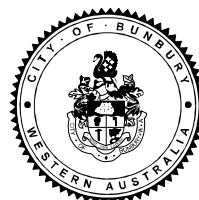


Bunbury City Council

Minutes 28 April 2015



CITY OF BUNBURY
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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, 28 April 2015 at 5.30pm.

Minutes 28 April 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 Deputy Mayor Brendan Kelly 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 Deputy Mayor offered his congratulations to the Bunbury Sub-Branch of the RSL for the Anzac Day commemorations held the previous weekend.

The Deputy Mayor noted that the attendance levels at Groovin' the Moo on the weekend had been approximately 20,000 people and that the event had gone well.

Minister Malcolm Turnbull had been in Bunbury during the day and the Deputy Mayor asked Cr Hayward to give a brief overview. Cr Hayward advised that thanks had been given to the City for hosting the Event at BREC that afternoon. There had been a number of other local governments represented at the event and advice was provided that by 2017 there would be 55,000 residents connected to the NBN in the South West and the rollout is on track.

Finally, the Deputy Mayor noted that the Carey Park Football Club would be giving a presentation following the Council Meeting.

4. Attendance

Present:

Council Members:	
Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor J Hayward
	Councillor B McCleary
	Councillor S Morris
	Councillor J Jones
	Councillor N McNeill
	Councillor D Prosser
	Councillor K Steele
	Councillor J Miguel
	Councillor M Cook
Executive Leadership Team (Non-Voting)	
Director Planning, Development and Regulatory Services	Mr B Karaskewych
Director Corporate and Community Services	Ms S Addison-Brown
Director Works and Services	Mr P Harris
Council Officers (Non-Voting)	
Acting Media and Communications Officer	Mr J Tatham
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Executive Assistant to the Mayor	Ms K Merwood
Manager Corporate Projects	Mrs F Anderson
Council Meeting Support Officer	Mrs L Allan
Others (Non-Voting)	
Members of the Public	8
Members of the Press	2

4.1 Apologies

Cr Steck was absent.

4.2 Approved Leave of Absence

Cr Giles is on approved leave of absence from all Council-related business from 13 April 2015 to 29 April 2015 inclusive.

The Mayor Gary Brennan is on approved leave of absence from all Council-related business from 22 April 2015 to 30 April 2015 inclusive.

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 Deputy Mayor, Brendan Kelly declared an impartiality interest in the item title *“15.1 Proposed Lease Over Lot 1 and Lot 166 Prosser Street, Lot 8, Lot 100, Lot 31 and Lot 32 Spencer Street, South Bunbury With Bunbury City Plaza Shopping Centre”* as he is the part owner of a property in Alexander Street. The Deputy Mayor will remain in the chamber for the discussion and vote on the matter.

6. Public Question Time

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

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

6.1 Public Question Time

Mr David Smith, 8 Picton Crescent, Bunbury

Question 1: Has the management model for the Hay Park South Sports Centre been determined as yet, and if so what is proposed to be the model?

Reply: The user groups have been informed that they need to put forward a proposed business plan as to how they are to use the facility and how they would fund their lease payments, or how in fact they can reduce them by demonstrating the ability to contribute to the life cycle costs through fund raising/sponsorship arrangements.

A Draft Management Plan that takes into account usage and fees for future users of the pavilion will soon be considered by Council.

Question 2: Can further information be provided for the credit card transaction for \$206.40 referred to at page 2 of the Schedule of Accounts, and the monthly payment of \$48.00 for a World Vision Child?

Reply: The City has sponsored a child for the last six years and chose to do this in lieu of sending Christmas cards.

The transaction for \$206.40 was via a PayPal account which selected the wrong credit card. This total was identified the same day the transaction statement was received, invoiced drawn and paid immediately to rectify this error.

Question 3: Can you please advise of the Budget allocation for all media relations and media staff and other media advertising including event promotion and advertising through WALGA and other Agencies, and the total amounts paid under these categories between 01/07/2014 and 31/3/2015.

Reply: This information can be sourced through the Annual Budget and through the Schedule of Accounts Paid which is attached as appendices to the Council Agenda on a monthly basis.

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 14 April 2015 have been circulated.

Recommendation

The minutes of the Ordinary meeting of the Bunbury City Council held 14 April 2015 be confirmed as a true and accurate record.

Outcome – Council Meeting 28 April 2015

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

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

Council Decision 131/15

The minutes of the Ordinary meeting of the Bunbury City Council held 14 April 2015 be confirmed as a true and accurate record.

