

Bunbury City Council

Minutes

31 March 2015



CITY OF BUNBURY

4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	5
2.	Disclaimer	5
3.	Announcements from the Presiding Member	5
4.	Attendance.....	6
4.1	Apologies.....	6
4.2	Approved Leave of Absence.....	7
5.	Declaration of Interest.....	7
6.	Public Question Time	8
6.1	Public Question Time	8
6.2	Responses to Public Questions Taken 'On Notice'.....	9
7.	Confirmation of Previous Minutes and other Meetings under Clause 19.1.....	10
7.1	Minutes	10
7.1.1	Minutes – Ordinary Council Meeting.....	10
7.1.2	Minutes – Council Advisory Committees and Working/Project Groups	10
8.	Petitions, Presentations, Deputations and Delegations	11
8.1	Petitions	11
8.2	Presentations	11
8.3	Deputations.....	11
8.4	Council Delegates' Reports	11
8.5	Conference Delegates' Reports.....	11
9.	Method of Dealing with Agenda Business.....	12
10.	Reports.....	13
10.1	Financial Management Report for the Period Ending 28 February 2015 (was listed as item 10.2.2 of the Council Agenda).....	13
10.2	Schedule of Accounts Paid for the Period 1 February 2015 to 28 February 2015 (was listed as item 10.2.3 of the Council Agenda)	20
10.3	Local Government Advisory Board – Endorsement of Nomination (was listed as item 10.2.4 of the Council Agenda).....	21
10.4	Bunbury Event Coordination Group (BECG) - Endorsement of successful applicants to represent the BECG Committee until April 2016 (was listed as item 10.3.1 of the Council Agenda)	24
10.5	Revised Funding Criteria and Framework for the Community Grants and Event Funding Program (was listed as item 10.3.2 of the Council Agenda)	27
10.6	Proposed Change of Use from 'Single House' to 'Medical Centre', Alterations and Associated Signage – Lot 15 #6 Higgins Street, South Bunbury (was listed as item 10.4.1 of the Council Agenda).....	34
10.7	Local Law Relating to Dogs 2015 (was listed as item 10.4.3 of the Council Agenda)	43
10.8	Draft City of Bunbury Local Planning Strategy and Local Planning Scheme No. 8 (was listed as item 10.4.4 of the Council Agenda)	47
10.9	Youth Advisory Council Committee Nominations (was listed as item 10.1.1 of the Council Agenda)	53
10.10	Budget Review February 2015 (was listed as item 10.2.1 of the Council Agenda).....	55
10.11	Conservation Management Plan – Lady Mitchell Memorial Child Health Centre (was listed as item 10.2.1 of the Council Agenda)	60
11.	Applications for Leave of Absence.....	64
11.1	Request for Leave of Absence – Mayor Gary Brennan	64
12.	Motions on Notice	65

Table of Contents

Item No	Subject	Page
12.1	Motion on Notice – Cr Cook– External Screen and Projector at the Bunbury Regional Library	65
13.	Questions on Notice	67
13.1	Response to Previous Questions from Members taken on Notice	67
13.2	Questions from Members	67
14.	New Business of an Urgent Nature Introduced by Decision of the Meeting.....	67
15.	Meeting Closed to Public	67
15.1	Matters for which the Meeting may be Closed	67
15.1.1	Proposed Deed of Lease – Wheelcliff Pty Ltd over Reserve 42940, Lot 755 Wittenoom Street, Bunbury	68
15.2	Public Reading of Resolutions that may be made Public	69
16.	Closure	69

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Review:** When Council reviews decisions made by Officers.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Bunbury City Council Minutes

Minutes of the Ordinary meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street Bunbury held Tuesday 10 June 2014.

Minutes 31 March 2015

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

1. Declaration of Opening / Announcements of Visitors

The meeting was declared open by the Mayor Mr Gary Brennan at 5.30pm.

2. Disclaimer

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

3. Announcements from the Presiding Member

The Mayor thanked the Rangers and Parking Officers for the fantastic job they had done the previous Sunday with the cycling event organised by the Triathlon Club and the South West Cycling Club. He noted that he had received formal letters of appreciation as well as verbal appreciation expressed to City Staff for their facilitation of the Event. The Mayor offered his congratulations to all staff involved.

The Mayor advised that he has had discussions with the Deputy Mayor who indicated that the Access Committee were very keen to take on the Walkability and cycling elements of living within Bunbury. The Mayor noted that he was looking forward to receiving a report and recommendations from the Committee on walkability and cycling as we move into the future.

The Mayor took the opportunity to advise Councillors that the Mayoral expenditure for the month of March totalled \$59.15, which was spent on fuel.

The Mayor advised that there had been approximately 400 attendees at the Love Where You Live event held at Kelly Park the previous weekend which was a terrific turnout. The Mayor offered his congratulations to all staff involved.

4. Attendance

Present:

Council Members:	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor N McNeill
	Councillor J Miguel
	Councillor W Giles
	Councillor D Prosser
	Councillor M Cook
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr A Brien
Director Community Development	Ms S Addison-Brown
Director Planning and Development Services	Mr B Karaszkewych
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Manager Information and Technology	Mr A Ewing
Acting Media and Communications Officer	Mr J Tatham
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Senior Budget Officer	Ms E Lofthouse
Manager Corporate Projects	Mrs F Anderson
Council Meeting Support Officer	Mrs L Allan
Others (Non-Voting)	
Members of the Public	
Members of the Press	

Cr Steck was absent from the meeting.

4.1 Apologies

Cr Steele was an apology at the meeting.

4.2 **Approved Leave of Absence**

Nil.

5. **Declaration of Interest**

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

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.”*

The Mayor, Gary Brennan declared a financial interest for the Confidential Briefing which is scheduled to occur directly following the Council Meeting as he holds shares in BHP. The Mayor will vacate the chamber for the discussion and Briefing on the matter.

Cr Giles declared a financial interest for the Confidential Briefing which is scheduled to occur directly following the Council Meeting as she owns BHP shares. Cr Giles will remain in the chamber for the discussion and Briefing on the matter.

Cr Jones declared an impartiality interest for the Confidential Briefing which is scheduled to occur directly following the Council Meeting as a fellow Director at Aqwest is an employee at BHP Billiton’s Worsley site. Cr Jones will remain in the chamber for the discussion and Briefing on the matter

* *Note that the declarations above do no relate to any of the items on this agenda.*

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 David Smith, 8 Picton Crescent, Bunbury

Question 1: I refer to the February Council budget review which is being considered this evening and note that although it is the second review of the 2014-2015 Budget tonight's review runs to 55 pages and includes a \$1.96 million nett adjustment because of a change in the value of assets for depreciation, especially plant, vehicles, other equipment, pathways, drainage, public open space and the transfer of infrastructure funds from some project to others and ask whether Council agrees that such a substantial review detracts from the elected members ability to set and oversee the Budget and that it would be better to only change the asset value for depreciation in the Annual Budget and not at Budget Review and to focus more on the shifting of projects to future budgets and the project and operations expenses where expenses have exceeded budget by more than 10%?

Reply: Whilst I cannot answer on behalf of the elected members the February Budget Review is a statutory requirement of the Local Government (Financial Management) Regulations and provides a comprehensive review of the budget, thereby ensuring that Councillors are provided with an updated and accurate budget and financial position.

Question 2: I note that Council income from planning fees is \$53,000, or 23.51% less than the \$225,000 budgeted for in the 2014-2015 due to reduced development activity and ask whether Council can advise the reasons for the delay in the St. John's development and the tourism precinct and the Punchbowl and the delay on the Masters store approval and in identifying sites for a department store and major retail developments in the CBD and the delay in the Marlston North development?

Reply: Commercial viability of many of the proposed projects has caused delays, however over the past 12 months staff have been proactively involved in discussions with the owners of the sites mentioned and attempted to progress various land uses and development options.

The Back Beach Tourism precinct has now received Ministerial approval and is awaiting gazettal to facilitate the next stage of development.

The future development of the Marlston North is the responsibility of LandCorp.

Question 3: I note the news reports on botulism outbreaks in the birds and fauna at Horseshoe Lake and note the very low summer and autumn water levels at the Horseshoe Big Swamp and other Bunbury wetlands and ask whether Council will consider the costs and benefits of improving water levels at all of our wetlands in summer and autumn?

Reply: The City is working with the Department of Parks and Wildlife to determine the actual cause and preferred remedial measures.

6.2 Responses to Public Questions Taken ‘On Notice’

Nil.

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 March 2015 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 17 March 2015 be confirmed as a true and accurate record.

Outcome – Council Meeting 31 March 2015

The Executive Recommendation (as printed) was moved Cr Hayward seconded Cr Cook.

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

Council Decision 101/15

The minutes of the Ordinary meeting of the Bunbury City Council held 17 March 2015 be confirmed as a true and accurate record.

CARRIED

11 votes "for" / Nil votes "against"

7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

Nil.

8. Petitions, Presentations, Deputations and Delegations

8.1 Petitions

Nil.

8.2 Presentations

Nil.

8.3 Deputations

Mr David Smith, 8 Picton Crescent, Bunbury

Mr Smith requested to address Item 10.2.1 titled “Budget Review February 2015” and Item 10.2.2 titled “Financial Management Report for the Period Ending 28 February 2015”.

Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith’s deputation request to address Item 10.2.1 titled “Budget Review February 2015” and Item 10.2.2 titled “Financial Management Report for the Period Ending 28 February 2015” and allows a period of up to five (5) minutes to present to Council on each item.

MOTION WAS LOST

8.4 Council Delegates’ Reports

Nil.

8.5 Conference Delegates’ Reports

Nil.

9. Method of Dealing with Agenda Business

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

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.2.2, 10.2.3, 10.2.4, 10.3.1, 10.3.2, 10.4.1, 10.4.3 and 10.4.4.

Items 10.1.1, 10.2.1, and 10.4.2, of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

The items “*adopted by exception*” were moved Cr Cook, seconded Cr Kelly.

10. Reports

10.1 **Financial Management Report for the Period Ending 28 February 2015** (was listed as item 10.2.2 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-2: Statement of Comprehensive Income Appendix CEO-3: Statement of Financial Activity Appendix CEO-4: Statement of Net Current Assets Appendix CEO-5: Balance Sheet Appendix CEO-6: Capital Works Appendix CEO-7: Operating Project Expenditure

Summary

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-2)
Actual Financial Performance to 28 February 2015
 - Actual income of \$47.06M is \$266K greater than the year-to-date budgeted income of \$46.79M.
 - Actual expenditure of \$27.59M is \$1.93M less than the year-to-date budgeted expenditure of \$29.52M (refer explanation within this report).
 - Actual operating surplus of \$19.47M is \$2.2M greater than the year-to-date budgeted operating surplus of \$17.27M.
- Balance Sheet (**attached** at Appendix CEO-5)

Council's year-to-date and forecast balances are as follows:

	Year-to-date	Forecast
• Current Assets of \$31.39M includes:		
- Cash and Investments	\$24.44M	\$13.76M
- Rates	\$ 5.73M	\$0.22M
- Other Current Assets	\$ 1.22M	\$2.04M
• Current Liabilities of \$7.7M includes:		
- Trade and Other Payables	\$2.67M	\$4.30M
- Annual Leave and LSL Provisions	\$3.20M	\$3.70M
• Working Capital (Current Assets less Current Liabilities)	\$23.69M	\$6.01M
• Equity (Total Assets less Total Liabilities)	\$445.93M	\$428.03M

3. Statement of Financial Activity (**attached** at Appendix CE0-3)
 - Forecast position is showing an increase in the 2014/2015 surplus of \$72,479 to \$539,145. This adjustment to the closing funds surplus forecast will be formalised as part of the 2015 February Budget Review included in this agenda.
4. Capital Works (**attached** at Appendix CE0-6)
 - Actual capital works of \$6.93M (which excludes \$2.76M of committed expenditure) is \$5.20M less than the year-to-date budgeted capital works of \$12.13M, (refer explanation within report).
5. Operating Project Expenditure (**attached** at Appendix CE0-7)
 - Actual operating project expenditure of \$1.71M (which excludes \$627K of committed expenditure) is \$1.0M less than the year-to-date budgeted operating project expenditure of \$2.71M, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 28 February 2015 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 CE0-2)
- Statement of Financial Activity (**attached** at Appendix CE0-3)
- Statement of Net Current Assets (**attached** at Appendix CE0-4)
- Balance Sheet (**attached** at Appendix CE0-5)
- Capital Works Expenditure Summary (**attached** at Appendix CE0-6)
- Operating Projects Summary (**attached** at Appendix CE0-7)

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.

