identify and ensure completion of these projects. Budgets for all carry forward items have been allocated to July 2013 to clearly identify these projects.</p>	\$1,610,460 (37%)
Capital Revenues	
<p>Grants and Contributions for the Development of Assets – See explanation above included in the Statement of Comprehensive Income variances.</p>	(\$553,526) (27%)
<p>Proceeds on Disposal of Assets - See explanation above included in the Statement of Comprehensive Income variances.</p>	(\$21,932) (24%)
Capital Expenses	
<p>Acquisition of Assets – Variance due to delay in commencement or progress of various projects. \$2.6M of this variance relates to projects carried forward from 2012/13 that are yet to be completed.</p> <p>The Capital Expenditure Report included at Appendix DCS-6 provides details of all projects and the expenditure progress versus year-to-date estimates for the project. All projects will be reviewed during October and any estimated changes to expenditure requirements will be included in the October Budget review.</p>	\$6,251,075 (58%)

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 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

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

Council Decision 309/13

The Financial Management Reports for the periods ending 31 August 2013 and 30 September 2013 be received.

CARRIED

13 votes "for" / nil votes "against"

10.5 Proposed Crown Sites for Compensation (Under Management) – Compensation Land – College Grove Joint Venture (was listed as item 10.2.6 on the meeting agenda)

Applicant/Proponent:	City of Bunbury
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-10, DCS-11

Summary

The City of Bunbury have prepared a preliminary evaluation of various proposed sites, with a view towards determining suitable Crown Sites which could be identified as options to consider as part of the proposed College Grove “land swap”. Location plans are **attached** at Appendix DCS-10

Council Committee Recommendation

1. That Council endorses the Major Projects Committee Decision of 13 August 2013 “that Council requests that the Chief Executive Officer undertakes an investigation to identify suitable alternate parcels of land which could be viable for procurement under compensation to the City”.
2. That Council authorise the conduct of detailed investigations as outlined in the report, into the possible acquisition of the following properties as part of the proposed “land swap”:-
 - 2.1 Lot 616 Dalhousie Street, Carey Park
 - 2.2 Lot 891 Clifton Street, Bunbury
 - 2.3 Lot 497 Ocean Drive, Bunbury
 - 2.4 Lot 886 Ocean Drive, Bunbury
 - 2.5 Lot 4968 Cornell Crescent, South Bunbury
 - 2.6 Lot 5157 Hamersley Drive, Carey Park
 - 2.7 Lot 1059 Beddingfield Street, Davenport

Background

Lot 881 Koombana Drive had been previously considered for possible compensation, however, advice received from the Western Australian Museum has confirmed that the coordinates for the proposed ‘Maritime Archaeological Development Exclusive Zone’, extend over Lot 881 (as well as over Lots 882 and 883). A location plan is **attached** at Appendix DCS-11.

The Museum has further advised that there are also areas outside the gridded area that were not subject to geophysical survey, excavated or water probed, which may result in further sites being included in the “Exclusion Zone”. Potential sites include a whaler’s grave and a shipwreck site that both lay east of the gridded study area and the Museum recommends that any future development planned for these areas would require the undertaking of further geophysical and archaeological surveys. The museum also recommends that the location identified on the site of the Western Australian Company Store on the northern edge of the estuary be placed on the City’s heritage overlay as on historical archaeological heritage site.

Planning and Development have also confirmed that the “intruding” portion on Lot 881 is constrained and excluded from any development other than a car park and landscaping.

Accordingly, and upon preliminary consideration of the matter, it is concluded that Lot 881 is unviable for compensation purposes as a result hereof.

The total land area for Lot 881 is 14,895m². A valuation has been procured from Landgate dated 5 August 2013, in terms of which the unconstrained portion of Lot 881 (measuring 10,438m²) and with the land zoned Tourism/Accommodation has been valued at \$175.00/m², resulting in a valuation of **\$1,826,650** (10,438m² @ \$175/m²) **inclusive of GST**.

On this basis of calculation, the unconstrained value of Lot 881, in its entirety, and on the assumption that the Lot was not constrained at all by the “Exclusion Zone”, would result in a valuation of **\$2,606,625** (14,895m² @ \$175.00/m²) **inclusive of GST**.

Accordingly, alternate compensation to the City should be looked at with these valuations in mind.

A preliminary evaluation of various proposed sites has been conducted, with a view towards determining alternate Crown Sites which could be identified as options to consider as part of this proposed “land swap”, in light of the non-suitability of these three (3) Lots. This was attended to in conjunction with personnel from Corporate Services, Planning and Development, Contracts and Property, Development and Building Certification, and Sustainability and Land Use Planning.

This evaluation serves to briefly address matters raised, and to indicate as to the basis on which the proposed sites have been determined, on a preliminarily basis, as suitable, possibly suitable, or not suitable at all.

Suitable (items 1 to 6):

1. Lot 4669 Forrest Avenue (Jaycee Park)

This site (together with the Stirling Street Arts Centre being Lot 534 Stirling Street), has already been identified as a site required for compensation towards the “Preston River to Ocean Regional Park” proposal, and as such, forms the basis of counter-offers which have been submitted to the Western Australian Planning Commission together with cash offers for Lot 626 Ocean Drive and Lot 632 Centenary/Parade Roads, Usher, and will in turn be proffered as the City’s contribution to the two projects to accommodate ‘not-for-profit’ organisations in these locations, with Lotterywest contributing the balance of the funds themselves. This property, however, may require remediation (it could contain a Municipal Refuse Site), and urgent research and site investigations are being conducted, to determine the likely costs, if any.

No issues arise from an Engineering desktop audit but further on-site investigation is required. An easement may be required as stormwater assets are present.

2. Lot 616 Dalhousie Street

This Lot is proposed.

The site may contain unconfirmed drainage assets. This aspect needs follow up investigation from an engineering perspective, and may become a constraint making this property unsuitable for compensation.

3. Lot 891 Clifton Street

The site has limited recreational demand or value and is suitable for redevelopment, ideally for mixed tourism purposes. The Lot is proposed.

No issues present from an engineering perspective.

4. Lot 534 Stirling Street

Refer to item 1 above. Historical maps show that the area adjacent to this Lot, being Queens Gardens, was formerly part of a lagoon linked to the Leschenault Estuary, and this lagoon was used as a rubbish dump and site for fill, and may be a contaminated site. Urgent investigations are being undertaken in this regard. The Concept Plans have removed the previously proposed access onto Blair Street, which should ensure that the Plans obtain approval from the Department of Planning. The Lot does contain a heritage listed building (the former infants school), and has a high level of community use as a creative arts and crafts precinct.

No issues present from an engineering perspective.

5. Lot 497 Ocean Drive

This Lot is proposed. It is the subject of Council's adopted Back Beach Tourism Precinct Plan and will be included in a scheme amendment to facilitate future mixed use/tourism development.

No issues present from an engineering perspective, although the site contains a City of Bunbury filtration plant on one side.

6. Lot 4968 Cornell Crescent

The Lot is suitable for residential development and is proposed, although as the site is located within the Bunbury Water Reserve, there may be limitations on certain types of development, and the advice of the Department of Water will be sought, prior to confirming the suitability of this site.

No issues present from an engineering perspective.

Possibly Suitable (items 7 to 9):

7. Lot 1059 Beddingfield Street

The site is deemed as possibly suitable.

However, issues do present from an engineering perspective. There is a drainage basin on site, and drainage pipes feed into the lot. The land is very steep, and may result in potential high development costs for a building platform. The Preston River flood high mark needs to be determined and engineering requires doing a detailed follow-up with investigations as there would certainly be costs associated with the construction of a new basin and remediation of the existing basin.

8. Lot 886 Ocean Drive

Aboriginal heritage site issues present and it contains European cultural heritage value as a burial ground. There are also long term obligations of it being utilised by the Bunbury High School and general community for recreational purposes i.e. tennis courts. Subject to further consultation and planning, the site may be considered possibly suitable.

Drainage assets are present in the car park and tennis courts, otherwise no issues present from an engineering perspective.

9. Lot 5157 Hamersley Drive

This Lot is deemed as possible suitable, but would require further investigation; particularly from a Planning perspective.

From an engineering perspective the site would require an easement as a stormwater pipe runs along the southern boundary thereof.

Not Suitable (items 10 to 22):

10. Lot 701 Forum Way

This Lot could present a good opportunity for development (but would require further investigations, particularly from a Planning perspective).

However, from an engineering perspective the site provides major overflow for stormwater and contains multiple critical stormwater assets, and issues may present with developing this land, which would render the site as unsuitable.

11. Lot 5711 Ingram Court

The Lot holds “Public Open Space” status. Wetland issues are a real possibility as the Lot covers an environmentally sensitive and public drinking water supply area, and is located within Bunbury Water Reserve. The City would require investigating further with the Department of Water. The Lot is not proposed.