CARRIED

10 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*

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

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

8.2 *Presentations*

Nil.

8.3 *Deputations*

Ms Shelley Leech of 22 Barr Road, Bunbury addressed Council in relation to *Item 10.5.1 titled "Barr Road Traffic Calming Petition"* at the time the item was considered.

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 Deputy 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 10.2.1, 10.2.2 and 10.4.1.

Items 10.1.1 and 10.5.1 of the meeting agenda were then discussed and voted on separately and in the order that they appeared on the agenda. The items have been renumbered with the items voted “by exception” listed first.

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

10. Reports

10.1 *Financial Management Report for the Period Ending 31 March 2015* (was listed as item 10.2.1 of the Council Agenda)

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

Summary

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-1)
Actual Financial Performance to 31 March 2015
 - Actual income of \$47.96M is \$302K greater than the year-to-date budgeted income of \$47.66M.
 - Actual expenditure of \$30.66M is \$1.96M less than the year-to-date budgeted expenditure of \$32.62M (refer explanation on next page).
 - Actual operating surplus of \$17.30M is \$2.26M greater than the year-to-date budgeted operating surplus of \$15.04M.

- Balance Sheet (**attached** at Appendix CEO-4)

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

	Year-to-date	Forecast
• Current Assets of \$27.37M includes:		
- Cash and Investments	\$24.67M	\$14.22M
- Rates	\$ 1.85M	\$0.22M
- Other Current Assets	\$ 0.85M	\$2.04M
• Current Liabilities of \$6.68M includes:		
- Trade and Other Payables	\$1.64M	\$4.30M
- Annual Leave and LSL Provisions	\$3.20M	\$3.70M
• Working Capital (Current Assets less Current Liabilities)	\$20.69M	\$6.47M
• Equity (Total Assets less Total Liabilities)	\$444.24M	\$428.09M

- Statement of Financial Activity (**attached** at Appendix CEO-2)

- Closing Funding Surplus to 30 June 2015 is forecast at \$1.0M, which is \$464K more than the Current Budget Closing Funding Surplus of \$539K. Note that the forecast closing funds of \$1.0M includes \$440K of operating and capital projects carried forward to 2015/16 Budget. Forecast closing funds net of carried forward projects is \$563K.
- 4. Capital Works (**attached** at Appendix CEO-5)
 - Actual capital works of \$8.16M (which excludes \$2.26M of committed expenditure) is \$7.07M less than the year-to-date budgeted capital works of \$15.23M, (refer explanation within report).
- 5. Operating Project Expenditure (**attached** at Appendix CEO-6)
 - Actual operating project expenditure of \$1.95M (which excludes \$665K of committed expenditure) is \$964K less than the year-to-date budgeted operating project expenditure of \$2.91M, (refer explanation within report).

Executive Recommendation

The Financial Management Report for the period ending 31 March 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 CEO-1)
- Statement of Financial Activity (**attached** at Appendix CEO-2)
- Statement of Net Current Assets (**attached** at Appendix CEO-3)
- Balance Sheet (**attached** at Appendix CEO-4)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-5)
- Operating Projects Summary (**attached** at Appendix CEO-6)

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

Council Policy Compliance

Not applicable.

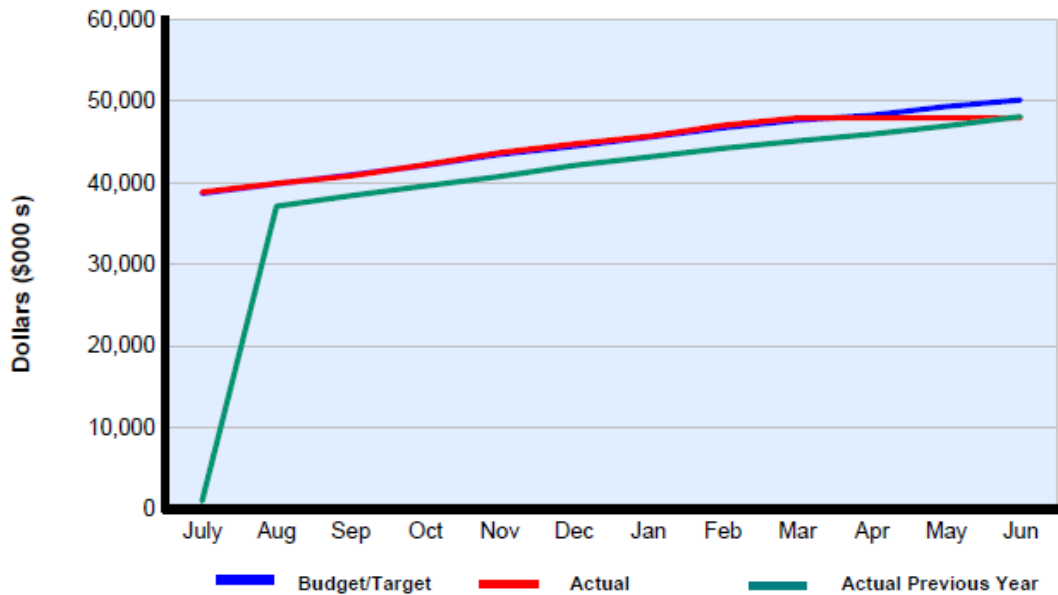
Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (**attached** at Appendix CEO-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.