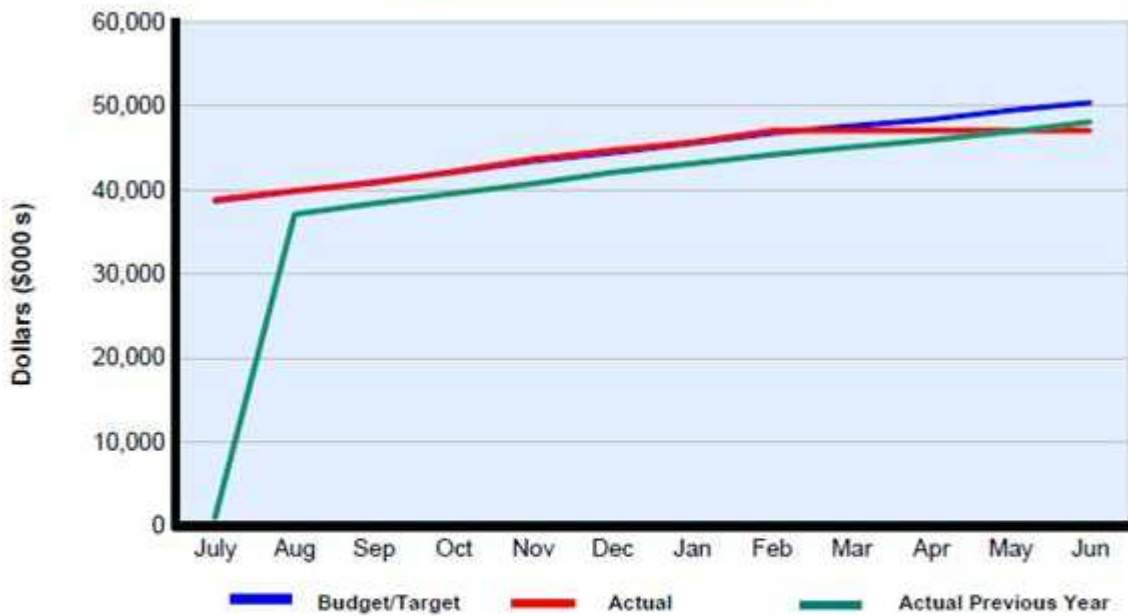
Legislative Compliance

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 CE0-2) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

Officer Comments

The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position.

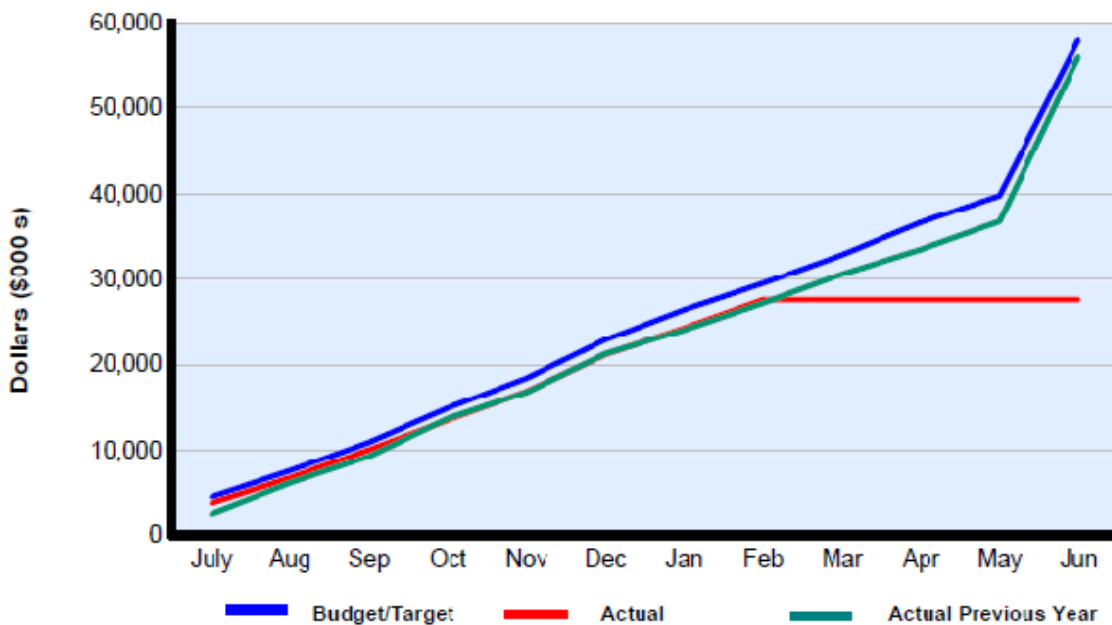
Operating income (\$000's)



Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

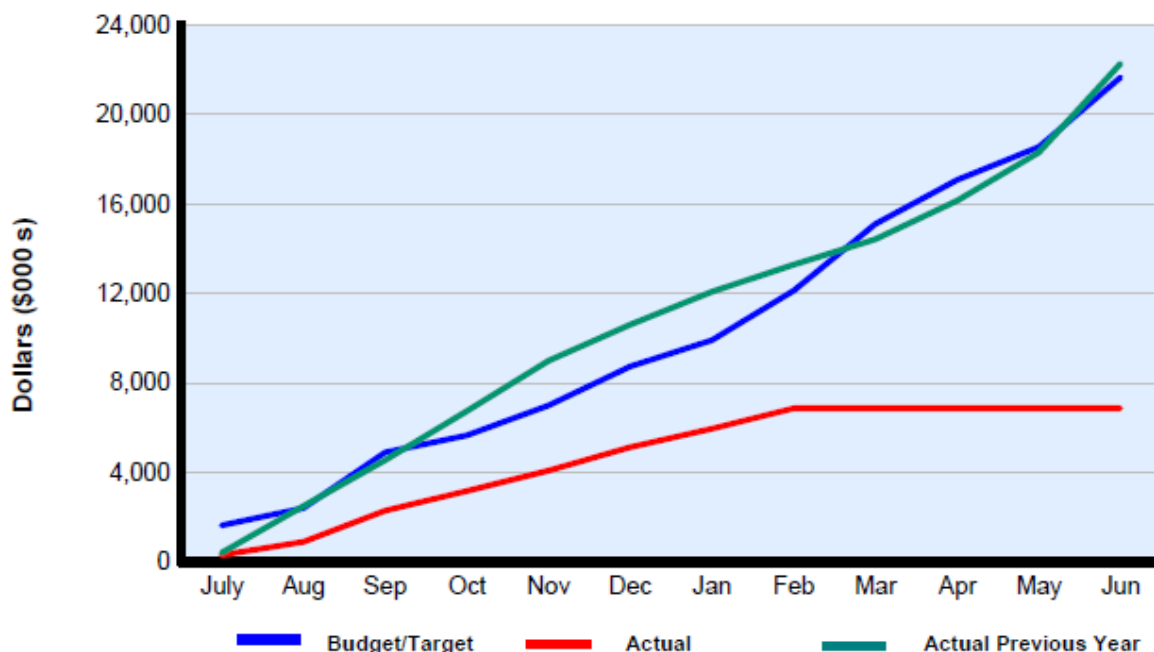
There is a favourable actual to budget variance of \$266,492 due to \$149K favourable variance from contribution and reimbursement income, \$166K favourable variance from fees and charges, \$55K favourable variance from interest received and a \$18K favourable variance from other revenue, which is offset by an unfavourable variance of \$62K operating grants and subsidies and \$61K unfavourable variance in interim rates.

Operating expenditure (\$000's)



Note: Actual operating expenditure for both base and operating projects is \$1.93M under the year-to-date budget due to timing of works commencing. This is monitored on a monthly basis and any changes will be included in the February Budget review. Note that there is operating project committed expenditure of \$627K.

Capital Expenditure (\$ 000's)



Note: The capital expenditure variance to the end of February 2015 of \$5.2M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council. Note that there is committed expenditure of \$2.76M.

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
Operating Income	
Rates <i>Rate Interim Income</i> – Due to an error with a Landgate GRV valuation this resulted in a rates refund of \$50K, a further \$5.8K has been adjusted due to an objection and reviewed valuation of another properties GRV. This has been adjusted and addressed in the February Budget Review.	(\$58,265) (64%)
Contributions Reimbursements and Donations <i>Reimbursements Income</i> – Favourable year-to-date variance of \$162,195, mainly due to \$78K of workers compensation reimbursements not budgeted (which is offset by payments made to employees), \$20K utility reimbursements (which is offset by an increase in utility usage), \$50K of legal reimbursements not anticipated from enforcement of parking, and additional \$8.6K of government paid maternity leave received (which has been offset by payments made to employees) and additional \$7K of planning legal fees reimbursed. An increase in the end of year forecast has been included in the February Budget Review.	\$149,613 26%

<p>Fees and Charges</p> <p><i>General Hire Fee Income</i> – Unfavourable year-to-date variance of \$19,554 due to the hiring of art gallery space and sports and recreation facilities not being utilised. An overall decrease of \$30K (\$10K art gallery spaces and \$20K other facilities) in the end of year forecast has been included in the February Budget Review.</p> <p><i>Fine and Penalty Fee Income</i> – Favourable variance of \$144,149 due to higher than anticipated parking fines received year-to-date of \$78K, (note that any additional income is transferred into reserves) and higher than anticipated dog registration fines of \$82K. The budget forecast has been amended and included the February Budget Review.</p> <p><i>Miscellaneous Fee and Charge Income</i> – Favourable variance of \$126,683 due to higher than anticipated dog registrations received (\$86K), additional art hire fees received (\$7K), Library merchandise income from book sales that was unbudgeted (\$4K), additional health fees received (\$12K) and additional meat inspection income (\$13K) which is transferred to reserve at the end of the year. Forecasts have been amended and have been included in the February Budget Review.</p>	<p>\$166,316 2%</p>
<p>Operating Expenditure</p>	
<p>Employee Costs</p> <p><i>Salary Expenses</i> - Actual Employee Costs are \$162,227 above budget-to-date. This is due to payments of employee annual leave, long service leave and other entitlements. Annual leave and long service leave entitlements will not affect the end of year surplus as this expenditure has a matching provision in the balance sheet. This will even out over the financial year and does not affect the end of year forecast for employee costs.</p>	<p>(\$182,188) (1%)</p>
<p>Materials and Contracts</p> <p><i>Materials Expense</i> – Favourable variance of \$597,472. Savings of \$193,511 have been identified, forecasts have been amended and have been included in the February Budget Review. This is monitored on a monthly basis.</p> <p><i>Contract Employment Expense</i> – Currently over year-to-date budget by \$33,847. This has been addressed and increased by \$35,141 in the February Budget Review.</p> <p><i>Consultants Expense</i> – Favourable year-to-date variance of \$175,099 mainly due to the timing of operating projects. This will be monitored on a monthly basis.</p> <p><i>Contractors Expense</i> – Favourable year-to-date variance of \$1,052,031 due to timing of operating projects. Savings of \$315,626 have been identified, forecasts have been amended and have been included in the February Budget Review. This will be monitored on a monthly basis.</p>	<p>\$1,820,719 18%</p>

<p>Utilities <i>Electricity Expenses</i> - Favourable year-to-date variance of \$156,201 due to the timing of council’s street light account (Synergy delay due to an error with billing) plus an expected \$95K of savings has been identified and amended in the February Budget Review. <i>Gas Expenses</i> – The gas expenditure is currently \$34,581 over the year-to-date budget mainly due to heating the pool after the tiling project was finalised and the pool was refilled. Forecasts have been amended and have been included in the February Budget Review.</p>	<p>\$114,847 7%</p>
<p>Other Expenditure <i>Elected Member Expenses</i> - Favourable year-to-date variance of \$32,845 due to a reduction in Councillor expenditure for conferences, travel and accommodation. Savings of \$32,000 have been identified, budget forecasts have been amended and included in the February Budget Review. <i>Miscellaneous Expense</i> – Favourable year-to-date budget variance of \$87,252 due to the employee training and conferences that have not yet occurred. Savings of \$93,111 have been identified, budget forecasts have been amended and included in the February Budget Review.</p>	<p>\$198,476 11%</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
See explanation above included in the Statement of Comprehensive Income variances.	\$327,647 2.3%
Operating Expenses	
See explanation above included in the Statement of Comprehensive Income variances.	\$1,926,449 6.5%
Capital Expenses	
Acquisition of Assets – Variance due to delay in progress of various projects. Note that there is committed expenditure of \$2.76M. Refer to Capital Expenditure report for project details.	\$5,201,526 43%

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 Finance staff monitor 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 Meeting 31 March 2015

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

Council Decision 102/15

The Financial Management Report for the period ending 28 February 2015 be received.