No issues present from an engineering perspective

12. Lot 5020 College Row

The Lot is not proposed for similar reasons as for Lot 5711 Ingram Court, above.

The site contains stormwater assets (including a major compensation basin) and is deemed as unsuitable from an engineering perspective.

13. Lot 649 Adam Road

This Lot may contain a potential Aboriginal Heritage site. Furthermore there is a certain community affinity to the site, and development thereof may be contrary to the terms of the SWCC grant. The Lot is not proposed.

No issues present from an engineering perspective, although the site contains a footpath.

14. Lot 782 Ashrose Drive

This Lot is not proposed. The park is valued by the community and should be retained as a Public Open Space already under the management of the City.

The site would require an easement as a drainage pipe runs through the reserve, otherwise no issues present from an engineering perspective.

15. Lot 4979 Richmond Street

This site is not proposed.

The site contains a footpath and other park assets and would require an easement as there is a pipe outlet to the inlet, otherwise no issues present from an engineering perspective.

16. Lot 4995 Forster Street

This Lot is not proposed.

From an engineering perspective, the site may contain unconfirmed drainage assets, and this aspect requires follow up investigation.

17. Lot 1066 Wisbey Street

This Lot is an important piece of Public Open Space and is accordingly not proposed.

The site is deemed as unsuitable from an engineering perspective.

18. Lot 487 Flynn Street

This Lot is not proposed as special clearing permits would be required.

The site contains multiple critical stormwater assets (including a compensation basis) and is deemed as unsuitable from an engineering perspective.

19. Lot 4983 Wallrodt Crescent

This Lot is Landlocked and as there is a shortage of Public Open Space in Glen Iris it is not proposed.

No issues present from an engineering perspective.

20. Lot 1054 Wallrodt Crescent

The same considerations as under item 19 above apply and the Lot is not proposed.

No issues present from an engineering perspective.

21. Lot 548 Birch Street

The Lot is a proposed Conservation Reserve and supports good condition native vegetation. It is recommended to retain the site as Crown Reserve for conservation purposes, and is not proposed.

No issues present from an engineering perspective.

22. Lot 832 Ocean Drive

The Lot is not proposed.

The site contains a stormwater compensation basin, and is deemed as unsuitable from an engineering perspective.

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable.

Officer Comments

There are eight properties identified in this report for possible acquisition by the City; however, subject to detailed investigations being conducted with specific reference from an Engineering perspective, to drainage and stormwater issues, as well as to related issues from a Planning perspective.

Analysis of Financial and Budget Implications

The acquisition of suitable Lots would be beneficial to the City in the long term, and no financial implications would present, as acquisition of the lots would form part of compensation payable to the City under the proposed College Grove 'land swap'.

Investigation and research into the suitability or otherwise of the proposed sites will be conducted by the City internally.

Community Consultation

Not Applicable.

Councillor/Officer Consultation

The proposed sites have been submitted pursuant to advice sought from the following departments:

- Planning and Development
- Development and Building Certification
- Sustainability and Land Use Planning
- Engineering
- Contracts and Property

Outcome – Council Committee Meeting 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

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

Council Decision 310/13

1. *That Council endorses the Major Projects Committee Decision of 13 August 2013 "that Council requests that the Chief Executive Officer undertakes an investigation to identify suitable alternate parcels of land which could be viable for procurement under compensation to the City".*
2. *That Council authorise the conduct of detailed investigations as outlined in the report, into the possible acquisition of the following properties as part of the proposed "land swap":-*
 - 2.1 *Lot 616 Dalhousie Street, Carey Park*
 - 2.2 *Lot 891 Clifton Street, Bunbury*
 - 2.3 *Lot 497 Ocean Drive, Bunbury*
 - 2.4 *Lot 886 Ocean Drive, Bunbury*
 - 2.5 *Lot 4968 Cornell Crescent, South Bunbury*
 - 2.6 *Lot 5157 Hamersley Drive, Carey Park*
 - 2.7 *Lot 1059 Beddingfield Street, Davenport*

CARRIED

13 votes "for" / nil votes "against"

10.6 Staff Authorisation (was listed as item 10.3.2 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	John Kowal, Manager Community Law, Safety and Emergency Management
Executive:	Bob Karaszewych, Director Planning and Development Services,
Attachments:	Nil

Summary

Council Officers whether they be Rangers, Fire Control Officers and Parking Officers are required to be authorised by the Council to enable them to perform their duties in accordance with relevant legislation.

Specifically, the Team Leader Ranger Operations and Team Leader Community Safety and Emergency Management are required to be authorised by the Council.

Council Committee Recommendation

That Council:

1. Appoints Officers Frank Yates, Rhys Paul and Chris Martin as Authorised Officers and Authorised Persons on commencement of employment with the City of Bunbury, in accordance with the following legislation -
 - 1.1 Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);
 - 1.2 Local Government Act 1995;
 - 1.3 Local Government (Miscellaneous Provisions) Act 1995 as amended;
 - 1.4 Litter Act 1979 and Litter Regulations (as amended);
 - 1.5 Control of Vehicles (Off-Road Areas) Act 1978 and Control of Vehicles (Off Road Areas) Regulations (as amended);
 - 1.6 The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council;
 - 1.7 Bush Fires Act 1954 and Bush Fires Act Regulations (as amended); and
 - 1.8 Cat Act 2011 and Cat Act 2012 Regulations.
2. Appoints Frank Yates, Rhys Paul and Chris Martin as a:
 - 2.1 Registration Officer in accordance with the Dog Act 1976;
 - 2.2 Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended); and
 - 2.3 Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.
3. Appoints Chris Widmer as the Deputy Chief Bush Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended).
4. Advertise all authorisations as required by the relevant legislation.

Background

Officers require Council authorisation in accordance with relevant legislation to enable Officers to administer and enforce the provisions of various legislation.

Recent Officer appointments that require Council authorisation are:

Name	Position	Commencement Date
Frank Yates	Team Leader, Ranger Operations	2 September 2013
Chris Widmer	Team Leader Community Safety and Emergency Management	16 September 2013
Chris Martin	Ranger/Fire Control Officer	28 October 2013
Rhys Paul	Parking Officer	16 October 2013

Council Policy Compliance

The authorisation of law enforcement Officers is a requirement to perform their duties.

Legislative Compliance

The aforementioned legislations require the Council to authorise Officers employed for the purposes of exercising the powers as conferred under the above legislations.

Outcome – Council Committee Meeting 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

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

Council Decision 311/13

That Council:

1. ***Appoints Officers Frank Yates, Rhys Paul and Chris Martin as Authorised Officers and Authorised Persons on commencement of employment with the City of Bunbury, in accordance with the following legislation -***
 - 1.1 ***Dog Act 1976, Dog Act Regulations, Dog (Restricted Breeds) Regulations (No. 2) and Dog Local Laws (as amended);***
 - 1.2 ***Local Government Act 1995;***
 - 1.3 ***Local Government (Miscellaneous Provisions) Act 1995 as amended;***
 - 1.4 ***Litter Act 1979 and Litter Regulations (as amended);***
 - 1.5 ***Control of Vehicles (Off-Road Areas) Act 1978 and Control of Vehicles (Off Road Areas) Regulations (as amended);***

- 1.6** *The purpose of control and supervision of any of the Local Laws of the City of Bunbury Council;*
- 1.7** *Bush Fires Act 1954 and Bush Fires Act Regulations (as amended); and*
- 1.8** *Cat Act 2011 and Cat Act 2012 Regulations.*

- 2.** *Appoints Frank Yates, Rhys Paul and Chris Martin as a:*
 - 2.1** *Registration Officer in accordance with the Dog Act 1976;*
 - 2.2** *Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended); and*
 - 2.3** *Pound Keeper/Ranger pursuant to the provision of Part XX of the Local Government (Miscellaneous Provisions) Act 1995.*

- 3.** *Appoints Chris Widmer as the Deputy Chief Bush Fire Control Officer in accordance with Section 38 and 59 of the Bush Fires Act 1954 (as amended).*

- 4.** *Advertise all authorisations as required by the relevant legislation.*

CARRIED

13 votes "for" / nil votes "against"

10.7 Appointment to External Committees (was listed as item 10.1.2 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to consider making appointments to selected external Boards of Management (external committees with Council representation).

A subsequent report will be provided to Council as part of a broader review of Committees and Council representation.

Council Committee Recommendation

That Council:

1. Nominate Councillors Jones, Cook and McNeill as Council representatives on the Bunbury Harvey Regional Council, and Councillors McCleary, Giles and Kelly as proxy members.
2. Nominate Councillor Cook as a Council representative on the Bunbury Local Emergency Management Committee, and Councillor Hayward as a proxy member.
3. Nominate Councillor Kelly as a Council representative on the Bunbury Wellington Economic Alliance Inc.
4. Nominate Councillors Jones and Cook as Council representatives on the South West Regional Road Group.
5. Nominate Councillor Steck as a Council representative on the South West Country Zone of WALGA, and Councillor McNeill as a proxy member.
6. Request the Chief Executive Officer to advise the above groups accordingly.