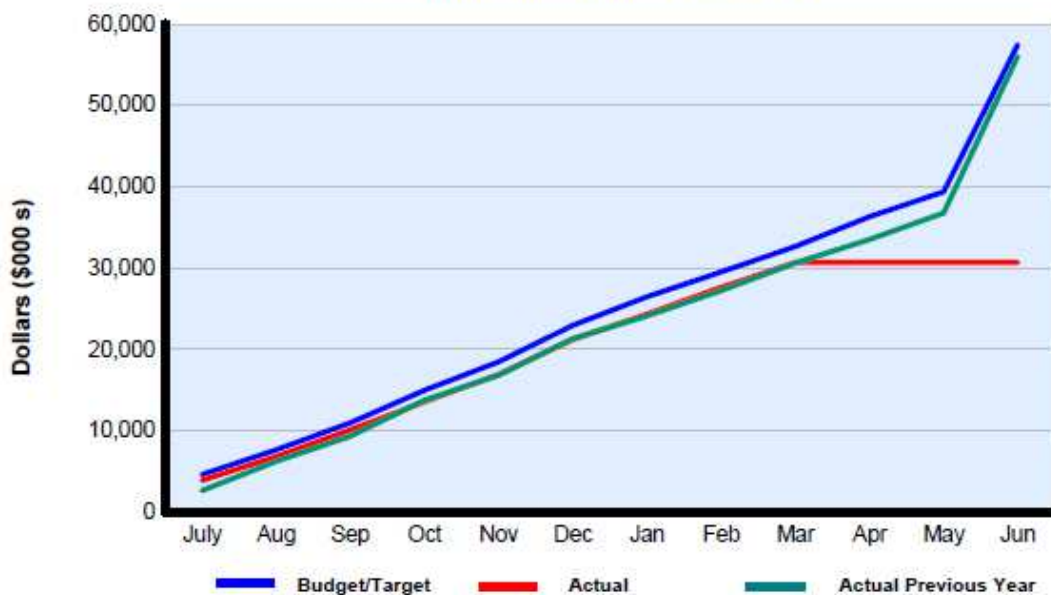
Operating income (\$'000's)



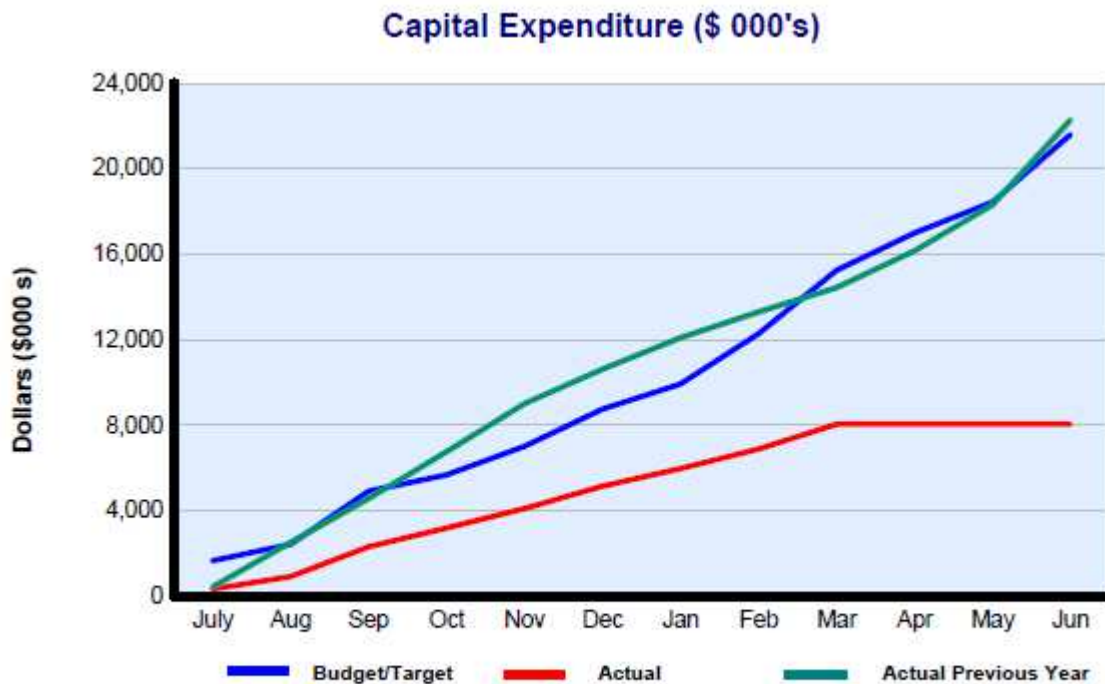
Note: Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