CARRIED

11 votes "for" / Nil votes "against"

10.2 Schedule of Accounts Paid for the Period 1 February 2015 to 28 February 2015 (was listed as item 10.2.3 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Under Separate Cover –

The City of Bunbury "Schedule of Accounts Paid" covering the period 1 February 2015 to 28 February 2015 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$4,317,270.32
2. Advance Account – payments totalling \$2,775,891.11
3. Trust Account – payments totalling \$16,158.93
4. Visitor Information Centre Trust Account – payments totalling \$27,670.00
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$246,258.28
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$241,628.25

Executive Recommendation

The Schedule of Accounts Paid for the period 1 February 2015 to 28 February 2015 be received.

Outcome – Council Meeting 31 March 2015

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

Council Decision 103/15

The Schedule of Accounts Paid for the period 1 February 2015 to 28 February 2015 be received.

CARRIED

11 votes "for" / Nil votes "against"

10.3 Local Government Advisory Board – Endorsement of Nomination (was listed as item 10.2.4 of the Council Agenda)

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

Summary

Information has been received from WALGA advising of Local Government representative vacancies on the Local Government Advisory Board for the term 1 September 2015 to 31 August 2018.

Nominations are required to be put forward by no later than 13 April 2015, using the prescribed Nomination Form.

It should be noted that nominations must be supported by a curriculum vitae in addition to the following mandatory information of: name; address; email; mobile and land line telephone numbers; date of birth; employer(s); position(s).

Executive Recommendation

That Council endorses Mayor Gary Brennan’s nomination for a vacancy on the Local Government Advisory Board.

Background

The Local Government Advisory Board generally meets monthly with further meetings as required including visits to Local Governments.

All meetings are held at the Department of Local Government and Communities and are set for approximately two (2) hours.

The terms of reference and background information for the Board is listed below:

- The Board considers proposals for changes to Local Government district boundary changes in accordance with the requirement of Schedule 2.1 of the Local Government Act 1995 (The Act) and makes recommendations to the Minister for Local Government (The Minister).
- The Board assesses reviews of ward boundaries and representation undertaken by local governments in accordance with the requirements of Schedule 2.2 of the Act and makes recommendations to the Minister.
- The Minister can direct the Board to carry out any other inquiry.

The Committee has representation from:

- Western Australian Local Government Association
- Local Government Managers Australia
- Department of Local Government and Communities

Council Policy Compliance

Not applicable.

Legislative Compliance

Not applicable

Officer Comments

Nominations were invited from all Local Governments.

Appointment to these positions requires a panel of nine (9) names to be submitted by WALGA to the Minister for Local Government.

Appointments are conditional on the understanding that nominees will resign when their entitlement terminates, that is, they are no longer Elected Members or Serving Officers of Local Government.

Analysis of Financial and Budget Implications

There are no direct financial implications however, it should be noted that Local Government Advisory Board members are entitled to be paid for their attendance at meetings.

Members are currently paid an annual allowance of \$16,810. Deputy Members are currently paid sitting fees of \$610.00 full day (more than 4 hours) or \$397.00 part day (4 hours or less). Travel expenses are also reimbursed in accordance with Government policy.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Elected Members were advised of the vacancy on Tuesday 10 March and requested to submit any expressions of interest.

The Mayor was the only elected member whom expressed his interest in nominating for the vacancy.

Outcome – Council Meeting 31 March 2015

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

Council Decision 104/15

That Council endorses Mayor Gary Brennan’s nomination for a vacancy on the Local Government Advisory Board.

CARRIED

11 votes “for” / Nil votes “against”

10.4 Bunbury Event Coordination Group (BECG) - Endorsement of successful applicants to represent the BECG Committee until April 2016 (was listed as item 10.3.1 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	Juaini Taylor, Senior Events Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Service
Attachments:	Appendix DCCS-1: BECG Terms of Reference Confidential Attachment CRUSC-1: Information from Applicants

Summary

The Bunbury Event Coordination Group (BECG) community representative positions expired on the 10 March 2015. Seven nominations were received for the five available positions. Assessment of the applicants is complete and Council endorsement is now being sought.

Executive Recommendation

That Council:

1. Endorses the five successful applicants to represent the Bunbury Event Coordination Group until April 2016 as recommended in the attached confidential document (attached).
2. Endorses the revised 'Terms of Reference' for the Bunbury Event Coordination Group as per the attached.
3. Thank the 2014/15 members of the Bunbury Event Coordination Group and congratulate them on their successes over the last 12 months.

Background

The Bunbury Event Coordination Group (BECG) was established by Council in February 2014, with the aim to attract, support and promote events with the outcome of bringing community and economic benefits and adding vibrancy into Bunbury.

This group comprises the following representatives:

- 1 City of Bunbury Councillor
- 2 City of Bunbury staff members
- 1 Bunbury Chamber of Commerce Industry representative
- 1 Tourism industry representative
- 1 X2Y representative
- Bunbury Regional Entertainment Centre Manager or delegate
- 5 Community members

On 10 March 2015, the community positions expired and an expression of interest was sought from people living in the greater Bunbury area, with experience in events, tourism, good networks, and a passion for growing events in Bunbury into the future.

Seven applications were received for five places.

Council Policy Compliance

Not applicable

Legislative Compliance

Not applicable

Officer Comments

Upon advertising the vacant community positions, seven nominations were received from the community. Nominations received were of high quality from applicants with diverse backgrounds. Please see attached confidential document.

The received applications were assessed by the following:

- Gary Brennan, Mayor
- Sam Morris, Councillor
- Stephanie Addison-Brown, Director of Corporate and Community Services
- Kristina Knight, Manager Tourism, Events and Wildlife Park
- Juaini Taylor, Senior Events Officer

Councillor Sam Morris is currently the Councillor Representative of the BECG, and will serve the group until October 2015.

Analysis of Financial and Budget Implications

Not applicable

Community Consultation

BECG members were aware of position terminations, and were notified to renominate should they be interested in serving the group until April 2016.

An advertisement seeking nominations for 5 community members to join the BECG was published on the 18 and 25 February and 4 March in the City of Bunbury's City Focus page in the Bunbury Mail. Applications closed on Friday 6 March 2015.

Councillor/Officer Consultation

The received applications were assessed by the relevant councillors and staff.

Outcome – Council Meeting 31 March 2015

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

Council Decision 105/15

That Council:

- 1. *Endorses the five successful applicants to represent the Bunbury Event Coordination Group until April 2016 as recommended in the attached confidential document (attached).***
- 2. *Endorses the revised 'Terms of Reference' for the Bunbury Event Coordination Group as per the attached.***
- 3. *Thank the 2014/15 members of the Bunbury Event Coordination Group and congratulate them on their successes over the last 12 months.***

CARRIED

11 votes "for" / Nil votes "against"

10.5 Revised Funding Criteria and Framework for the Community Grants and Event Funding Program (was listed as item 10.3.2 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	Juaini Taylor, Senior Events Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Service
Attachments:	Nil.

Summary

A recent review of the City of Bunbury’s current Grant Programs identified the need to streamline them to improve the application process for the community. This would include consolidating the ‘Event’ and ‘Community’ funding programs and introducing funding categories with clear and concise guidelines.

This item is being referred directly to Council rather than through the Policy Review and Development Committee as the review was undertaken at the request of the Community Grants Assessment Panel in February 2015. Following discussions with the Bunbury Event Coordination Group, the relevant funding rounds are scheduled to be advertised in April 2015 with the appropriate applications, guidelines and policy documents.

Executive Recommendation

That Council:

1. Adopt the revised framework for the Community and Event Funding Program.
2. Authorises the CEO to update the ‘Council Funding’ Policy, application forms and guidelines to reflect the revised criteria.

Background

The City of Bunbury provides funding for a range of programs, events and activities each year to enhance the community and economy. These are currently administered through two separate funding rounds – one for events and the other for community.

Both grant programs aim to be thorough yet transparent and enable a range of quality and diverse projects to take place. Every proposal seeking funding from the City of Bunbury must complete a grant application. Given the overlap that can occur between the two funding programs combining them with one advertising and application period would benefit the community.

In the funding policy, Community and Events Grants are summarised as the below:

1. Competitive Community Funding Pool

Applications for the competitive Community Funding Pool are available under two sub-categories:

- a) One-off Small Grants: contributions up to and including \$2,500 and to a maximum 100% of the total project cost;

- b) One-off Major Grants: contributions between \$2,501 up to and including \$20,000 and to a maximum 50% of the total project cost.

2. Events Funding Pool

Applications for the Events Funding Pool will be called and considered biannually under three sub-categories:

- a) Minor Events: contributions up to and including \$2,500 and up to a maximum of 100% of the total event cost.
- b) Major Events: contributions between \$2,501 up to and including \$20,000 and to a maximum 50% of the total event cost.
- c) Iconic Events can apply for amounts greater than \$20,000 and to a maximum of 50% of the total event cost.

Both of these required review and were discussed with the Community Grants Assessment Panel and the BECG as appropriate throughout 2014/2015.

Council Policy Compliance

The funding program relates to 'Council Policy: Council Funding'.

Policy Statement: To provide an equitable and transparent process through which Council determines its financial support to individuals, community and sporting groups, and other legal entities.

Legislative Compliance

Not applicable

Officer Comments

The two separate funding programs are currently operated independently. Both receive a large number of applications, and support new and existing events and projects for Bunbury. Overlap between the two has commonly occurred, with applicants occasionally applying to both or finding they are not competitive in either. The proposal to combine the application process will ensure the process is simplified and that the best proposals and projects are supported.

Consolidating the funding will also combine staff efforts in the administration and promotion of the program.

Following are the proposed funding categories; applications would be classified against the below categories to determine the level of funding they are eligible for and the assessment model that will apply:

Community Assistance		Arts & Place-Making*	
Events	Capital or Programs	Place-Making	Arts Development
A significant social event that actively engages and adds vibrancy to the community.	A capital purchase or program that will have a positive impact on the Bunbury community.	An activity or project that will activate a place or places within the City of Bunbury.	Innovative projects that will contribute to arts development in Bunbury.
Will generate limited media coverage and economic benefit.	Will benefit the community through capacity building or increased sustainability.	Projects that will benefit the community by adding vibrancy and interest to the City and will enhance community identity and pride.	Projects that will benefit the community by building capacity and skills through arts participation and enhance Bunbury's profile as a creative city.
Run by the community for the community.	Benefits a wide cross section of the Bunbury community.	Projects that benefit both a local community and wider community.	Projects by or with Bunbury artists.
Examples include fundraisers such as the Silver Chain Australia Day Breakfast or the Des Ugle Christmas Party.	Examples include accessible equipment for the community such as outdoor gyms or drinking fountains.	Examples include projects celebrating a site, a place or a neighbourhood.	Projects by Bunbury artists or arts groups.
Funding of up to \$2,500 available.	Funding of up to \$25,000 available.	Funding of up to \$5,000 available.	Funding of up to \$5,000 available.

*The Arts and Place-making funding category is proposed for the 2015-16 financial year and is included as an example of how it would also fit into a single funding round each year. This category will only proceed should Council agree to fund it through the budget in 2015/2016.

Events		
Minor	Major	Iconic
An annual event attracting over 1,500 people that adds value to the City's event calendar.	A significant event that generates vibrancy and adds value to the community.	An internationally recognised event that is unique to the region and attracts over 10,000 people.
Will generate media coverage and/or have marketing strategies that include mass media.	Generates significant media coverage, immediate and long term economic benefit and promotional opportunities.	Generates significant national media coverage, immediate and long term economic benefit and promotional opportunities.
Draws visitors from outside the Greater Bunbury area.	Draws visitors from across the state and interstate.	Draws interstate and international visitors.
Examples include national competitions hosted by local clubs/associations, the Bunbury City Dolphin Festival or Live Lighter Bunbury Show.	Examples include Groovin the Moo and Cinefest Oz.	Bunbury is seeking iconic events! An example would be Busselton's Ironman event.