Background

The Bunbury Harvey Regional Council (BHRC), Bunbury Local Emergency Management Committee (BLEMC), Bunbury Wellington Economic Alliance (BWEA), South West Regional Road Group (SWRRG) and the South West Country Zone of the WA Local Government Association (SWCZ) have all been identified as requiring urgent consideration of Council representation. Appointment to these groups will enable Council to be represented at upcoming meetings.

A subsequent report will be provided to the next round of Council meetings as part of a broader review of Council Committees, Working Groups, and external Boards of Management.

Legislative Compliance

The BHRC is constituted under the provisions of the *Local Government Act 1995*, and the BLEMC is a requirement under the provisions of the *Emergency Management Act 2005*.

Officer Comments

Bunbury Harvey Regional Council

The BHRC is a Regional Council formed between the City of Bunbury and Shire of Harvey under the provisions of the *Local Government Act 1995*.

The BHRC comprises three (3) Councillor representatives and two (2) proxies from the City of Bunbury. Prior to the 2013 local government elections, Councillors Jones, Cook and McNeill were Council's representatives and His Worship the Mayor and Councillor Kelly proxies.

Bunbury Local Emergency Management Committee

The BLEMC is a requirement under the provisions of the *Emergency Services Act 2005*.

The BLEMC comprises one (1) Councillor representative and one (1) proxy from the City of Bunbury. Prior to the 2013 local government elections, Councillor Cook was Council's representative on the BLEMC and Councillor McNeill the proxy.

Bunbury Wellington Economic Alliance Inc.

The BWEA comprises one (1) Councillor representative from the City of Bunbury. Prior to the 2013 local government elections, the Deputy Mayor was Council's representative on BWEA.

South West Regional Road Group

The SWRRG comprises two (2) Councillor representatives from the City of Bunbury. Prior to the 2013 local government elections, Councillors Slater and Jones were Council's representatives on the SWRRG.

South West Country Zone of WALGA

Country Zones are part of the governance frameworks of the WA Local Government Association.

The SWCZ comprises one (1) Councillor representative and one (1) proxy from the City of Bunbury. Prior to the 2013 local government elections, His Worship the Mayor was Council's representative on the SWCZ and Councillor Kelly the proxy.

Outcome – Council Committee Meeting 5 November 2013

The Mayor dealt with each of the committee nominations as separate motions.

Motion 1: Moved Deputy Mayor Cr Kelly, seconded Cr Prosser
"That Council nominate Councillors Jones, Cook and McNeill as Council representatives on the Bunbury Harvey Regional Council, and Councillors McCleary, Giles and Kelly as proxy members."

The Mayor put the motion to the vote and was CARRIED 13 votes "for" / nil votes "against".

Motion 2: Moved Cr Steck, seconded Cr Prosser
"That Council nominate Councillor Cook as a Council representative on the Bunbury Local Emergency Management Committee, and Councillor Hayward as a proxy member."

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Motion 3: Moved Cr McCleary, seconded Cr Cook
“That Council nominate Councillor Kelly as a Council representative on the Bunbury Wellington Economic Alliance Inc.”

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Motion 4: Moved Cr Steck, seconded Cr Prosser
“That Council nominate Councillors Jones and Cook as Council representatives on the South West Regional Road Group.”

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Motion 5: Moved Cr McCleary, seconded Cr Giles
“That Council nominate Councillor Steck as a Council representative on the South West Country Zone of WALGA, and Councillor McNeill as a proxy member.”

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Motion 6: Moved Cr Jones, seconded Cr Steck
“That Council request the Chief Executive Officer to advise the above groups accordingly.”

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Outcome – Council Meeting 12 November 2013

The Council Committee recommendation (as printed) was moved Cr Cook, seconded Cr Hayward with the following amendment:

Change point 4 to read as follows “4. *Nominate Councillor Jones as a Council representative on the South West Regional Road Group, and Councillor Cook as a proxy member.*”

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

Council Decision 312/13

That Council:

- 1. *Nominate Councillors Jones, Cook and McNeill as Council representatives on the Bunbury Harvey Regional Council, and Councillors McCleary, Giles and Kelly as proxy members.***
- 2. *Nominate Councillor Cook as a Council representative on the Bunbury Local Emergency Management Committee, and Councillor Hayward as a proxy member.***
- 3. *Nominate Councillor Kelly as a Council representative on the Bunbury Wellington Economic Alliance Inc.***
- 4. *Nominate Councillor Jones as a Council representative on the South West Regional Road Group, and Councillor Cook as a proxy member.***

- 5. *Nominate Councillor Steck as a Council representative on the South West Country Zone of WALGA, and Councillor McNeill as a proxy member.***
- 6. *Request the Chief Executive Officer to advise the above groups accordingly.***

CARRIED

13 votes “for” / nil votes “against”

10.8 City of Bunbury Meeting Framework (was listed as item 10.1.3 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to consider amending its current meeting arrangements which follow a recurring three-weekly cycle as follows:

- First Tuesday – Briefing Session
- Second Tuesday – Council Standing Committee Meeting
- Third Tuesday – Ordinary Council Meeting

Council Committee Recommendation

That Council:

1. Discontinue the current Council Standing Committee structure effective 13 November 2013.
2. Amend the remaining 2013 meeting structure to reflect a fortnightly rolling meeting cycle as follows with all meetings commencing at 6.00pm:
 - Tuesday 19 November Council Briefing Session
 - Tuesday 26 November Ordinary Council Meeting
 - Tuesday 3 December Council Briefing Session
 - Tuesday 10 December Ordinary Council Meeting
3. Endorse an alternating rolling meeting cycle structure for the 2014 year, commencing on 14 January 2014 with a Council Briefing Session, followed by an Ordinary Council Meeting on 21 January 2014 with all meetings to commence at 6.00pm.
4. Request the CEO, in accordance with point 3 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of Council detailing a calendar of meeting dates for Ordinary Council meetings for 2014 which includes a recess period over the Christmas/New Year period.

Background

The City's current meeting structures have been in place since 25 September 2012; following Council resolution 290/12 adopt what is the status quo.

Following the Ordinary Council Meeting scheduled for 12 November 2013, the remainder of meetings for 2013 are currently as follows:

- Tuesday 19 November: Briefing Session
- Tuesday 26 November: Council Standing Committee Meeting
- Tuesday 3 December: Ordinary Council Meeting
- Tuesday 10 December: Council Standing Committee Meeting
- Tuesday 17 December: Ordinary Council Meeting

Officer Comments

One of the concerns in relation to the current meeting cycle is that there is effectively duplication between the Council Standing Committee and the Ordinary Council meeting, both in terms of questions and discussions.

This often results in lengthy meetings for both, exacerbated further by the fact that the Council Standing Committee has no delegated authority and is therefore not a decision-making forum. As a result, it is considered that the current meeting arrangements do not make efficient use of Elected Member or Council Officers time.

It is important to note that section 6.9 of the City of Bunbury Standing Orders Local Law 2012 does allow public participation at Council meetings through Deputations, such that an applicant would still have the opportunity to address Council in relation to a particular item on the agenda, as would currently be the case at a Council Standing Committee meeting. Section 6.9 is detailed below:

“6.9 Deputations

- (1) A person or group who completes and submits, with at least 24 hours’ notice, a “Request for Deputation” application form may be received as a deputation–
 - (a) at an agenda briefing session*
 - (b) if the Council determines, at a Council Meeting.**
- (2) The CEO may either–
 - (a) approve the request and invite the deputation to attend an agenda briefing under clause 19.1; or*
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation and , if so, the meeting or briefing at which it is to be received.**
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting or an informal briefing or meeting under clause 19.1–
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;*
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and*
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.**
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation. “*

Following discussions with the Mayor and Councillors, two options are presented for consideration by Council.

Option 1 (run a rolling meeting cycle)

As per the Executive Recommendation, amend the remaining 2013 meeting structure to reflect a fortnightly rolling meeting cycle as follows with all meetings commencing at 6.00pm:

- Tuesday 19 November Council Briefing Session
- Tuesday 26 November Ordinary Council Meeting
- Tuesday 3 December Council Briefing Session
- Tuesday 10 December Ordinary Council Meeting

It should be noted that this option still allows for the same number of Ordinary Council Meetings to be held prior to the Christmas Recess period. This option allows for the Council Recess period to commence effective of 11 December rather than the 18 December 2013.