There is a favourable actual to budget variance of \$302,152 due to \$16K favourable variance in interim rating, \$41K favourable variance from contribuion and reimbursement income, \$273K favourable variance from fees and charges, \$44K favourable variance from interest received and a \$22K favourable variance from other revenue, which is offset by an unfavourable variance of \$95K operating grants and subsidies.

Operating expenditure (\$'000's)



Note: Actual operating expenditure for both base and operating projects is \$1.96M under the year-to-date budget due to timing of works commencing. This is monitored on a monthly basis. Note that there is operating project committed expenditure of \$665K.



Note: The capital expenditure variance to the end of March 2015 of \$7.07M 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 \$2.26M.

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> – Additional interim rate income of \$19,022 received. The end of year forecast has been adjusted accordingly.	\$16,138 0.05%
Contributions Reimbursements and Donations <i>Donation Income</i> – Unfavourable year-to-date variance of \$2,412, due to budgeted donations for the Bunbury Wildlife Park, Bunbury Regional Art Galleries and the Setagaya conference not being received.	\$41,305 6%
Fees and Charges <i>General Hire Fee Income</i> – Unfavourable year-to-date variance of \$17,841 due to the hiring of art gallery space and sports and recreation facilities not being utilised. <i>Fine and Penalty Fee Income</i> – Favourable variance of \$50,184 due to higher than anticipated parking fines received year-to-date of \$26K, (note that any additional income is transferred into reserves), higher than anticipated dog registration fines of \$14K, higher than expected year-to-date bush fire fines of \$4K, higher than expected library fines \$2K.	\$273,327 2%

Operating Expenditure	
<p>Employee Costs <i>Salary Expenses</i> - Actual Employee Costs are \$97,979 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><i>Other Employee Related Expenses</i> – Unfavourable year-to-date variance of \$91,133 due to an unexpected workers compensation insurance premium adjustment of \$97K for the 2013/14 financial year.</p>	<p>(\$189,112) (1%)</p>
<p>Materials and Contracts <i>Materials Expense</i> – Favourable variance of \$618,335 mainly due to the timing of operating projects. Refer to Operating Expenditure report for project details. This will continue to be monitored on a monthly basis.</p> <p><i>Consultants Expense</i> – Favourable year-to-date variance of \$353,990 mainly due to the timing of operating projects. Refer to Operating Expenditure report for project details. This will be monitored on a monthly basis.</p> <p><i>Contractors Expense</i> – Favourable year-to-date variance of \$1,041,042 due to timing of operating projects. Refer to Operating Expenditure report for project details. This will be monitored on a monthly basis.</p>	<p>\$2,049,337 19%</p>
<p>Other Expenditure <i>Miscellaneous Expense</i> – Favourable year-to-date budget variance of \$60,879 due to the employee training and conferences that have not yet occurred.</p>	<p>\$48,428 3%</p>

Statement of Financial Activity	YTD Actual to Budget Variance
Operating Revenues	
See explanation above included in the Statement of Comprehensive Income variances.	<p>\$286,014 1.88%</p>
Operating Expenses	
See explanation above included in the Statement of Comprehensive Income variances.	<p>\$1,956,077 6%</p>
Capital Expenses	
Acquisition of Assets – Variance due to delay in progress of various projects. Note that there is committed expenditure of \$2.26M. Refer to Capital Expenditure report for project details.	<p>\$7,069,420 46%</p>

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) refers 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 28 April 2015

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

Council Decision 132/15

The Financial Management Report for the period ending 31 March 2015 be received.