Funding of up to \$15,000 available.	Funding of up to \$40,000 available.	Can apply for amounts greater than \$40,000.
--------------------------------------	--------------------------------------	----------------------------------------------

Evaluation Process

It is proposed that applications received are assessed depending on their category against the framework detailed in the table below:

Assessment Criteria	Grant Category Assessment Weighting		
	Community Assistance	Arts & Place- making	Events
Community Participation Engages with and accessible to a wide cross section of the Bunbury community.	40%	15%	20%
Vibrancy Extraordinary and innovative, providing activation of public spaces and adding vibrancy to the City of Bunbury. (includes arts development)	10%	35%	25%
Stay and Spend A driver of tourism that provides economic benefit and creates promotional opportunities.	5%	5%	25%
Community Benefit Develops skills, awareness and builds capacity amongst the Bunbury community.	40%	30%	5%
Profile Receives significant positive media coverage outside of the Greater Bunbury area, raising the profile of Bunbury as a destination.	5%	15%	25%

When assessing grant applications the City of Bunbury may find a proposal initially falls short of some of the criteria but may have the ability to satisfy the criteria in the future. In this situation the City may conclude that the proposal should be supported while it is developed to its full potential.

Assessment Process

- The Events Funding Program would continue to be assessed by the BECG
- Community Grants would be continue to be assessed by the community grant assessment panel
- Arts and Place-Making- It is anticipated that assessment for this category would be similar to the Community Grants but will be confirmed should Council support the establishment of these grants.

Currently the community grants program assessment is undertaken by the community grant panel with recommendations then requiring Council endorsement prior to being implemented. It is proposed that all funding categories be assessed by its own representing panel with delegation for the authorisation of the recommendations falling to the CEO.

Funding Eligibility

It is proposed that the below eligibility criteria are applied:

To be eligible for City of Bunbury grant funding the following criteria need to be met:

- The entire event/program/project or a significant portion of the event/program/project must take place within the City of Bunbury boundaries
- The event/program/project must be open to the general public and accessible
- Applicants must have an Australian Business Number (ABN) OR a Statement by Supplier form and incorporation certificate from its auspicing body
- The event/program/project must promote the City of Bunbury in a positive manner

The City of Bunbury will consider all applications but preference will be given to those that either could or are not:

- Political in nature or incorporate political activities
- Religious events (not including charities run by religious groups).
- Private functions such as weddings, private parties etc.
- Day to day operational funding for the organisation/business including open days, sales or - special occasions with the aim to profit the business.
- Ongoing or in-house occurrences such as award ceremonies and other annual happenings that form part of the group or organisation.
- Projects defined as a temporary group activity designed to produce a unique product, service or result. A planned program of work, unit of work or public work or task that could include activities such as training courses, classes, exhibitions, installations, permanent or semi-permanent construction.
- Applications submitted after the grant round has closed or where the event's date falls before the funding allocation is to be decided.
- Applications for capital costs including but not limited to equipment, vehicles and office supplies.
- Applicants who have not acquitted previous grants provided by the City of Bunbury.
- Events that already receive funding via any other City of Bunbury program.
- Applicants who do not provide copies of relevant and current insurance policies, risk assessments, management plans, permits and/or any other documentation requested in the application form.
- Conflict with City of Bunbury legislation and/or sponsorship policies.
- Exclude or offend the community.
- Present a hazard to the community or environment.
- Promote anti-social behaviour, including gambling, smoking or the consumption of other addictive substances.

Analysis of Financial and Budget Implications

Both funding program budgets will remain separate; however there may be some flexibility where an initiative will address two program categories and it could be drawn from one or both funding pools.

Community Consultation

Although no formal public consultation was held on this matter, conversations from a number of funding applicants stated the confusion between the two funding programs and its application process.

Councillor/Officer Consultation

The following Council Officers were invited to discuss the proposed merger of the funding programs:

- Stephanie Addison-Brown, Director Corporate and Community Services
- Julian Bowron, Manager Arts And Culture
- Kristina Knight, Manager Tourism, Events & Wildlife Park
- Deanna Sullivan, Team Leader Community Development
- Krystine Ingram, Executive Assistant Project Officer
- Juaini Taylor, Senior Events Officer

Proposed changes to the Event Funding Program follow several discussions with the Bunbury Event Coordination Group during 2014/15, as well as the Community Grants Assessment Panel in February 2015.

Strategic Relevance

Events relate to vision as well as the following themes, goals and objectives in the City of Bunbury's Strategic Community Plan:

Vision:

Bunbury will continue to be recognised as the capital of the South West region, with a strong and diverse economy offering a safe, friendly and vibrant lifestyle within an attractive natural and built environment.

Goals and Objectives:

Goal 2: Economic Diversity and Prosperity

Objective 2.1 Maintain support for local business

Objective 2.3 Create an environment that will attract new business

Goal 4: Social Enhancement

Objective 4.2 Increase participation in sport and leisure activities

Objective 4.3 Celebrate and conserve our culture and heritage

Objective 4.4 Enhance our sense of place, pride and participation in our community

Objective 4.5 Improve our community health and wellbeing

Themes:

Theme One	Support for local business
Theme Three	Heritage
Theme Six	Community connection
Theme Eight	Tourism
Theme Nine	Council leadership
Theme Ten	Health

Economic, Social, Environmental and Heritage Issues

Economic

The funding program will continue to provide tourism and economic benefits to the region, which creates business opportunities, subsequently enhancing opportunities for growth and employment.

Social

Funding towards programs and initiatives will have significant community development outcomes in terms of participation and pride. Participation in social activities is an important element of people's well-being and their ability to socialise with others; this fosters resilient relationships with community members, a positive quality of life.

Delegation of Authority

Assessment of applications will be undertaken by selected panel members that represent each funding category, with recommendations of each group to be authorised by the CEO.

Outcome – Council Meeting 31 March 2015

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

Council Decision 106/15

That Council:

- 1. Adopt the revised framework for the Community and Event Funding Program.***
- 2. Authorises the CEO to update the 'Council Funding' Policy, application forms and guidelines to reflect the revised criteria.***

CARRIED

11 votes "for" / Nil votes "against"

10.6 Proposed Change of Use from ‘Single House’ to ‘Medical Centre’, Alterations and Associated Signage – Lot 15 #6 Higgins Street, South Bunbury (was listed as item 10.4.1 of the Council Agenda)

File Ref:	P04499: DA/2015/19/1
Applicant/Proponent:	Ghassan Ghasseb
Author:	Teshome Tadesse, Senior Planning Officer
Executive:	Bob Karaszkewych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDS-1: Planning Advice Notes Appendix DPDS-2: Location Plan Appendix DPDS-3: Development Plans and Elevations Appendix DPDS-4: LPP Frame Areas Appendix DPDS-5: Schedule of Submissions Appendix DPDS-6: Applicants Response to Submission

Summary

The City has received a development application from Ghassan Ghasseb (architect on behalf on the intending operator) for a change of use from ‘Single House’ to ‘Medical Centre’; alterations to existing building and associated signage at Lot 15 #6 Higgins Street, South Bunbury.

A ‘Medical Centre’ use is listed as an ‘A’ use, meaning that Council may exercise its discretion and approve the use if considered appropriate.

Executive Recommendation

That Council:

1. In accordance with the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval for the proposed change of use from ‘Single House’ to ‘Medical Centre’ and alterations of existing building at Lot 15 #6 Higgins Street, South Bunbury subject to the following conditions:
 - 1.1 At all times, the development the subject of this planning approval must comply with the definition of ‘Medical Centre’ as contained in Schedule 1 of the City’s Local Planning Scheme.
 - 1.2 All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
 - 1.3 This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
 - 1.4 All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.

- 1.5 Except with the prior written consent of the City of Bunbury, the approved use must only operate between 8am and 5pm Monday to Friday.
- 1.6 Without further written consent from the City of Bunbury, no vehicular access from the right-of-way (ROW) shall be permitted.
- 1.7 Behind the existing building line, a 1.8m high solid fence to be installed to the north, west and east boundaries prior to occupancy.
- 1.8 Walls and fences truncated or reduced to no higher than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where any driveway meets a public street.
- 1.9 At all times, provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.
- 1.10 Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
- 1.11 Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
- 1.12 Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
- 1.13 Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- 1.14 Before the development is occupied, linemarking and parking signage must be installed in accordance with the approved plans.
- 1.15 Before the development commences, a damage bond to the value of \$1000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".
- 1.16 A minimum of 1m³ of stormwater storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.
- 1.17 This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction must have a minimum finished floor level of 2.2 metres AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.

- 1.18 All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the City of Bunbury.
- 1.19 All verge areas shall be suitably grassed or planted and maintained at all times. Additional hardstand or gravel sealing other than the crossover will not be permitted on the verge.
- 1.20 The front setback area shall be landscaped prior to occupancy in accordance with an approved landscaping plan to the satisfaction of the Local Government. A detailed landscaping plan is to be submitted and approved by the Works and Services Directorate, prior to a building permit application being submitted.
- 1.21 Prior to the use commencing, the property owner / developer shall purchase a street tree (1 X WA Peppermint Tree *agonis flexuosa*) to be installed within the verge area. Please contact the Works and Services Directorate on 9792 7087 to discuss requirements.
- 1.22 The Advertising Devices shall be professionally made and kept clean and maintained free of dilapidation at all times.
- 1.23 Any alteration to the sign or its location will render this approval void. In such an event the sign shall be subject to a new approval.

(A list of Advice Notes are **attached** at Appendix DPDS-1)

2. Advise the applicant and submitters of Council's decision.

Background

The proposal is for a change of use from 'Single House' to 'Medical Centre', alterations to existing building and associated signage at Lot 15 #6 Higgins Street. The subject land is zoned Residential – R20/40 and the use class 'Medical Centre' is an 'A' use under the Scheme. This means that the proposed non – residential use is not permitted unless the local government exercise its discretion and grants planning approval after advertising the proposal for public comment. A location plan of the subject lot is **attached** at Appendix DPDS-2.

The applicant has proposed the following external alterations, including modifications to the front elevation of the building; taking out a wall at the front; moving the building line approximately by one (1) metre at the front; and modifications to the existing windows and doors to fit the proposed use. The floor plan also indicates internal modifications to accommodate the three consulting rooms and associated administrative rooms and signage at the front. During the public comment period four (4) submissions, including two (2) objections were received. The objections raised issues of land use compatibility, car parking and traffic.

The application has been assessed and it is considered that the proposal is consistent with Scheme requirements, in particular land use and car parking requirements. It is also in line with the City's Local Planning Policy (LPP): 'Non – Residential Development in or Adjacent to Residential Areas', as the subject land is within a 'Frame Area'. A 'Frame Area' identifies areas in the Residential zone adjacent to activity centres and commercial areas, where non-residential development can be supported.

The subject site is a transitional area between commercial and residential areas, and is steadily experiencing development change. Therefore, a 'Medical Centre' use with conditions to maintain residential amenity is considered to be compatible with the surrounding residential development. It is recommended that Council approve the development application subject to the listed conditions and advice notes.

The development plans and elevations are **attached** at Appendix 3.

The proposed 'Medical Centre' will accommodate three consulting rooms which will be used by 'Medical Specialists'. The applicant has advised that one consulting room will be used by a 'Specialist Anaesthetist' and the remaining two consulting rooms are intended to be used by 'Surgical Specialists' (not General Practice – GP). It is also noted that the premises will be used as an out-patient care facility with no bed or overnight staying facilities on site.

Council Policy Compliance

The proposal complies with the City's Local Planning Policy (LPP): 'Non-Residential Development within or adjoining Residential Areas'. This policy is a guidance document which sets out the development standards and location requirements of non-residential development within the Residential zone.

The LPP identifies 'Frame Areas', which are residential areas located adjacent to identified activity centres or commercial centres, where non-residential uses may be located. The proposed change of use to 'Medical Centre' at Lot 15 #6 Higgins is within a 'Frame Area', and as such can be considered for approval by Council.

An extract of the LPP relating to 'Frame Areas' is **attached** at Appendix 4.

Legislative Compliance

The proposal is to be in compliance with the provisions outlined in City of Bunbury Town Planning Scheme No.7 (TPS7). The land use of 'Medical Centre' is listed as an 'A' use in a Residential Zone. This means that Council can consider the application following the public consultation process. TPS7 notes that Council is to have due regard to the matters listed in Clause 10.2 in TPS7 when considering the proposal.

The proposal complies with TPS7 requirements in the consideration of non-residential use in the residential zone and other relevant statutory requirements including car parking provision on site.

Officer Comments

The following issues of land use, boundary treatments, car parking and the proposed building alterations and signage have been reviewed and are discussed below.

Land use

The subject site is zoned Residential. Under TPS7 a "Medical Centre" use is listed as an 'A' use, meaning that Council may approve the use if it is considered appropriate, following the application being advertised.

The immediate locality is characterised by a mix of land uses, both residential and non-residential. The property opposite, #5 Higgins Street contains a ‘Medical Centre’ use, Synergy Sports Medicine. Land on Forrest Avenue, approximately 40m from the site, is zoned Mixed Business. This land can be used for a number of commercial uses in accordance with the Scheme requirements. Plaza Shopping Centre, which is identified as an Activity Centre under the Activity Centres for Greater Bunbury Policy and Local Planning Strategy, is within walking distance.