Option 2 (run a bi-monthly meeting cycle)

- First Tuesday Briefing Session @ 6pm;
- Second Tuesday Ordinary Council Meeting @ 6pm.
- Third Tuesday Briefing Session @ 6pm
- Fourth Tuesday Ordinary Council Meeting @ 6pm.

It is suggested that in the months where there are five Tuesdays this could be maintained as an Elected Member Workshop night (April, July and September in 2014).

Associated recommendation for option 2:

That Council:

1. Disband the Council Standing Committee effective 18 December 2013.
2. Amend its current meeting structures, effective 1 January 2014, to reflect the following arrangements on a two-week rolling cycle:
 - First Tuesday – Briefing Session @ 6pm;
 - Second Tuesday – Ordinary Council Meeting @ 6pm.
 - Third Tuesday – Briefing Session @ 6pm
 - Fourth Tuesday - Ordinary Council Meeting @ 6pm.
3. Notes in months of April, July and September 2014 where there is five Tuesdays, this be allocated as a councillor workshop night
4. Request the CEO, in accordance with point 2 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of Council detailing a calendar of meeting dates for Ordinary Council meetings for 2014 that include two recess periods coinciding with normal WA school holidays, and an additional recess period over the Christmas/New Year period.

Council Policy Compliance

There are no policies applicable to this report.

Legislative Compliance

Section 5.3(2) of the *Local Government Act 1995* states that Ordinary Council meetings are not to be held more than three (3) months apart.

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* states that at least once each year, a local government is to give local public notice of the dates and times of its Council meetings for the ensuing twelve (12) months.

Analysis of Financial and Budget Implications

All advertising costs can be accommodated within the 2013/14 budget.

Community Consultation

Not applicable

Outcome – Council Committee Meeting 5 November 2013

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

Cr Prosser moved that point 4 be amended to remove reference to the two (2) recess periods. Cr Cook did not agree to the amendment and removed his name as seconder. Cr McNeill seconded the amendment. Point 4 as amended reads as follows:

“4. Request the CEO, in accordance with point 3 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of Council detailing a calendar of meeting dates for Ordinary Council meetings for 2014 which includes a recess period over the Christmas/New Year period.”

The Mayor put the amendment to the vote and was CARRIED 9 votes “for” / 4 votes “against”.

The Mayor took the votes on each point separately and dealt with them as separate motions.

Point 1: Moved Cr Miguel, seconded Cr Prosser
“That Council discontinue the current Council Standing Committee structure effective 13 November 2013.”

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / 1 vote “against”.

Point 2: Moved Cr Prosser, seconded Cr McNeill
“That Council Amend the remaining 2013 meeting structure to reflect a fortnightly rolling meeting cycle as follows with all meetings commencing at 6.00pm:
- *Tuesday 19 November – Council Briefing Session*
- *Tuesday 26 November – Ordinary Council Meeting*
- *Tuesday 3 December – Council Briefing Session*
- *Tuesday 10 December – Ordinary Council Meeting”*

The Mayor put the motion to the vote and was CARRIED 12 votes “for” / 1 vote “against”.

Point 3: Moved Cr Prosser, seconded Cr Cook
“That Council endorse an alternating rolling meeting cycle structure for the 2014 year, commencing on 14 January 2014 with a Council Briefing Session, followed by an Ordinary Council Meeting on 21 January 2014 with all meetings to commence at 6.00pm.”

The Mayor put the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Point 4: Moved Cr Prosser, seconded Cr McNeill
“That Council request the CEO, in accordance with point 3 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of

Council detailing a calendar of meeting dates for Ordinary Council meetings for 2014 which includes a recess period over the Christmas/New Year period.”

The Mayor put the motion to the vote and was CARRIED 7 votes “for” / 6 votes “against”

Outcome – Council Meeting 12 November 2013

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

Cr Steele moved Cr McNeill seconded the following amendment:

In points 2 and 3 change the commencement time from 6.00pm to 5.30pm.

The Mayor put this amendment to the vote and was CARRIED 12 votes “for” / 1 vote “against”.

The amended motion reads as follows:

“That Council:

1. *Discontinue the current Council Standing Committee structure effective 13 November 2013.*
2. *Amend the remaining 2013 meeting structure to reflect a fortnightly rolling meeting cycle as follows with all meetings commencing at 5.30pm:*
 - *Tuesday 19 November Council Briefing Session*
 - *Tuesday 26 November Ordinary Council Meeting*
 - *Tuesday 3 December Council Briefing Session*
 - *Tuesday 10 December Ordinary Council Meeting*
3. *Endorse an alternating rolling meeting cycle structure for the 2014 year, commencing on 14 January 2014 with a Council Briefing Session, followed by an Ordinary Council Meeting on 21 January 2014 with all meetings to commence at 5.30pm.*
4. *Request the CEO, in accordance with point 3 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of Council detailing a calendar of meeting dates for Ordinary Council meetings for 2014 which includes a recess period over the Christmas/New Year period.”*

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

Add a point 5 which reads: *“5. Briefing meeting will consist of the following weeks Ordinary Council meeting agenda.”* This amendment was agreed to.

It was requested that the Mayor take the vote on the amended motion in separate parts. The Mayor put the motion (as amended) to the vote in separate parts and the outcome was adopted to become the Council’s decision on the matter.

- Point 1: 13 votes “for” / nil votes “against” CARRIED
Point 2: 12 votes “for” / 1 vote “against” CARRIED
Point 3: 12 votes “for” / 1 vote “against” CARRIED
Point 4: 7 votes “for” / 6 votes “against” CARRIED
Point 5: 13 votes “for” / nil votes “against” CARRIED

Council Decision 313/13

That Council:

- 1. *Discontinue the current Council Standing Committee structure effective 13 November 2013.***
- 2. *Amend the remaining 2013 meeting structure to reflect a fortnightly rolling meeting cycle as follows with all meetings commencing at 5.30pm:***
 - *Tuesday 19 November Council Briefing Session***
 - *Tuesday 26 November Ordinary Council Meeting***
 - *Tuesday 3 December Council Briefing Session***
 - *Tuesday 10 December Ordinary Council Meeting***
- 3. *Endorse an alternating rolling meeting cycle structure for the 2014 year, commencing on 14 January 2014 with a Council Briefing Session, followed by an Ordinary Council Meeting on 21 January 2014 with all meetings to commence at 5.30pm.***
- 4. *Request the CEO, in accordance with point 3 above and Regulation 12(1) of the Local Government (Administration) Regulations 1996, provide a report to the next ordinary meeting of Council detailing a calendar of meeting dates for Ordinary Council meetings for 2014 which includes a recess period over the Christmas/New Year period.***
- 5. *Briefing meeting will consist of the following weeks Ordinary Council meeting agenda.***

10.9 Local Government Master Lending Agreement (was listed as item 10.2.4 on the meeting agenda)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-8

Summary

The Western Australian Treasury Corporation (WATC) is implementing a Master Lending Agreement (LGMLA) for local governments. The new LGMLA has been developed to incorporate the recently introduced Commonwealth Government's Personal Property Security Act 2009 (PPSA) and to improve the efficiency of the lending processes to local governments. The LGMLA has been reviewed by the State Solicitor's Office and the Department of Local Government.

For the LGMLA to be effective, WATC requires that the City execute the LGMLA under its Common Seal as authorised by a resolution of Council.

Council Committee Recommendation

1. The City of Bunbury enters into a Master Lending Agreement with the Western Australian Treasury Corporation as **attached** at Appendix DCS-8.
2. Council approve the affixation of the Common Seal of the City of Bunbury to the Master Lending Agreement in the presence of the Mayor and Chief Executive Officer, each of whom shall sign the document to attest the affixation of the Common Seal; and
3. The Chief Executive Officer or any one of the Directors of the City of Bunbury authorised by the Chief Executive Officer from time to time, is authorised to sign scheduled documents under the Master Lending Agreement on behalf of the City of Bunbury.

Note: An absolute majority is required.

Background

The LGMLA combines all existing loans under the LGMLA, facilitates future borrowings under this one agreement and removes the need for individual loan agreements to be executed under seal each time the City borrows from WATC. Any borrowings under the LGMLA will be subject to WATC's credit approval policy at the time of the application and will still require approval by Council in its annual budget.

Council Policy Compliance

Not applicable.

Legislative Compliance

Council is still required to comply with all requirements under the Local Government Act and Regulations in respect to this agreement, and that all loans have been approved by Council in its

annual budget or have satisfied the provisions of Section 6.20(2) of the Local Government Act.

Officer Comments

The LGMLA has been reviewed by the State Solicitor's Office and the Department of Local Government and will improve the efficiency of the lending process. Council's approval to borrow money is still required prior to making an application for loan funds from WATC.

Analysis of Financial and Budget Implications

There are no financial or budget implications for Council to have past or future loans provided by WATC under a LGMLA.