The LPP identifies the subject site and surrounding sites as being located within a ‘Frame Areas’. This means that this is an area that has been identified suitable to accommodate non-residential uses within the Residential zone, due to the sites proximity to an activity centres or commercial centres.

Although the subject site is immediately adjoined by residential uses, it is evident that this area is a transitional area between commercial and residential areas and is steadily experiencing development change.

Given the mix of land uses in the immediate locality and its status as being located within the ‘Frame Areas’, the proposed use of the site for a ‘Medical Centre’ would not be out of character in the consideration of the current land use mixes in the locality. Therefore the proposed use of a ‘Medical Centre’, is supported.

To maintain residential amenity, the operating hours are limited to between 8am and 5pm Monday to Friday. It is also understood that the premises will only operate on an appointment basis rather than walk in. The front of the property will be suitably landscaped and maintain the existing street scape character.

Boundary treatments

The plan shows that the existing 1.8 metre boundary fences along the property boundaries will be retained (1.8 metre Colourbond fences along the north and west property boundaries, and 1.8 metre high wooden fence along the eastern boundary). The site plan indicates a 2 metre buffer landscaping along a portion of western boundary.

The status of existing boundary treatments are not considered to be sufficient to protect the amenity of the adjoining residential developments. It is recommended that the applicant is to provide better boundary treatments in the form of a 1.8 metre high solid fence behind the building line, to the north, west and east boundaries with appropriate truncations (no higher than 0.75m within 1.5m of where fences adjoin vehicle access point). It is considered that a 1.8 metre high solid fence would be sufficient, as this is in keeping with the height of a standard residential dividing fence and given the proposed non-residential development (Medical Centre) is considered to be less intensive development that would not significantly impact the amenity of the surrounding residential developments.

Car Parking

The site plan submitted by the applicant shows 12 car parking spaces on site, including one disabled person’s parking space at the front. The rear car parking area will be accessed via a 3.2 metre paved driveway. Access will be from Higgins Street and no access will be provided from the R.O.W (north).

Table 2 of TPS7 specifies the car parking requirement for a ‘Medical Centre’ as:

- Four (4) spaces per consulting room and/or health consultant or 1 bay per 20 square metres of NLA, whichever is the greater, but not less than 5 bays.

For three (3) consulting rooms, twelve (12) car parking spaces are required to be provided on site. The proposal complies as 12 car parking spaces are provided on site.

Alterations and signage

The application seeks approval for alterations to the existing building, so the premises suits and is fitting to a 'Medical Centre' use. The proposed alterations are relatively minor in nature and upon assessment are in compliance with the applicable TPS7 and policy provisions. The alterations include: a minor extension at the front, upgrade of the front elevation of the building and internal fit outs to facilitate the use of the premises as a 'Medical Centre'.

The proposed signage is a wall sign and complies with Schedule 9 of TPS7 – Exempted Advertisements.

Analysis of Financial and Budget Implications

The proposal is to be located on private property, therefore poses no direct financial implications for the City.

If the applicant is aggrieved by Council's decision they may apply for a review of the decision through SAT. If the decision is forwarded to SAT for appeal, the City may incur legal costs.

Community Consultation

The proposed "Medical Centre" is an 'A' use which can be considered by Council following the public consultation process in accordance with TPS7 requirements.

The application was advertised for public comment from 4 February 2015 to 17 February 2015. Public consultation included the following:

- The proposal was advertised for 14 days on local papers;
- Two advertising signs placed on site;
- Notice on City's website; and
- Relevant documents were placed at the counter for public viewing.

A total of four (4) submissions; (2) were objections from residents in the immediate locality, one (1) support from the general public and one (1) government agency response containing a standard advice note.

The two (2) objectors have raised the matters of land use compatibility, car parking and traffic. A summary of the submission and the officer's comments can be view at the Schedule of Submissions **attached** at Appendix 5.

The applicant's response to the public submissions received is **attached** at Appendix 6.

Councillor/Officer Consultation

Discussions have been held internally with planning staff within Development Assessment, prior to the finalisation of the report.

Delegation of Authority

Given that two objections were received during the public consultation process, Council determination is required.

Relevant Precedents

Other examples of a “Medical Centre” use approved in a Residential zone include:

- Lots 172 and 173, #2 Mary Street, South Bunbury received granted planning approval for a “Medical Centre” use by Council at its Ordinary Meeting of 8 June 2010.
- Lot 8 #5 Higgins Street, South Bunbury was approved as a “Medical Centre” use, under delegation in 2008. This property is opposite the subject site and currently contains a Sports Medicine clinic.

Conclusion

The proposed ‘Medical Centre’ in the ‘Residential’ Zone is designated as an ‘A’ use, meaning that Council can approve the use if it is considered appropriate following consideration of public comments on the proposal. During the public consultation period only two objections were received on the matters of land use compatibility and car parking. Development Assessment considers that the land use and the number of car parking bays proposed is in compliance with the TPS7 and LPP requirements.

It is considered that the proposed ‘Medical Centre’ at Lot 15 #6 Higgins Street will not adversely impact the amenity of the area.

For the reasons outlined above, the development application is recommended for approval subject to the listed conditions and advice notes in the Executive Recommendation.

Outcome – Council Meeting 31 March 2015

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

Council Decision 107/15

That Council:

- 1. *In accordance with the Planning and Development Act 2005 (as amended), hereby resolves to grant planning approval for the proposed change of use from ‘Single House’ to ‘Medical Centre’ and alterations of existing building at Lot 15 #6 Higgins Street, South Bunbury subject to the following conditions:***
 - 1.1 *At all times, the development the subject of this planning approval must comply with the definition of ‘Medical Centre’ as contained in Schedule 1 of the City’s Local Planning Scheme.***

- 1.2** *All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.*
- 1.3** *This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.*
- 1.4** *All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.*
- 1.5** *Except with the prior written consent of the City of Bunbury, the approved use must only operate between 8am and 5pm Monday to Friday.*
- 1.6** *Without further written consent from the City of Bunbury, no vehicular access from the right-of-way (ROW) shall be permitted.*
- 1.7** *Behind the existing building line, a 1.8m high solid fence to be installed to the north, west and east boundaries prior to occupancy.*
- 1.8** *Walls and fences truncated or reduced to no higher than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where any driveway meets a public street.*
- 1.9** *At all times, provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.*
- 1.10** *Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.*
- 1.11** *Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.*
- 1.12** *Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.*
- 1.13** *Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.*
- 1.14** *Before the development is occupied, linemarking and parking signage must be installed in accordance with the approved plans.*
- 1.15** *Before the development commences, a damage bond to the value of \$1000 must*

be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".

- 1.16** *A minimum of 1m³ of stormwater storage for each 65m² of impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.*

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.

- 1.17** *This property is situated on the Preston River Flood Plain and is susceptible to flooding. Habitable rooms in any building construction must have a minimum finished floor level of 2.2 metres AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.*

- 1.18** *All verge areas abutting the boundaries of the subject site must remain clear at all times and must not be used for any other purpose including car parking, trade display, storage and signage to the satisfaction of the City of Bunbury.*

- 1.19** *All verge areas shall be suitably grassed or planted and maintained at all times. Additional hardstand or gravel sealing other than the crossover will not be permitted on the verge.*

- 1.20** *The front setback area shall be landscaped prior to occupancy in accordance with an approved landscaping plan to the satisfaction of the Local Government. A detailed landscaping plan is to be submitted and approved by the Works and Services Directorate, prior to a building permit application being submitted.*

- 1.21** *Prior to the use commencing, the property owner / developer shall purchase a street tree (1 X WA Peppermint Tree *agonis flexuosa*) to be installed within the verge area. Please contact the Works and Services Directorate on 9792 7087 to discuss requirements.*

- 1.22** *The Advertising Devices shall be professionally made and kept clean and maintained free of dilapidation at all times.*

- 1.23** *Any alteration to the sign or its location will render this approval void. In such an event the sign shall be subject to a new approval.*

(A list of Advice Notes are attached at Appendix DPDS-1)

- 2.** *Advise the applicant and submitters of Council's decision.*

CARRIED

11 votes "for" / Nil votes "against"

10.7 Local Law Relating to Dogs 2015 (was listed as item 10.4.3 of the Council Agenda)

Applicant/Proponent:	Internal Report
Author:	John Kowal, Manager Community Law, Safety and Emergency Management
Executive:	Bob Karaszewych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDS-9: Local Law Relating to Dogs 2015

Summary

The City of Bunbury last reviewed its Local Law Relating to Dogs in 2002. Council is required to review its Local Laws every eight (8) years and since the last review, there have also been amendments to the *Dog Act 1976* (the Act) and Dog Act Regulations (the Regulations) that in turn require that the relevant Local Law to be reviewed to ensure that it is compliant and not *ultra vires* to the Act and the Regulations.

A copy of the proposed new Local Law Relating to Dogs 2015 is **attached** as Appendix DPDS-9.

Executive Recommendation

That Council:

1. In accordance with Section 3.12(3)(a)(i) of the *Local Government Act 1995*, give State-wide public advertising that Council proposes to make the 'City of Bunbury Local Law Relating to Dogs 2015' and advertise the "Purpose" and "Effect" of the said Local Law.
2. Inform through public advertising that Public Submissions on the proposed Local Law may be made to the City of Bunbury before a day to be specified in the public notice, being a day that is not less than six (6) weeks after the public notice is given.

AT THE ORDINARY COUNCIL MEETING IT WILL BE NECESSARY FOR THE MAYOR TO READ ALOUD THE 'PURPOSE & EFFECT' OF THE PROPOSED THE LOCAL LAW BEFORE THE MATTER IS DISCUSSED.

Summary of the Purpose and Effect of the proposed 'City of Bunbury Local Law Relating to Dogs 2015'.

Purpose of the Local Law:

The purpose of the Local Law is to provide for the effective management and control of dogs within the City of Bunbury, including the seizure and impounding of dogs, control the number of dogs that can be kept on premises, and the manner of keeping those dogs.

Effect of the Local Law:

The Effect of the Local Law is to administer and apply the controls of dogs which exist under the *Dog Act 1976*.

Background

On the 1 November 2013, the State government introduced amendments to the Act and the Regulations. The amendments related to the following –

Compulsory Micro-chipping Of Dogs

- From 1 November 2013, all new dogs and dogs on change of ownership must be micro-chipped.
- By 30 November 2013 all dangerous dogs, which includes restricted breeds, dogs declared dangerous and commercial security dogs, must be micro-chipped.
- By 1 November 2015, all other dogs must be micro-chipped.

Other Amendments to the Act

- Improving community safety through stricter control of dangerous dogs: covering restricted breeds, individuals dogs that have been declared dangerous and commercial security dogs;
- The ban of the sale, transfer and breeding of dangerous dogs (restricted breeds);
- Improvements in the ability for local governments to deal with the nuisance caused by barking dogs;
- Expansion of the special provisions for Guide dogs in order to recognise and accommodate the various new types of appropriately trained assistance dogs now commonly utilised by people with a disability;
- New provisions to enable retired racing greyhounds after completing an approved training program, to safely return to the community as household pets and not be required to wear a muzzle;
- Increased penalties for offences under the Act, with minimum penalties stipulated for offences in relation to dangerous dogs.
- The introduction of a criminal offence where a dangerous dog kills a person or puts a person's life in danger; and
- New provisions to enable courts to impose a requirement for dog owners to attend and complete a dog training course in place of or in addition to a penalty.

The Act was also amended to allow Council to delegate certain powers to the CEO, set certain fees and charges, such as seizure and sustenance fees in accordance with Section 6.16 to 6.19 of the *Local Government Act 1995*, and to enable Council to declare dog prohibited and dog exercise areas by resolution of Council.

It is also a requirement of Section 3.16 of the *Local Government Act 1995*, that Local Laws are to be periodically reviewed by Council every 8 years for Council to consider whether or not the Local Law should be repealed or amended. It is because of this reason and because of the amendments to the Act and the Regulations it was considered pertinent to follow the required process for the making of a new Local Law and the repealing of the previous Local Law.

Council Policy Compliance

This item does not relate to any current Council Policy or Work Procedure.

Legislative Compliance

Section 3.12 of the *Local Government Act 1995* details the procedure to be followed when adopting or amending a Local Law. The ten-step process as defined by Section 3.12 is as follows.