Community Consultation

Not applicable

Councillor/Officer Consultation

The Executive Leadership Team recommends that the City enters into a Master Lending Agreement with the Western Australian Treasury Corporation.

Outcome – Council Committee Meeting 5 November 2013

The Executive recommendation (as printed) was moved Cr Jones, 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 12 November 2013

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

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

Council Decision 314/13

- 1. The City of Bunbury enters into a Master Lending Agreement with the Western Australian Treasury Corporation as attached at Appendix DCS-8.**
- 2. Council approve the affixation of the Common Seal of the City of Bunbury to the Master Lending Agreement in the presence of the Mayor and Chief Executive Officer, each of whom shall sign the document to attest the affixation of the Common Seal; and**
- 3. The Chief Executive Officer or any one of the Directors of the City of Bunbury authorised by the Chief Executive Officer from time to time, is authorised to sign scheduled documents under the Master Lending Agreement on behalf of the City of Bunbury.**

CARRIED

13 votes "for" / nil votes "against"

****Absolute Majority Vote attained****

10.10 Proposed Transfer of a Portion of Mervyn Street Road Reserve and Amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury (was listed as item 10.2.5 on the meeting agenda)

Applicant/Proponent:	Citygate Properties Pty Ltd
Author:	Jane Porter, Senior Property Officer
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-9

Summary

Further to Council Decision 242/13 on 6 August 2013 the application received from Citygate Properties Pty Ltd (“the applicant”) requesting the transfer of a portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury, an area of approximately 1,622m² was advertised in the South West Times, the City of Bunbury Public noticeboards and Library noticeboards.

No public submissions were received.

Council Committee Recommendation

Council agrees to the transfer of portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury to enable the applicant to plan for the roofing of the Bunning’s outside yard area, subject to the terms and conditions as specified in the report, and including the following:

1. A partial or full road closure is initiated through Section 58 of the Land Administration Act 1997 (“Act”).
2. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Local Government Act 1995.
3. It will be the applicant’s responsibility to transfer and amalgamate a portion of Mervyn Street into Lot 38 Mervyn Street and Lot 107 Strickland Street creating one Lot.
4. The applicant is to agree to an easement over the stormwater drainage system.
5. Access to the road is to remain open at all times to the public (as an open carriageway).
6. The applicant will be solely responsible for maintaining the existing road, paths and landscaping.
7. The applicant is to pay all fees and charges in relation to the transfer and purchase of the road reserve.
8. The applicant is to provide the City with a Deposited Plan from a licensed surveyor approved by State Land Services.
9. The applicant to comply with all Western Powers requirements.

Background

The applicant wishes to transfer a portion of Mervyn Street road reserve and amalgamate the Reserve with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury forming one (1) Lot, to enable the applicant to plan for the roofing of the Bunning’s outside yard area. The

applicant is not proposing to build on the proposed section of road reserve to be transferred. It is a condition that the road reserve will remain open for public use and stormwater easements, if applicable, need to be created and noted on the survey plans.

The Applicant has completed and returned the relevant application documents.

A location plan is **attached** at Appendix DCS-9.

Council Policy Compliance

Not Applicable.

Legislative Compliance

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

Officer Comments

The proposed transfer was advertised in the South Western Times on 29 August 2013 for a period of 35 days, Council has received no objections or comments from the public.

All Service Providers have been contacted and their responses are as follows:

Aqwest	Citygate will relocate the existing services to now be situated on the outside of the new boundary and the remaining Aqwest assets, being internal pipework only will be gifted to Citygate to be fully serviced and maintained.
Water Corporation	The Water Corporation has no objection to the proposed transfer of part of Mervyn Street.
Dept. of Planning	The Department of Planning has no objection to the above proposal in accordance with the plan supplied.
Western Power	<p>Will only object if alignments, easements or clearances are encroached or breached. If any existing infrastructure needs to be relocated due to any requirement of any proposed transfer, Citygate are to contact Western Power.</p> <p>In the event Western Power has to install an asset on this property to supply the lot Western Power staff will require 24 hours unencumbered access. The position and type of locks used on any fencing are to be accessible to Western Power employees and a standard key be provided along with a separate padlock. Otherwise Western Power has no objection to the proposal.</p> <p>Reference is made to the above in the Executive Recommendation, point 9.</p>
Alintagas	Have no gas infrastructure within the area of road to be amalgamated, and have no objections to the application.

Analysis of Financial and Budget Implications

The Applicant is responsible for all costs including document preparation, advertising and surveying.

Community Consultation

Advertising in accordance with Section 58 of the Land Administration Act 1997 for a period of 35 days will be affected in the South Western Times, the City's public notice boards and the City's website.

Councillor/Officer Consultation

Director Works and Services, Manager Engineering, Director Planning and Development Services, Team Leader Planning and Assets, and Manager Infrastructure and Assets Works and Services.

Director Works and Services have recommended that the City agree to the transfer of road reserve based on:

- The road services are within a private development,
- Access to the existing driveway that services the property at the corner of Lot 17 (34) Mervyn and Albert remain a public road,
- That stormwater easements, if applicable, need to be created and noted on survey plans.

Outcome – Council Committee Meeting 5 November 2013

Cr's Prosser and Steck declared financial interests in this matter (see section 5). They vacated the chambers at 6.33pm and did not participate in the discussion or vote on this matter.

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

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

Alter the opening paragraph to now read as follows: "Council agrees to the transfer of portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury to enable the applicant to plan for the roofing of the Bunning's outside yard area, subject to the terms and conditions as specified in the report, and including the following:"

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

Cr's Prosser and Steck returned to the chambers at 6.38pm and were present for the discussion and vote on the remaining items on the agenda.

Outcome – Council Meeting 12 November 2013

Cr's Prosser and Steck declared financial interests in this matter (see section 5). They vacated the chambers at 6.56pm and did not participate in the discussion or vote on this matter.

The Council Committee recommendation (as printed) was moved Cr Morris, 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 315/13

Council agrees to the transfer of portion of Mervyn Street road reserve and amalgamation with Lot 38 (4) Mervyn Street and Lot 107 (42) Strickland Street, East Bunbury to enable the applicant to plan for the roofing of the Bunning's outside yard area, subject to the terms and conditions as specified in the report, and including the following:

- 1. A partial or full road closure is initiated through Section 58 of the Land Administration Act 1997 ("Act").***
- 2. The applicant to pay all costs associated with the advertising in accordance with the provisions of Section 58 of the Local Government Act 1995.***
- 3. It will be the applicant's responsibility to transfer and amalgamate a portion of Mervyn Street into Lot 38 Mervyn Street and Lot 107 Strickland Street creating one Lot.***
- 4. The applicant is to agree to an easement over the stormwater drainage system.***
- 5. Access to the road is to remain open at all times to the public (as an open carriageway).***
- 6. The applicant will be solely responsible for maintaining the existing road, paths and landscaping.***
- 7. The applicant is to pay all fees and charges in relation to the transfer and purchase of the road reserve.***
- 8. The applicant is to provide the City with a Deposited Plan from a licensed surveyor approved by State Land Services.***
- 9. The applicant to comply with all Western Powers requirements.***

CARRIED

11 votes "for" / nil votes "against"

Cr's Prosser and Steck returned to the chambers at 6.56pm and were present for the discussion and vote on the remaining items on the agenda.

10.11 Offer and Attendant Counter-Offer, and Rejection of Counter- Offer by the Western Australian Planning Commission for the Sale of Lot 626 Ocean Drive and Lot 632 Centenary/Parade Roads, Usher (was listed as item 10.2.7 on the meeting agenda)

Applicant/Proponent:	City of Bunbury
Author:	Massimo Andreone, Manager Contracts and Property
Executive:	Wayne Wright, Director Corporate Services
Attachments:	Appendix DCS-12, DCS-13, DCS-14, DCS-15, DCS-16, DCS-17, DCS-18

Summary

The City of Bunbury has recently received rejections from the Western Australian Planning Commission (the “Commission”), dated 1 and 7 October 2013, in relation to the City’s counter-proposals to the Commissions offers for the acquisition of Lots 626 Ocean Drive, and 632 Centenary/Parade Roads, Usher.

The City now seeks to liaise directly with the Department of Lands in order to facilitate the acquisition of Lots 534 Stirling Street, and 4669 Forrest Avenue (being Crown Reserves 31563 and 25317) as counter-proposed, in relation to the acquisition by the State Government of the said Lots 626 Ocean Drive and 632 Centenary/Parade Roads, Usher.

Council Committee Recommendation

1. That Council authorises the Chief Executive Officer to renegotiate with the Western Australian Planning Commission for the transfer of Lots 626 Ocean Drive, and 632 Centenary/Parade Roads, Usher, under the Commissions original proposals, dated 25th July 2013; subject to, and conditional upon, the fulfilment of item 2 hereunder; and further subject to a minimum payment to be received for Lot 626 Ocean Drive, in sum of \$1,080,000 exclusive of GST, and a minimum payment to be received for Lot 632 Centenary/Parade Roads, in sum of \$650,000 exclusive of GST, respectively.
2. That Council authorises the Chief Executive Officer to enter into negotiations with the Department of Lands, for the transfer of Crown Reserve 31563 (“Stirling Street Arts Centre”) and Crown Reserve 25317 (“Jaycee Park”), as freehold land to the City, subject to, and conditional upon, the fulfilment of item 1 above.

Background

The City of Bunbury was initially approached by the Commission with proposals for the acquisition from the City of two lots which are required by the Commission for amalgamation in the Preston River to Ocean Regional Park Proposal, being:-

- Lot 626 on Deposited Plan 183497, and being the whole of the land comprised in Certificate of Title 2132/265 Ocean Drive, Usher, measuring 54.0 hectares; and
- Lot 632 on Deposited Plan 183835, and being the whole of the land comprised in Certificate of Title 1605/789 Centenary/Parade Roads, Usher, measuring 32.5 hectares.

The whole of the above described lots are reserved as “Regional Open Space” under the Greater Bunbury Region Scheme, and “Parks and Recreation” under the City of Bunbury Town Planning Scheme No. 7.

The Commission, under cover of letters dated the 25 July 2013, affected the following offers to Council regarding the acquisition of these lots:-

- Payment of the sum of \$1,080,000 exclusive of GST for the whole of Lot 626 Ocean Drive, free of encumbrances, and subject to conditions; and
- Payment of the sum of \$650,000 exclusive of GST for the whole of Lot 632 Centenary/Parade Road, free of encumbrances, and subject to conditions.

Copies of the Commissions offers of purchase are **attached** at Appendix DCS-12 and DCS-13, which clearly set out the Commissions conditions.

Council, on 6 August 2013, under Resolution 256/13, resolved not to accept the Commissions offers, and to authorise the Chief Executive Officer to make a counter-offer for the transfer of Lots 626 Ocean Drive and 632 Centenary/Parade Roads, accepting the sums offered by the Commission as detailed above; however, coupled with the transfer of the following land as freehold land to the City, free of all easements and encumbrances, and subject to conditions:-

- Lot 534 on Deposited Plan 188249 (Reserve 31563 currently for the purpose of “Parking and Recreation”), being 534 Stirling Street, Bunbury; and
- Lot 4669 on Deposited Plan 165469 (Reserve 25317 currently for the purpose of “Municipal Purposes”), being 4669 Forrest Avenue, Carey Park, Bunbury (‘Jaycee Park’).

Copies of the counter-proposals, together with all annexures thereto, are **attached** at Appendix DCS-14 and DCS-15.

The Commission was asked to respond by the 29 September 2013.

Under cover of letters dated 1 and 7 October 2013 respectively, the Commission rejected the City’s counter-proposals, citing the fact that Crown Reserves are owned by the State of Western Australia, and are administered by the Department of Lands, and not the Department of Planning, and that the City would need to submit a request directly to the Department of Lands, seeking the freehold title of the Crown Reserves, which in any event have the City as the Primary Interest Holder.

Any acceptance by the City of the Commissions offer to acquire Lots 626 Ocean Drive and 632 Centenary/Parade Roads would need to address the subject lots only, and cannot be dependent upon the freehold transfer of the Crown Reserves.

Copies of the Commission’s letters are **attached** at Appendix DCS-16 and DCS-17.

Council Policy Compliance

There is no Council Policy applicable to this item.

Legislative Compliance

Section 52(3)(a) of the *Land Administration Act 1997* and Section 3.58 of the *Local Government Act 1995*.

Officer Comments

Acceptance of the City's counter-proposals is necessary, in order to achieve proper remuneration by the City for transfer of the land as required by the Commission for amalgamation in the proposed Preston River to Ocean Regional Park.

Analysis of Financial and Budget Implications

Taking into consideration the future potential in increased value of the subject land, Council is to ensure that fair and reasonable compensation is achieved for transfer of the subject land to the Commission, this by simultaneously procuring transfer to the City of these Crown Reserves.

Community Consultation

This matter has not been subject to community consultation.

Councillor/Officer Consultation

Council has been advised via memorandum dated 10 September 2013 of the counter-proposals, as well as of the various issues addressed therein.

A copy of the memorandum is attached at Appendix DCS-18.

Outcome – Council Committee Meeting 5 November 2013

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

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

Outcome – Council Meeting 12 November 2013

Deputy Mayor Cr Kelly left the Chambers at 6.56pm. He was not present for the vote on the procedural motion to allow the deputation from Mr Murphy.

In accordance with clause 6.9(1)(b) of the City of Bunbury Standing Orders 2012, Cr Hayward moved Cr Steele seconded that a deputation from Mr Gerard Murphy be permitted. The Mayor put the procedural motion to the vote and was CARRIED 12 votes "for" / nil votes "against"

Mr Gerard Murphy, 49 Stirling Street Bunbury, addressed the Council and requested that the Council postpone their decision in regards to the Stirling Street Arts Centre land (point 2 of the recommendation) for further discussions with the residents to be undertaken.

Deputy Mayor Cr Kelly returned to the Chambers at 6.58pm and was present for the discussion and vote on this matter.

Cr Jones suggested that she possibly had an impartiality interest in this item as she is a member of the Stirling Street Arts Centre Committee.

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

In accordance with clause 11.1(b) of the City of Bunbury Standing Orders, Cr Morris moved Cr Hayward seconded that the debate on point 2 be adjourned until the Council meeting to be held on 26 November 2013 as per the request from Mr Murphy.

The Mayor put the procedural motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

Council Decision 316/13

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate regarding the authorisation of the Chief Executive Officer to enter negotiations with the Department of Lands for the transfer of Crown Reserve 31563 (Stirling Street Arts Centre) and Crown Reserve 25317 (Jaycee Park) as freehold land to the City subject to and conditional upon the fulfilment of the negotiations with the Western Australian Planning Commission be adjourned until the Council meeting to be held 26 November 2013.

The Mayor put point 1 of the motion to the vote and was CARRIED 13 votes “for” / nil votes “against”

Council Decision 317/13

That Council authorises the Chief Executive Officer to renegotiate with the Western Australian Planning Commission for the transfer of Lots 626 Ocean Drive, and 632 Centenary/Parade Roads, Usher, under the Commissions original proposals, dated 25th July 2013; subject to, and conditional upon, the fulfilment of item 2 hereunder; and further subject to a minimum payment to be received for Lot 626 Ocean Drive, in sum of \$1,080,000 exclusive of GST, and a minimum payment to be received for Lot 632 Centenary/Parade Roads, in sum of \$650,000 exclusive of GST, respectively.

10.12 Proposed Amendment 71 – Lot 3 Ocean Drive, Bunbury (Fawltly Towers Motel) *(was listed as item 10.3.1 on the meeting agenda)*

Applicant/Proponent:	TME Town Planning Management Engineering Pty Ltd
Author:	Neville Dowling, Planning Officer
Executive:	Bob Karaszekwych, Director Planning and Development Services
Attachments:	Appendix DPDS-1

Summary

Lot 3, (No 205) Ocean Drive (formerly “Fawltly Towers” Motel) has approval for the development of a 43 unit complex comprising 25% Multiple Dwelling/Unrestricted Residential Accommodation (URA) (i.e. can be used for either short stay/tourist accommodation or permanent residential accommodation) and 75% short stay accommodation only, which is consistent with the current requirements of Special Use Zone 43 in Town Planning Scheme No.7.

The proposed amendment seeks to significantly increase the proportion of Multiple Dwellings units that may be provided. The proposal would allow 29 of the 43 units (approximately 70%) to become Multiple Dwellings/URA, with the remaining fourteen (14) units (approximately 30%) to be short-stay accommodation.

The former Fawltly Towers Motel maintained fourteen (14) short stay units, and the retention of this number (as a minimum) ensures that the tourism product is not diminished post development, noting additional benefits accruing from the up-grade of facilities and services generally. It is also proposed to include “Shop” (limited floor space) as an additional permissible use in the context of a small scale local convenience shop.

A copy of the Amendment 71 document can be found **attached** at Appendix DPDS-1.