1. A summary of Purpose and Effect of the Local Law is to be read aloud at a Council Meeting and a Council resolution made to advertise the proposed law for public information.
2. It is to be then given State-wide Public Notice on at least two occasions.
3. A Public Submission period of at least six (6) weeks from the date of the first State-wide notice to be allowed.
4. A copy of the proposed law is to be sent to the Minister for Local Government and any other Minister administering an Act under which the law is made.
5. A copy of the proposed Local Law is to be made available to any person requiring it.
6. A written summary of any public submissions received is to be included as an item for Council consideration.
7. Council is to consider submissions and may resolve, by special majority, to make the Law if not substantially different from original proposal.
8. The Local Law is to be published in the *Government Gazette* and a copy provided to the relevant Minister.
9. State-wide public notice stating the title of the Law, a summary of its “Purpose and Effect” and the date on which it comes into operation. The public must be advised that copies are available for inspection.
10. Ten (10) copies of the Local Law and explanatory memorandum (signed by the Chief Executive Officer and the Mayor) are to be provided to the West Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Analysis of Financial and Budget Implications

The cost of public advertising as required in accordance with Section 3.12 of the *Local Government Act 1995* can be accommodated under current operational budgets. The implementation of the Local Law would have no negative effect on the annual budget.

Community Consultation

In accordance with Section 3.12 of the *Local Government Act 1995* it is a requirement of Council to advertise the proposed Local Law, by State-wide public notice, on two (2) occasions. This is followed by a period of six (6) weeks where public submissions are received. Further to this, a copy of the Local Law is required to be made available to any person requesting it. A written summary of any public submissions is required to then be provided for Council consideration.

Councillor/Officer Consultation

There has been consultation with Council staff including Team Leader Ranger Operations, Rangers and the Director Planning, Development and Regulatory Services.

Delegation of Authority

There is no delegated authority to authorise the Executive Recommendation.

Relevant Precedents

Council last reviewed similar Local Laws in 1998, 2002 that were consequently accepted and adopted by Council.

Outcome – Council Meeting 31 March 2015

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

Council Decision 108/15

That Council:

- 1. In accordance with Section 3.12(3)(a)(i) of the Local Government Act 1995, give State-wide public advertising that Council proposes to make the 'City of Bunbury Local Law Relating to Dogs 2015' and advertise the "Purpose" and "Effect" of the said Local Law.***
- 2. Inform through public advertising that Public Submissions on the proposed Local Law may be made to the City of Bunbury before a day to be specified in the public notice, being a day that is not less than six (6) weeks after the public notice is given.***

CARRIED

11 votes "for" / Nil votes "against"

10.8 Draft City of Bunbury Local Planning Strategy and Local Planning Scheme No. 8
(was listed as item 10.4.4 of the Council Agenda)

File Ref:	A03929
Applicant/Proponent:	City of Bunbury
Author:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Bob Karaszewych, Director Planning, Development and Regulatory Services
Attachments:	Confidential Attachment CRUSC-3: CONFIDENTIAL City of Bunbury Local Planning Strategy Confidential Attachment CRUSC-4: CONFIDENTIAL City of Bunbury Local Planning Scheme No. 8 Confidential Attachment CRUSC-5: CONFIDENTIAL Scheme Map A Confidential Attachment CRUSC-6: CONFIDENTIAL Scheme Map B

Summary

In accordance with the Planning and Development Act 2005 and accompanying Town Planning Regulations 1967, substantive progress has been made in the preparation of an inaugural draft City of Bunbury Local Planning Strategy and a new draft City of Bunbury Local Planning Scheme No. 8 for Council's consideration to publicly advertise.

The substantially completed working draft versions of both the draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8 and associated maps have been circulated to members as Confidential Reports **under separate cover.**

Copies of the draft Local Planning Strategy and draft Local Planning Scheme will be presented to the Department of Planning for its consideration and advice regarding the desired format, content and process for the finalisation of the draft documents prior to their public release for advertising and comment.

Council will be required to take into account all submissions received prior to the final adoption of the draft Local Planning Strategy and draft Local Planning Scheme. Following which, the final draft versions of the strategy and scheme documents together with Council's resolution and all submissions will be forwarded to the Western Australian Planning Commission (WAPC) for its endorsement and approval by the Minister for Planning for gazettal of the new scheme.

The Council is required to have gained approval from the WAPC to advertise the documents, and until such time, the working draft versions of the documents are not to be publicly released.

Executive Recommendation

That Council:

1. Forward the draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8 (completed and reformatted to the satisfaction of the Chief Executive Officer in accordance with the revised draft Model Scheme Text contained in the proposed Planning and Development (Local Planning Schemes) Regulations 2014) to the Department of Planning for its preliminary consideration and advice regarding the format, content and process for the finalisation of the respective draft documents prior to their release for public

advertising and comment.

2. Subject to the outcomes of deliberations with the Department of Planning on its preliminary consideration and advice with the oversight of the Western Australian Planning Commission (WAPC), and in accordance with clauses 72, 84 and 94 of the Planning and Development Act 2005 and regulations 8, 10, 11, 12, 12A, 12B, 13 and 15 of the Town Planning Regulations 1967, resolves to publicly advertise the finalised draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8.
3. Advise the WAPC of Council's decision to publicly advertise the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8, and forward to the Commission copies of the draft documents, prior to proceeding to public advertising, in accordance with the provisions of the Planning and Development Act 2005 and Town Planning Regulations 1967.
4. In accordance with clauses 81 and 83 of the Planning and Development Act 2005, refer a copy of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and advice.
5. In accordance with clause 84 of the Planning and Development Act 2005 and regulation 15 of the Town Planning Regulations 1967, subject to formal assessment not being required by the EPA and subject to the granting of consent by the WAPC, undertake the following:
 - (a) publication of the notice of the passing by Council of that resolution in the Government Gazette and also in a newspaper circulating in the City of Bunbury, in accordance with Form No. 3 of Appendix A to the Town Planning Regulations 1967;
 - (b) publicly advertise and display the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents for public comment, with a submission period of not less than three (3) months from the date of publication of advertisement in the Government Gazette pursuant to the provisions of the Town Planning Regulations 1967;
 - (c) forward a copy of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents to any other person or public authority which, in the opinion of the City of Bunbury, has a direct interest in the draft documents, for consideration and advice within a period of not less than three (3) months from the date of publication of advertisement in the Government Gazette (and not less than 21 days after the day on which the final draft City of Bunbury Local Planning Strategy is given to the person or body); and
 - (d) take such other steps or carry out such other consultation as the City of Bunbury considers appropriate to give notice of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8.
6. In accordance with clause 87 of the Planning and Development Act 2005 and regulations 16 and 17 of the Town Planning Regulations 1967, further consider the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8, with or without modifications, together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory three (3) month public advertising period.

Background

The City of Bunbury Town Planning Scheme No.7 (TPS7) has been in operation since 2002, and it has been amended significantly since it was gazetted. Presently, TPS7 does not have the overarching strategic policy guidance provided by a Local Planning Strategy. Despite this, the scheme has been subject to over 80 amendments during its operation, and while it is now comparable to other contemporary Local Planning Schemes and has largely fulfilled its stated objectives, it is not considered to be an adequate instrument for guiding the future planning and development of Bunbury.

Consequently, a scheme review has been undertaken as part of the comprehensive reform of Council's entire Local Planning Policy Framework, which also includes the ongoing review of local planning policies, local area and precinct based concept planning, structure planning and review of the standard conditions for planning approval. As such, the inaugural strategy and new scheme represent the core statutory planning instruments of a larger integrated Local Planning Policy Framework – which plays a key role in managing the growth and change of the city in manner that sustains its character, lifestyle, competitiveness and natural values, now and into the future.

Council Policy Compliance

The working draft version of the draft City of Bunbury Local Planning Strategy has been prepared based on supporting land use planning themes (chapters and maps), which as an innovation, is intended to promote alignment between the aims of the strategy and the goals of Council's Strategic Community Plan.

Council has recently adopted a new Strategic Community Plan with revised goals and objectives. Consequently, the working draft version of the draft City of Bunbury Local Planning Strategy will be reformatted to be consistent with the revised Strategic Community Plan prior to its submission to the Department of Planning for preliminary consideration and advice and before it is ultimately released for public advertising and comment.

Legislative Compliance

The procedure for preparing and reviewing a Local Planning Strategy and a Local Planning Scheme is prescribed under the Planning and Development Act 2005 and accompanying Town Planning Regulations 1967, the latter of which contains the Model Scheme Text (MST).

The release of the State government's intended reforms contained in the proposed draft Planning and Development (Local Planning Schemes) Regulations 2014, resulting from the "Planning makes it happen: phase two blueprint for planning reform" initiative, will have implications on the finalisation of the scheme review procedure.

A working draft copy of the scheme text, based on the extant MST but with suggested modifications, was provided to the WAPC as part of the City of Bunbury's submission in response to a Discussion Paper released during the public comment period on the proposed draft Regulations, which of significance, includes a fundamentally new MST.

The City of Bunbury has recently been advised by the Chairman of the WAPC that all new schemes are expected by the Minister for Planning to be based upon the new MST contained in the proposed draft Regulations. Consequently, the working draft version of the draft City of Bunbury Local Planning Scheme No. 8 will be reformatted to accord with the new MST prior to its

submission to the Department of Planning for preliminary consideration and advice and before it is ultimately released for public advertising and comment.

Officer Comments

The implementation of a finalised draft strategy and a new draft scheme, within the context of the Strategic Community Plan and Corporate Business Plan, is expected to have a positive quadruple-bottom-line net benefit to the city. It is expected that the implementation of the finalised drafts of the strategy and scheme, as conceived, will contribute towards:

- facilitating the more sustainable development and growth of Bunbury; and
- the stimulation of greater social and economic (both public and private) investment in the necessary provision of soft and hard infrastructure services in Bunbury.

Analysis of Financial and Budget Implications

The costs of public advertising the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8 are accommodated within the respective project funds allocated under the 2014-15 annual budget.

Community Consultation

In summary, the following projects milestones and community engagement activities have occurred to date:

- Scheme Review Project Workshop 1 (May 2011);
- Council Decision 276/11 (29 November 2011);
- WAPC resolution of 20 April 2012 (in accordance with reg 4(6)), advised by letter on 3 May 2012;
- Local Planning Scheme Review Report (November 2011);
- Scheme Review Project Workshop 2 (December 2011);
- Local Planning Strategy - Integrated Transport Study (September 2012);
- Local Planning Strategy - Discussion Paper (September 2012);
- Council Workshop 1 (September 2012);
- Community and Industry Forum (November 2012);
- Council Workshop 2 (November 2012);
- Local Planning Strategy & Scheme Review: Stakeholder Forum - Report of Proceedings (December 2012);
- Local Biodiversity Conservation Planning Framework: Discussion Paper (April 2013);
- Local Biodiversity Conservation Planning Framework Workshop (May 2013);
- Local Planning Strategy and Scheme Review Project Update to Council (September 2013);
- Council Scheme Review Committee/ Working Group (February – June 2014); and
- Key stakeholder forum sessions - informal consultation period (20 November 2014 - 22 January 2015).

During the formal consultation period, links to both the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents, including a submission form for downloading, will be provided under the public notices and advertisements page of the City of Bunbury's website. Submissions can then be posted, emailed or lodged in person at Council's administration centre.

It is envisaged that once the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No. 8 have been certified by the WAPC for public advertising, a series of community forum sessions will also be conducted during the formal exhibition period in order to:

- gain feedback on the draft documents from the broader community; and
- promote awareness of the project and emerging State Government changes affecting the planning and development of Bunbury.

Submissions collected during the statutory public advertising period, along with comments captured through any community forum sessions, will be used to inform the completion of both finalised versions of the draft strategy and scheme documents, prior to Council's consideration of their final adoption.

Council will then be required to take into account all submissions received during the statutory public advertising period, prior to adoption of the final draft strategy and scheme with or without modifications. The final draft strategy and scheme documents together with Council's resolution (including a resolution to allow for inconsequential modifications to expedite the approval process) and the submissions will then be forwarded to the WAPC for its endorsement and approval by the Minister for Planning for gazettal of the new scheme.

Councillor / Officer Consultation

The information contained in the working versions of both the draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8 has been prepared with the involvement of Councillors; staff from across all directorates, in conjunction with other key stakeholders, such as the Department of Planning, a broad range of State government agencies and utilities, the Bunbury Chamber of Commerce and Industries (BCCI), the property and development industry sectors, and such like.