Council Committee Recommendation

That Council, in accordance with the Planning and Development Act 2005, resolves to:

1. Initiate Scheme Amendment 71 to the City of Bunbury Town Planning Scheme No. 7 to amend the Table under “Schedule 2 – Special Use Zone No. 43” by:
 - a) Deleting the requirement that the primary/predominant land use be “Motel” or “Short Stay Multiple Unit” and that any “Multiple Dwelling/Unrestricted Residential Accommodation” element be incidental in nature;
 - b) removing the maximum 25% land use cap associated with the provision of Multiple Dwelling/Unrestricted Residential Accommodation, subject to the site retaining a minimum of 14 units of any development for the exclusive use of Short-Stay Accommodation;
 - c) subject to introducing a limitation on the maximum lettable floor area of “Shop” to 100m²; adding “Shop” to the list of discretionary (D) land uses that may be permitted, as detailed in the Scheme Amendment Report (refer to Appendix DPDS-1);
 - d) Subject to deletion of “Convenience Store” from the Scheme Amendment Report.

- e) Subject to the Scheme Amendment Report being modified to identify an appropriate R-Coding over the site.
2. Refer the proposed Scheme Amendment 71 documentation to the Environmental Protection Authority (EPA) for approval to advertise for public comment.
3. Notify the Western Australian Planning Commission of Council's decision to initiate proposed Scheme Amendment 71, and furnish the Commission with a copy of the scheme amending documentation, prior to proceeding to public advertising.
4. Subject to the consent of the Environmental Protection Authority, Council resolves to publicly advertise the proposed Scheme Amendment 71, for a period of at least 42 days.
5. Following the public advertising of proposed Scheme Amendment 71, return the scheme amending documentation, including any proposed modifications, along with any public submissions lodged with the City of Bunbury during the advertising period to Council for further consideration.

Background

The Fawly Towers Motel provided fourteen (14) Short-Stay units until its closure and demolition, prior to redevelopment in 2009.

Planning approval was originally granted in 2007, for redevelopment of the motel, and although subsequent amendments to the planning approval varied the total number/configuration of Short-Stay (approximately 45) units were approved, comprising a mix of one bed, two and three bed units.

In 2010, a request for a scheme amendment was lodged by Harley Global on behalf of the owners seeking an amendment that would permit 25% of those units to be used for permanent accommodation. This was approved by Council on 22 March 2011 (Decision 51/11) and subsequently granted final approval by the Minister for Planning in June 2011, which in turn created Special Use Zone 43 allowing:

- Motel
- Short-Stay Multiple Unit
- Multiple Dwelling – Unrestricted Residential Accommodation (i.e. allows for either Short-Stay or permanent residential)
- Restaurant

The amendment was considered consistent with the Local Planning Strategy for Tourism (2009).

Current Proposal

The proposal seeks to remove the 25% cap and facilitate the option of Short-Stay or URA being available to 29 out of the 43 units on site. A minimum fourteen (14) short stay accommodation units only would be retained to ensure that the site continues to contribute to the pool of dedicated tourism accommodation available in Bunbury at a level that remains consistent with that provided by the former motel.

Council Policy Compliance

Local Planning Strategy for Tourism

Local Planning Strategy for Tourism (2009, LPS-T) identifies the Fawltly Towers Motel as a “Non-Strategic Tourism Site”, situated within the “Punchbowl – Big Swamp Strategic Tourism Location”.

The designation of and subsequent strategic planning approach taken towards dealing with non-strategic tourism sites are addressed in part 3.4.3 of the LPS-T. The LPS-T states, in respect of facilitating an element of permanent accommodation:

“In keeping with the recommendations of the Tourism Planning Taskforce Report, it is considered that 25% (permanent residential component) become the upper limit in most circumstances.”

Notably, anticipating a move towards the introduction of a more flexible case by case approach by the State (as realised in Planning Bulletin 83/2013), the LPS goes on to say:

“However for those proposals that can demonstrate exceptional merit/quality in design, and where the overall benefit to tourism would be particularly significant, a higher percentage of permanent residential may be judged appropriate in order for the development to be realised.”

The adopted strategy recommends that the predominant use of Non-Strategic Tourism Sites should remain for the purposes of Short-Stay accommodation.

Local Planning Policy: Unrestricted Residential Accommodation (URA)

This policy is intended for the proposed dual use of specifically designed new build single residential houses, grouped dwellings and multiple dwellings or the change of use and modification of existing multiple dwellings, for the optional purpose of providing short term accommodation on a commercial basis. Whilst the policy does not have a direct bearing on the issues raised by this amendment proposal, further regard would be required during any resubmission of a revised development application.

Back Beach Tourism Precinct Plan (BBTPP)-(2012)

The BBTPP represents the Council’s adopted policy position in respect of progressing development along Ocean. Although the Fawltly Towers Motel site is situated to the south of the precinct, land use and design principles applied within the precinct have relevance to the scheme amendment proposal.

For example, Non-Strategic Tourism Site’s (i.e. Special Use Zone No.1 – Lot 76 Ocean Drive and Special Use Zone No.31) within the precinct have been provided with an opportunity to explore the introduction of residential/URA uses at a level well in excess of 25%, together with an element of supporting commercial development, such as restaurants and shops (with limited floor space) which could stimulate the creation of an active frontage along Ocean Drive. The sites will be required to retain a demonstrable amount of dedicated short stay accommodation located in a prime position that not only seeks to ensure that the strategic tourism function of the sites are maintained, but delivers overall tourism and amenity benefits to the precinct as a whole.

Legislative Compliance

Town Planning Scheme No. 7

The definitions of Motel, Multiple Dwelling, Restaurant, Shop and Unrestricted Residential Accommodation are found in Schedule 1.

The planning controls relating to Special Use Zone No.43 can be found in Schedule 2 of the Scheme.

Officer Comments

Existing conditions associated with Special Use Zone 43 limit the proportion of units that may be occupied as Multiple Dwelling/URA to a maximum of 25%, and this reflects the general position adopted by the LPS Tourism. The tourism strategy advises that higher percentages may be considered where proposals can *“demonstrate exceptional merit/quality in design, and where the overall benefit to tourism would be particularly significant”*.

The proponents have indicated that the development will provide benefits to the surrounding residential area, whilst adaptable to meet market demand for both short term and long stay accommodation as market demands.

Issue of Additional Proposed Land Use of Shop

The introduction of a “Shop” use, with limited retail floor space, would be consistent with LPS Tourism, in this location (Table 3.20) and reflects the approach already adopted for the Punchbowl (Special Use Zone No. 7) and the Back Beach Tourism Precinct Plan (Special Use No. 66). An overall site maximum of 200m² net lettable area (nla) for “Shop” use is intended to ensure that the scale does not compete with shops or shopping occurring at a neighbourhood level, or grow to a level that is inconsistent with the intended tourism/residential function and character of the site and existing setting.

Analysis of Financial and Budget Implications

The development is anticipated to generate considerable rate revenue for the City.

Community Consultation

Subject to initiation by the Council, it is intended that Scheme Amendment 71 be advertised in accordance with the Planning and Development Act 2005 and associated Town Planning Regulations 1967 for a minimum period of 42 days this includes a sign(s) placed on site, letters to adjoining/adjacent owners, servicing authorities, and advertisements in a local newspaper.

Councillor/Officer Consultation

A number of discussions have been undertaken at officer level and two meetings have been held with the applicant/owners. The owner of Faulty Towers, Mr Terry Baker provided a briefing to Council on 2 April 2013.

Delegation of Authority

In accordance with Section 25 of the Town Planning Regulations 1967, Council determination is required to initiate the amendment.

Relevant Precedents

The former Punchbowl Caravan Park site (Lot 210 Holywell Street and Lot 211 Pandal Street, Bunbury) lies 500 metres to the north of the subject site. Under Special Use Zone No.7, it has a maximum of 25% allowance for residential dwelling and a minimum of 75% allowance for a mix of non-residential uses, hotel and short stay accommodation uses. The site is not yet developed.

A similar situation to the Punchbowl site applies to Lot 66 Ocean Drive Bunbury under Special Use Zone 52 which is 1.8 km to the north of the subject site.

Outcome – Council Committee Meeting 5 November 2013

Mr Gary Barbour from TME Group representing the owners of the development addressed the Committee outlining the reasoning behind the scheme amendment application. He stated that the development had not changed from the original development application (DA) and that the Council's staff has been working with the developer in the wording of the scheme amendment.

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

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

Outcome – Council Meeting 12 November 2013

In accordance with clause 6.9(1)(b) of the City of Bunbury Standing Orders 2012, Cr McCleary moved Cr Cook seconded that a deputation from Ms Kim Fildes and Daniel Graham be permitted. The Mayor put the procedural motion to the vote and was CARRIED 13 votes "for" / nil votes "against". Mr Gary Barbour from TME was also present to answer questions that the Council may have had.

Ms Kim Fildes, 12 Birch Street Bunbury, addressed the Council outlining her concerns over the development and requested that Council defer the matter.

Cr Cook left the Chambers at 7.11pm and returned at 7.14pm. He was present for the discussion and vote on the matter.

Mr Daniel Graham, 2/14a Birch Street Bunbury, addressed the Council outlining his concerns over the development and requested that Council defer the matter.