Outcome – Council Meeting 31 March 2015

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

Council Decision 109/15

That Council:

- 1. Forward the draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8 (completed and reformatted to the satisfaction of the Chief Executive Officer in accordance with the revised draft Model Scheme Text contained in the proposed Planning and Development (Local Planning Schemes) Regulations 2014) to the Department of Planning for its preliminary consideration and advice regarding the format, content and process for the finalisation of the respective draft documents prior to their release for public advertising and comment.***
- 2. Subject to the outcomes of deliberations with the Department of Planning on its preliminary consideration and advice with the oversight of the Western Australian Planning Commission (WAPC), and in accordance with clauses 72, 84 and 94 of the***

Planning and Development Act 2005 and regulations 8, 10, 11, 12, 12A, 12B, 13 and 15 of the Town Planning Regulations 1967, resolves to publicly advertise the finalised draft City of Bunbury Local Planning Strategy and draft City of Bunbury Local Planning Scheme No. 8.

- 3. Advise the WAPC of Council's decision to publicly advertise the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8, and forward to the Commission copies of the draft documents, prior to proceeding to public advertising, in accordance with the provisions of the Planning and Development Act 2005 and Town Planning Regulations 1967.***
- 4. In accordance with clauses 81 and 83 of the Planning and Development Act 2005, refer a copy of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and advice.***
- 5. In accordance with clause 84 of the Planning and Development Act 2005 and regulation 15 of the Town Planning Regulations 1967, subject to formal assessment not being required by the EPA and subject to the granting of consent by the WAPC, undertake the following:***
 - (a) publication of the notice of the passing by Council of that resolution in the Government Gazette and also in a newspaper circulating in the City of Bunbury, in accordance with Form No. 3 of Appendix A to the Town Planning Regulations 1967;***
 - (b) publicly advertise and display the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents for public comment, with a submission period of not less than three (3) months from the date of publication of advertisement in the Government Gazette pursuant to the provisions of the Town Planning Regulations 1967;***
 - (c) forward a copy of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8 documents to any other person or public authority which, in the opinion of the City of Bunbury, has a direct interest in the draft documents, for consideration and advice within a period of not less than three (3) months from the date of publication of advertisement in the Government Gazette (and not less than 21 days after the day on which the final draft City of Bunbury Local Planning Strategy is given to the person or body); and***
 - (d) take such other steps or carry out such other consultation as the City of Bunbury considers appropriate to give notice of the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8.***
- 6. In accordance with clause 87 of the Planning and Development Act 2005 and regulations 16 and 17 of the Town Planning Regulations 1967, further consider the final draft City of Bunbury Local Planning Strategy and final draft City of Bunbury Local Planning Scheme No.8, with or without modifications, together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory three (3) month public advertising period.***

CARRIED

11 votes "for" / Nil votes "against"

10.9 Youth Advisory Council Committee Nominations (was listed as item 10.1.1 of the Council Agenda)

Applicant/Proponent:	Youth Advisory Council Committee
Author:	Elizabeth Larkin, Community Development Officer
Executive:	Stephanie Addison-Brown, Director Corporate and Community Services
Attachments:	Nil

Summary

The purpose of this item is for Council to consider approving the nominations received to fill three (3) vacant positions on the Committee, as recommended by the Youth Advisory Council Committee at their meeting of 17 March 2015

Youth Advisory Council Recommendation

That Council notes the process and approves the following people being appointed to the Youth Advisory Council Committee until October 2015:

- Karl Sullivan
- Tahlia Bennell
- Jade Riley

***Absolute Majority Vote Required**

Background

As Council is aware, membership of the Youth Advisory Council Committee was finalised following the last local government ordinary elections in October 2013. Since this election positions have become vacant throughout each year and are required to be filled.

Extensive networking opportunities were arranged to recruit new members by the Community Development Officer responsible for the Youth Advisory Council which included meetings with relevant youth services in the Bunbury area. As a result of this three nominations were received to fill three of the vacant positions.

At the Youth Advisory Council committee meeting held Wednesday 11 March 2015 it was moved that the three nominations received to fill the vacant positions were noted and recommended that the nominations are referred to Council to be endorsed as Youth Advisory Council committee members.

Council Policy Compliance

There is no Council policy applicable to this report.

Legislative Compliance

There are no legislative requirements applicable to this committee.

Officer Comments

Reference checks have been completed for each nomination and a satisfactory report has been given that each candidate is suitable for the committee.

Analysis of Financial and Budget Implications

There are no financial and budget implications applicable to this report.

Community Consultation

Not applicable

Councillor/Officer Consultation

Not applicable

Outcome – Council Meeting 31 March 2015

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

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

Council Decision 110/15

That Council notes the process and approves the following people being appointed to the Youth Advisory Council Committee until October 2015:

- ***Karl Sullivan***
- ***Tahlia Bennell***
- ***Jade Riley***

****Absolute Majority Vote Required***

CARRIED

11 votes "for" / Nil votes "against"

ABSOLUTE MAJORITY ATTAINED

10.10 Budget Review February 2015 (was listed as item 10.2.1 of the Council Agenda)

Applicant/Proponent:	Internal
Author:	David Ransom, Manager Finance
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CEO-1: Budget Review Appendix CEO-2: Statement of Comprehensive Income Appendix CEO-3: Statement of Financial Activity Appendix CEO-4: Statement of Net Current Assets Appendix CEO-5: Balance Sheet Appendix CEO-6: Capital Works Appendix CEO-7: Operating Project Expenditure

Summary

Council adopted the 2014/15 Budget on 30 July 2014 of \$72.0M, comprising \$25.6M capital works, \$1.8M debt reduction and \$44.6M in operating expenditure (excluding depreciation). During the course of the year, Council has made amendments to the budget, including the October 2014 Budget Review which has reduced the current budget to \$68.5M.

A further budget review has been completed in February 2015 which will result in the current budget reducing by \$648K to \$67.9M. Proposed changes to operating income and expenditure will decrease the Operating Deficit from \$7,546,946 to \$5,338,349, a decrease of \$2,208,597 (mainly due to a decrease in depreciation of \$1.95M). Capital Expenditure will decrease by \$65K and Capital Income will decrease by \$254K.

As a result of the above changes the budgeted surplus funds at 30 June 2015 will increase from a surplus of \$466,666 to a surplus of \$539,145, an increase of \$72,479.

Executive Recommendation

Council adopt the February 2015 Budget Review with the following budget variations and amends the current budget accordingly:

Original Budget Surplus Closing Funds	\$545,928
Decrease in adopted Budget Surplus Closing Funds (Previous Resolutions of Council including October 2014 Budget Review)	(\$79,262)
Current Budget Surplus Closing Funds	\$466,666

February 2015 Budget Review Changes

Operating Revenue:	
- Decrease Rates	(\$50,000)
- Decrease Grants and Subsidies	(\$19,520)
- Increase Contributions Reimbursements	\$4,201
- Decrease Fees and Charges	(\$192,292)
- Increase Interest Received	\$22,900
- Decrease Other Revenue	(\$29,114)

	(\$263,825)
Operating Expenses:	
- Decrease Employee Costs	\$16,161
- Decrease Material and Contracts	\$359,512
- Decrease Depreciation	\$1,946,638
- Decrease Utilities	\$24,000
- Decrease Other Expense	<u>\$126,111</u>
	\$2,472,422
Add Back Decrease in Depreciation (non-cash)	(\$1,946,638)
Capital Revenue:	
- Decrease Grant/Contributions for Assets	(\$69,387)
- Decrease Proceeds from Disposal of Assets	(\$701,178)
- Increase Transfers from Restricted Cash	<u>\$516,173</u>
	(\$254,392)
Capital Expenditure:	
- Decrease in Materials and Contracts	<u>\$64,912</u>
Net Increase in Closing Funding Surplus from Budget Review	<u>\$72,479</u>
Revised Budget Surplus Closing Funds at 30 June 2015	<u>\$539,145</u>

****Note: An Absolute Majority Vote is required by Council***

Background

The Executive Leadership Team and Finance Staff have reviewed the 2014/15 Budget for the period ending 28 February 2015. Budget review items have been identified and supporting financial statements prepared incorporating year-to-date budget forecasts to 30 June 2015.

The February 2015 Budget Review is presented to Council for consideration.

Council Policy Compliance

Not applicable.

Legislative Compliance

Regulation 33A of the *Local Government (Financial Management) Regulations* 1996 requires:

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

Within 30 days after Council has adopted the Budget Review, a copy of the review and Council's decision is to be provided to the Department of Local Government.

Officer Comments

Council's Executive Leadership Team together with Finance staff monitor the City's monthly revenue and expenditure activities and (as required) refer any variances requiring remedial action to the Council.

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

Analysis of Financial and Budget Implications

The changes to operating income and expenditure will decrease the Operating Deficit from \$7,546,946 to \$5,363,286, a decrease of \$2,183,660 (mainly due to a decrease in depreciation of \$1.95M). Capital Expenditure will decrease by \$135K and Capital Income will decrease by \$254K.

As a result of the above changes the budgeted surplus funds at 30 June 2015 will increase from a surplus of \$466,666 to a surplus of \$584,208, an increase of \$117,542 as shown below:

Surplus from Budget Review Report (attached at Appendix CEO-1)	\$1,502,944
Less Depreciation (non-cash)	(\$1,946,638)
Less Increase to Reserves:	
College Grove Subdivision	(\$195,200)
Ocean Drive Underground Power	(\$907)
Refuse Collection and Waste Management	(\$60,000)
Withers	<u>(\$175,922)</u>
	(\$432,029)
Plus Decrease to Reserves*:	
Building Restoration and Maintenance	\$210,000
Depot Construction	\$600,000
Heritage Building Maintenance	<u>\$100,000</u>
	\$910,000
Plus Decrease in Unspent Grants	<u>\$38,202</u>
Increase in Closing Funds from February Budget Review	<u>\$72,479</u>

*(Reserves have decreased due to the proceeds from the sale of Lot 24 Fielder Street and Lot 1028 Latreille Road now being budgeted in 2015/16).

Details of the budget changes contained within this budget review are shown in the Budget Review February 2015 report **attached** at Appendix CEO-2 and the Financial Statements **attached** at Appendices CEO-2 through CEO-7.

Community Consultation

Not applicable

Councillor/Officer Consultation

The Executive Leadership Team have reviewed the February 2015 Budget Review.

Outcome – Council Meeting 31 March 2015

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

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

Council Decision 111/15

Council adopt the February 2015 Budget Review with the following budget variations and amends the current budget accordingly:

<i>Original Budget Surplus Closing Funds</i>	<i>\$545,928</i>
<i>Decrease in adopted Budget Surplus Closing Funds (Previous Resolutions of Council including October 2014 Budget Review)</i>	<i>(\$79,262)</i>
<i>Current Budget Surplus Closing Funds</i>	<i>\$466,666</i>

February 2015 Budget Review Changes

Operating Revenue:

- <i>Decrease Rates (\$50,000)</i>	
- <i>Decrease Grants and Subsidies</i>	<i>(\$19,520)</i>
- <i>Increase Contributions Reimbursements</i>	<i>\$4,201</i>
- <i>Decrease Fees and Charges</i>	<i>(\$192,292)</i>
- <i>Increase Interest Received</i>	<i>\$22,900</i>
- <i>Decrease Other Revenue</i>	<i>(\$29,114)</i>
	<i>(\$263,825)</i>

Operating Expenses:

- <i>Decrease Employee Costs</i>	<i>\$16,161</i>
- <i>Decrease Material and Contracts</i>	<i>\$359,512</i>
- <i>Decrease Depreciation</i>	<i>\$1,946,638</i>
- <i>Decrease Utilities</i>	<i>\$24,000</i>
- <i>Decrease Other Expense</i>	<i>\$126,111</i>
	<i>\$2,472,422</i>

Add Back Decrease in Depreciation (non-cash) ***(\$1,946,638)***

Capital Revenue:

- <i>Decrease Grant/Contributions for Assets</i>	<i>(\$69,387)</i>
- <i>Decrease Proceeds from Disposal of Assets</i>	<i>(\$701,178)</i>
- <i>Increase Transfers from Restricted Cash</i>	<i>\$516,173</i>
	<i>(\$254,392)</i>

Capital Expenditure:

- <i>Decrease in Materials and Contracts</i>	<i>\$64,912</i>
-----------------------------------------------------	------------------------

Net Increase in Closing Funding Surplus from Budget Review ***\$72,479***

Revised Budget Surplus Closing Funds at 30 June 2015 ***\$539,145***

****Note: An Absolute Majority Vote is required by Council***

CARRIED

11 votes "for" / Nil votes "against"

ABSOLUTE MAJORITY ATTAINED

10.11 Conservation Management Plan – Lady Mitchell Memorial Child Health Centre (was listed as item 10.2.1 of the Council Agenda)

File Ref:	P14297
Applicant/Proponent:	Internal
Author:	Lacey Brown, Urban Planning Officer
Executive:	Bob Karaszekwych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDS-7: Conservation Management Plan Appendix DPDS-8: Site plan

Summary

A Conservation Management Plan (CMP) for the Lady Mitchell Memorial Child Health Centre has been prepared for the City of Bunbury by consultants Greenward Consulting in association with Carmel Given, with funding assistance from LotteryWest (as **attached** at Appendix DPDS-7). It will provide clear guidance regarding the on-going conservation and management of the heritage values and a schedule of works.

Executive Recommendation

That Council:

1. Endorse the Conservation Management Plan (CMP) for the Lady Mitchell Memorial Child Health Centre as Appendix DPDS-7 with any works to be the subject of future budget deliberations.
2. Request that the Lady Mitchell Memorial Child Health Centre be assessed for entry in the State Heritage Register.
3. Request that the CEO ensure that all maintenance, works and planning for the Lady Mitchell Memorial Child Health Centre incorporate the recommendations of the CMP.

Background

The Lady Mitchell Memorial Child Health Centre is located at No.2 Prosser Street, South Bunbury (as **attached** at Appendix DPDS-8). The study area for this report includes the child health building and its associated fenced grounds on part Lots 1, 31 and 32. The Lady Mitchell Memorial Child Health Centre opened in 1952 and was a purpose built infant health centre designed to serve the expanding suburbs of South Bunbury.

The Lady Mitchell Memorial Child Health Centre was designed by William G Bennett, who was the honorary architect for the Infant Health Association of WA. The building included accommodation for the Infant Health Nurse, not uncommon for new centres in larger rural towns in the post-war period. The building was designed in the Post-War international style and has changed very little in its physical form since construction. The floor plan and many original physical features remain intact. The original infant health clinic still serves as a child health centre for South Bunbury, while the accommodation area was adapted for use by allied health services in 1996.

Council Policy Compliance

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

Legislative Compliance

The Australia International Council on Monuments and Sites (ICOMOS) Burra Charter was used to set the standard of practice for those who provide advice, make decisions about, or undertake works to the place.

The *Heritage of Western Australia Act 1990* requires all local government authorities in Western Australia to compile a local government heritage inventory.

The conservation and protection of places and areas of local heritage significance is provided for in the *Planning and Development Act 2005*, which enables local governments to protect heritage places and objects in local planning schemes (through the establishment of Heritage Lists and Heritage Areas).

Officer Comments

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

- historical and physical evidence relevant to the assessment of the cultural heritage significance of the place;
- assessment of the place’s cultural heritage significance;
- conservation policy recommendations; and
- implementation recommendations.

The CMP states that the Lady Mitchell Memorial Child Health Centre is of cultural heritage significance for the following reasons:

- The place is representative of the establishment and growth of the Infant Health Association of Western Australia, which was formed in 1923 as a direct result of the need for maternal and infant welfare services in the State;
- The place helps to illustrate the major expansion of this service in the years immediately following World War II;
- The place is a good and highly authentic example of the work of William G Bennett, in his role as honorary architect for the Infant Health Association from c1934 to c1958;
- The place is a relatively rare surviving example of an infant health clinic designed with attached quarters for the infant health nurse;
- The place is rare in that it continues to be used as a child health centre, resisting economically driven trends of consolidating health services in large regional towns;
- The place has high social and historic value for its role in providing a child health service for the women and children of Bunbury for over 60 years;
- The place is significant for its association with the suburban development of South Bunbury and contributes to the community’s sense of place; and

- The place is a good example of a modest community building influenced by the Post-War International style.

The findings of this assessment assisted in the development of policies and recommendations in the CMP for the Lady Mitchell Memorial Child Health Centre to assist in the ongoing conservation and management of the property.

Further LotteryWest funding can be sought for places with a CMP in place.

Analysis of Financial and Budget Implications

Implementation of the recommendations contained within the Conservation Management Plan will have financial implications, although some works could be funded under the existing maintenance budgets for the property. It should be noted that the plan contains recommendations only, and the City is under no obligation to implement all or any of them within the timeframes specified. Any future intentions to lease the property should clearly identify responsibilities and staging of works for conservation and maintenance as detailed in the schedules contained in Section 9 of the CMP.

Part of the Revenue from the lease should be transferred into the Heritage Building Maintenance Reserve for the purpose of major capital maintenance which may be required for this building.

Community Consultation

The City of Bunbury Heritage Advisory Group, comprising two (2) Councillors and four (4) community members, supported the preparation of the Conservation Management Plan and were given the opportunity to make comment. The draft was discussed and supported at the meeting of 11 February 2015.

Councillor/Officer Consultation

The Heritage Advisory Group is supported by the Regional Heritage Advisor, Council's Director Planning, Development and Regulatory Services and a Planning Officer.

The City's Regional Heritage Advisor and Council officers have considered the plan in its various drafts and provided comment in its preparation. The draft CMP has also been discussed with officers from the Contracts and Property department to inform the ongoing management and maintenance of the property.

Life-cycle Maintenance Costs (Capital Works Projects Only)

Council currently manages the maintenance on this property but this is likely to be transferred to the lessee, in consultation with Council, to implement the Schedule of Works as contained in the Conservation Management Plan. All works will still require approval by Council.

Heritage

The recommendation will involve retention of the property on the Municipal Inventory; inclusion in the Heritage List for the Town Planning Scheme and referral to the State Heritage Office for assessment for entry in the State Heritage Register.

The endorsement of the CMP will provide clear guidance regarding the on-going conservation and management of the heritage values and assist in future funding applications for the Lady Mitchell Memorial Child Health Centre.

Outcome – Council Meeting 31 March 2015

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

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

Council Decision 112/15

That Council:

- 1. Endorse the Conservation Management Plan (CMP) for the Lady Mitchell Memorial Child Health Centre as Appendix DPDS-7 with any works to be the subject of future budget deliberations.***
- 2. Request that the Lady Mitchell Memorial Child Health Centre be assessed for entry in the State Heritage Register.***
- 3. Request that the CEO ensure that all maintenance, works and planning for the Lady Mitchell Memorial Child Health Centre incorporate the recommendations of the CMP.***

CARRIED

8 votes “for” / 3 votes “against”

Crs Jones, Morris, and Miguel asked that their votes “against” be recorded.
All other Councillors and the Mayor voted “for” the motion.

11. Applications for Leave of Absence

11.1 Request for Leave of Absence – Mayor Gary Brennan

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

Summary/Background

Mayor Gary Brennan requests leave of absence from all Council-related business from 22 April 2015 to 30 April 2015 inclusive.

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

Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Mayor Gary Brennan is granted leave of absence from all Council-related business from 22 April 2015 to 30 April 2015 inclusive.

Outcome – Council Meeting 31 March 2015

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

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

Council Decision 113/15

Pursuant to Section 2.25 of the Local Government Act 1995, Mayor Gary Brennan is granted leave of absence from all Council-related business from 22 April 2015 to 30 April 2015 inclusive.

CARRIED

11 votes "for" / Nil votes "against"

12. Motions on Notice

12.1 Motion on Notice – Cr Cook– External Screen and Projector at the Bunbury Regional Library

Applicant/Proponent:	Cr Cook
Author:	Cr Cook
Executive:	<i>If adopted refer to the Director Corporate and Community Services</i>
Attachments:	Nil.

The below Motion from Cr Cook is submitted for consideration at the Council Meeting on 31 March 2015.

That Council request the Chief Executive Officer investigate the repair, removal or replacement of the external projection screen and projector, currently located at the Bunbury City Library in Parkfield Street.

Comments – Cr Cook

The current setup was previously managed by Vue Corp but that agreement ceased some 18 months ago. Since that time, the projector has fallen into disrepair and investigations by the IT staff have deemed that the unit is beyond repair and is out of warranty.

Anecdotal indications are that a projector can be procured for about \$7,000. This would be a like-for-like replacement which means it is not current technology and does not have “smart” digital capabilities.

Following a suggestion from Cr Steele, the RSL is keen to display WW1 movies and photographs leading up to this year’s ANZAC Day and the City is borrowing a projector from BREC for that purpose.

The ability to borrow a unit has removed the urgency to buy a like-for-like replacement.

I do not know the complete history of the installation of the unit but I have been lucky enough to see it in use. The same compelling reasons for installing the unit in the first place, will exist today. I think there is the exciting prospect of having DVD’s running on balmy summer evenings and people viewing them from ANZAC Park. A major use, from the City’s perspective, would be the advertising of up and coming events or special occasions. It is also possible that it could provide a small income stream by advertising commercial events (not products).

Social benefits will come from being able to advertise City of Bunbury Events and screenings for special occasions such as ANZAC celebrations or Museum-type ‘Bunbury Remembers’ archival stuff. It would be good to see people unfurl blankets and settle to watch a free screening from ANZAC Park.

Executive Comments

It must be noted the screen itself is simply a piece of glass in a frame and a projector is used to project images onto it (i.e. it is not a digital screen of the kind that might be purchased today). The projector was purchased as part of an original digital art installation over five years ago so the

equipment and screen are now both over five years old. Several attempts at repairs have been unsuccessful. The current set up is considered old technology and will be costly to replace and maintain.

The Director Corporate and Community Services, Manager Community, Arts and Culture and Acting Manager Information Technology met with Cr Cook, Cr Steele and Mr Jeff Pierce from the RSL on Wednesday 4 February 2015 to look at opportunities for scrolling WWI images on the digital screen during April in line with ANZAC commemorations. Hire of an alternative (temporary) projector has been researched for the ANZAC commemorations and the Bunbury Regional Entertainment Centre has recently offered the City free use of some of its equipment specifically for this purpose in support of the commemorations.

Analysis of Financial and Budget Implications

There is currently no budget allocation or project proposed for replacement of the projector so any funding to replace it will result in a reduction of funding from other core baseline activities which have, so far, been considered to be a higher priority than this, or it will mean the estimated end of year surplus will be reduced by up to \$10,000.

Outcome – Council Meeting 31 March 2015

The Motion (as printed) was moved Cr Cook, seconded Cr Hayward.

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

Council Decision 114/15

That Council request the Chief Executive Officer investigate the repair, removal or replacement of the external projection screen and projector, currently located at the Bunbury City Library in Parkfield Street.

CARRIED

10 votes "for" / 1 votes "against"

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

Nil.

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

Nil.

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

Recommendation

In accordance with sections 5.23(2)(e) of the *Local Government Act 1995* and clause 6.2 of the City of Bunbury's Standing Orders Local Law 2012, Council resolves to close the meeting to members of the public to consider the Items titled " *15.1.2 Proposed Deed of Lease – Wheilcliff Pty Ltd over Reserve 42940, Lot 755 Wittenoom Street, Bunbury*".

The motion was moved Cr Hayward, seconded Cr Cook.

The Mayor put the motion to the vote and was CARRIED 11 votes "for" / Nil votes "against". The meeting was closed to all members of the public and press at 5:48pm.

15.1.1 Proposed Deed of Lease – Wheilcliff Pty Ltd over Reserve 42940, Lot 755 Wittenoom Street, Bunbury

Applicant/Proponent:	Wheilcliff Pty Ltd
Author:	Jane Dawson, Senior Property Officer Neil Dyer, Team Leader Parking
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-2-1: Location Plan – Wheilcliff Pty Ltd

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

- (e) *a matter that if disclosed, would reveal –*
- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
- where the trade secret or information is held by, or is about, a person other than the local government; and*

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

Outcome – Council Meeting 31 March 2015

The Executive Recommendation (as printed) was moved Cr McCleary, seconded Cr Kelly.

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

Council Decision 115/15

That Council authorise the Chief Executive Officer to negotiate a new lease over Reserve 42940, Lot 755 Wittenoom Street on commercial terms to ensure that the City is able to recoup equivalent revenue to that of a Council-managed car park.

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

15.2 Public Reading of Resolutions that may be made Public

Cr Cook moved Cr Giles seconded that the meeting be reopened to the public and press.

The Mayor put the motion to the vote and was CARRIED 11 votes “for” / Nil votes “against”.

The meeting was reopened to the public and press at 5:50pm.

The Mayor read aloud Council Decision 115/15:

“That Council authorise the Chief Executive Officer to negotiate a new lease over Reserve 42940, Lot 755 Wittenoom Street on commercial terms to ensure that the City is able to recoup equivalent revenue to that of a Council-managed car park.”

16. Closure

The meeting was declared closed at 5:51 pm.