In accordance with clause 11.1(b) of the City of Bunbury Standing Orders, Cr Cook moved Cr Hayward seconded that the debate be adjourned until the Council meeting to be held on 26 November 2013 in order for the developer and the residents to come to an agreement over the proposal.

The Mayor put the procedural motion to the vote and was CARRIED 7 votes "for" / 6 votes "against".

Council Decision 318/13

Pursuant to clause 11.1(b) of the City of Bunbury Standing Orders the debate be adjourned until the Council meeting to be held 26 November 2013 in order for the developer and the residents to come to an agreement over the proposal.

11. Applications for Leave of Absence

Nil

12. Motions on Notice

Nil

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil

13.2 Questions from Members

Nil

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

The following items were tabled by the CEO as an urgent item to be considered by the Council.

In accordance with clause 5.4(1) of the City of Bunbury Standing Orders Local Law 2012, Deputy Mayor Cr Kelly moved, Cr Prosser seconded that item 14.1 was to be considered as urgent business. The Mayor put the procedural motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

In accordance with clause 5.4(1) of the City of Bunbury Standing Orders Local Law 2012, Cr Cook moved, Deputy Mayor Cr Kelly seconded that item 14.2 was to be considered as urgent business. The Mayor put the procedural motion to the vote and was CARRIED 13 votes “for” / nil votes “against”.

14.1 Appointment to National Sea Change Taskforce

Applicant/Proponent:	Internal Report
Author:	Greg Golinski, Manager Corporate Performance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Nil

Summary

The purpose of this report is for Council to consider making an appointment to the National Sea Change Taskforce Committee of Management (the Taskforce).

This item has been brought to Council as a matter of urgent business as nominations close on Friday, 15 November 2013.

Executive Recommendation

That Council nominate Councillor _____ as a Council representative on the National Sea Change Taskforce Committee of Management.

Background

The City of Bunbury has been a member Council of the National Sea Change Taskforce since its inception in 2004, and Council’s previous representative on the Committee of Management was former Mayor David Smith.

With the retirement of Mr Smith, a vacancy has arisen for a position on the Committee of Management.

Legislative Compliance

Not applicable.

Officer Comments

The Taskforce was established as a national body to represent the interests of coastal councils and communities experiencing the effects of rapid population and tourism growth. The Taskforce now has more than 68 member councils from around Australia. Collectively, these councils represent more than four million residents.

The role of the National Sea Change Taskforce is to provide national leadership in addressing the impact of the 'sea change' phenomenon and to provide support and guidance to coastal councils attempting to manage the impact of rapid growth.

Policy Compliance

Not applicable.

Financial Implications

Council pays an annual subscription of \$2,750 for membership of the Taskforce.

Outcome – Council Meeting 12 November 2013

Cr Steck nominated Cr McNeill as Councils representative – nomination accepted.

Cr Cook nominated Cr Kelly as Councils representative – nomination accepted.

As there were two (2) nominations for the one (1) position a vote by secret ballot was undertaken and the Cr Kelly with the most votes was Cr Kelly.

The Executive recommendation (as printed) was moved Cr McCleary, seconded Cr Cook with the addition of Cr Kelly's name as the nominated Councillor.

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

Council Decision 319/13

That Council nominate Councillor Brendan Kelly as a Council representative on the National Sea Change Taskforce Committee of Management.

CARRIED

13 votes "for" / nil votes "against"

14.2 Petition Report – Glen Iris Skate Park

Applicant/Proponent:	Mr TR Oxby
Author:	Alison Baker, Executive Assistant
Executive:	Phil Harris, Director Works & Services
Attachments:	Nil

Summary

At the Standing Committee Meeting of Council held on the 5 November 2013, the committee recommended to accept a petition from Mr TR Oxby:

“Pursuant of Standing Order 6.10(2)(a) the petition and letter from Mr TR Oxby in relation to the proposed Glen Iris Skate Park be received and referred to the relevant officer for a report to be submitted within the next two (2) rounds of Council meetings from residents of Rodwell Place shall be accepted and referred to the relevant officer for a report.”

Executive Recommendation

Council authorises Officers to continue to work with the Glen Iris community to address concerns raised in the petition presented by Mr TR Oxby.

Background

Following a petition signed by 133 people in 2010 to build a Skate Park in Glen Iris officers commenced an extensive investigation and consultation process to determine the most appropriate location within the Glen Iris area.

Four potential locations were initially identified however these were shortlisted to two due to site constraints. The options considered further were Catalpa Park and JB O’Reilly Park. Following community consultation JB O’Reilly Park was identified as the most suitable as it required the least amount of environmental disturbance, is situated on a bus route, is close to schools and housing, is located along a busy road and meets the requirements of passive surveillance by residents and passing motorists. It is also central in the plan for future development in the Glen Iris suburb.

The consultation process has acknowledged a number of nearby residents with concerns that the development would generate anti-social behaviour. These concerns have been considered during the design process with a Skate Park Management Plan developed to provide guidance for its operation. A 65m long sound wall is also proposed to be constructed to allay neighbouring residents concerns.

A further review of the concerns of nearby residents formed part of the Planning Approval process.

In June 2012 Mr Oxby and Suzanne Browne initiated an appeal against the construction of the Skate Park however the appeal was withdrawn prior to being heard.

Relevant Council Resolutions:

Council Decision 82/10

“Pursuant to clause 9.4(d) of the City of Bunbury Standing Orders, the petition from Cody Philipp and the residents and ratepayers of Glen Iris be accepted and be dealt with by the full Council.”

Council Decision 88/10

- “1. That a local committee with community members be established:
 - 1.1 To identify a suitable site for the proposed skate park in Glen Iris.*
 - 1.2 To develop a design*
 - 1.3 To undertake an assessment of the cost of works including asset management cost on early basis*
 - 1.4 Refer the construction to the 2010/2011 budget and or next round of Royalties for Regions Funding**
- 2. That the issue be referred to the Youth Advisory Council for their advice and comment*
- 3. Master Cody Philipp be advised of the recommendation of Council and a copy send to him”*

Council Decision 37/12

- “a) That Council previously accept a full stage development of the proposed skate park on the preferred site over 2012-13 and 2013 -14 financial years, pending grant approvals of the significant funding contribution from LotteryWest, the Department of Sport and Recreation or other grants.*
- b) In the event that external funding is not granted, this item is to be returned to Council for further consideration in time for the second Budget Review for 2012 – 2013.”*

Council Decision 291/12

“Council agrees to support the CSRFF Annual Grant application 2013-14 for the Glen Iris Skate Park Project”

Council Decision 142/13

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

- 1. Grant Planning Approval for the proposal subject to the imposition of conditions, including a privacy/noise attenuation screen wall (and landscaping as necessary) in consultation with the owners of No. 34 Vittoria Road, to the satisfaction of the City.*
- 2. Council continue to liaise with the residents on the progress of the skate park.”*

Council Policy Compliance

The Skate Park development was determined having due regard to the provisions of the City of Bunbury Town Planning Scheme No. 7. Clause 3.4.2 sets out the matters that local government should have due regard to TPS7 Clauses (a) and (b) are applicable. Criteria (a) refers to the general matters that all development should be assessed against, set out in Clause 10.2. Clause (b) of 3.4.2 requires due regard to be had to the ‘ultimate purpose intended for the Reserve’.

Legislative Compliance

Not Applicable

Officer Comments

Officers have followed due process as the project developed and acknowledged that initially were some issues of correspondence not reaching all of the residents of Glen Iris despite over 900 letters being distributed on three occasions. Upon becoming aware of this officers have made multiple efforts to engage with concerned residents.

Officers from Community Development, Planning, Health, Engineering and Community Law have constantly been engaged as this project has developed with the prime consideration at all time being open communication.

Analysis of Financial and Budget Implications

The City of Bunbury of Bunbury has expended \$30,000 on this project to date with contracts to the value of \$387,510 awarded. Contractors have ordered materials which are due to arrive on site or at the City's Nuytsia Avenue Depot within the next week. The project has grant funding to the value of \$156,668 which is applicable to this site and time constrained.

Community Consultation

The project was developed following a 133 signature petition. Ongoing consultation has occurred as the project developed including the establishment of a Skate Park Reference Group in the initial stages of the development, which will be revived to monitor park activity following the completion of construction.

Councillor/Officer Consultation

The project has been subject to five Agenda items which were all endorsed by Council.

Outcome – Council Meeting 12 November 2013

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

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

Council Decision 320/13

Council authorises Officers to continue to work with the Glen Iris community to address concerns raised in the petition presented by Mr TR Oxby.

CARRIED
13 votes "for" / nil votes "against"

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Nil

15.2 Public Reading of Resolutions that may be made Public

Nil

16. Closure

The meeting was declared closed at 7.36pm.