CARRIED

10 votes "for" / Nil votes "against"

10.2 Schedule of Accounts Paid for the Period 1 March 2015 to 31 March 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-7: Schedule of Accounts Paid

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 March 2015 to 31 March 2015 is **attached** at Appendix CEO-7. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$5,067,152.07
2. Advance Account – payments totalling \$3,909,333.63
3. Trust Account – payments totalling \$23,182.16
4. Visitor Information Centre Trust Account – payments totalling \$40,446.90
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$302,145.63
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$276,292.21

Executive Recommendation

The Schedule of Accounts Paid for the period 1 March 2015 to 31 March 2015 be received.

Outcome – Council Meeting 28 April 2015

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

Council Decision 133/15

The Schedule of Accounts Paid for the period 1 March 2015 to 31 March 2015 be received.

CARRIED

10 votes "for" / Nil votes "against"

10.3. Approval of Scheme Amendment 77 City of Bunbury Town Planning Scheme No. 7
(was listed as item 10.4.1 of the Council Agenda)

File Ref:	A06032
Applicant/Proponent:	Harley Dykstra Pty Ltd
Author:	Dorothy Harmer, Planning Officer
Executive:	Bob Karaszekwych, Director Planning, Development and Regulatory Services
Attachments:	Appendix DPDS-1: Local Planning Scheme Amendment Report - Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7 Appendix DPDS-2: Location Plan Appendix DPDS-3: Schedule of Submissions

Summary

The proposed scheme amendment is to rezone Lots 190 and 191 (street address #16) Lowe Street, Carey Park, from 'Place of Assembly Zone' to 'Residential Zone' with a residential density coding of 'R20/R30'.

The proposed scheme amendment was advertised for public comment from 21 January 2015 to 6 March 2015. A total of three submissions were received from infrastructure service providers, with either no comment made or no objection stated to the proposed scheme amendment.

The proposal is consistent with the surrounding residential zoning and density, and it is therefore recommended that Council adopts Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7 (TPS7).

Executive Recommendation

That Council:

1. In accordance with the Planning and Development Act 2005, resolves to adopt Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7, as detailed in the Local Planning Scheme Amendment Report **attached** at Appendix DPDS-1, by amending the Scheme Map to rezone Lots 190 and 191 (street address #16) Lowe Street, Carey Park, from 'Place of Assembly Zone' to 'Residential Zone' with a residential density coding of 'R20/R30'.
2. Refer the Scheme Amendment 77 documentation to the Western Australian Planning Commission (WAPC) for final approval in accordance with the provisions of the Town Planning Regulations 1967.
3. Inform submitters and the applicant of the Council decision.

Background

The background to this amendment can be found in the Council Minutes dated 11 November 2014. At that meeting Council decided (416/14) to initiate Scheme Amendment 77:

That Council:

1. *In accordance with the Planning and Development Act 2005 resolves to initiate Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7 by rezoning Lot 190 and Lot 191, 16 Lowe Street Carey Park from 'Place of Assembly' to 'Residential – R20-30'.*
2. *Refer the proposed Scheme Amendment 77 documentation to the Western Australian Planning Commission for approval to advertise for public comment.*
3. *Refer the proposed Scheme Amendment 77 documentation to the Environmental Protection Authority for approval to advertise for public comment.*

Council Policy Compliance

The proposed scheme amendment is not in conflict with any Council policies.

Legislative Compliance

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the Planning and Development Act 2005 and associated Town Planning Regulations 1967. The documentation prepared for the proposed scheme amendment was referred to the Environmental Protection Authority (EPA) and the WAPC for their review and approval prior to any formal public advertising being undertaken.

With public advertising now concluded, should Council resolve to adopt the proposal, the scheme amendment documentation together with the schedule of submissions and Council's resolution are to be referred to the WAPC for its endorsement and to the Minister for Planning for final approval and gazettal.

Officer Comments

The purpose of Scheme Amendment 77 is to facilitate future residential development on the site by rezoning Lots 190 and 191 (the subject site) from 'Place of Assembly Zone' to 'Residential Zone' with a residential density coding of 'R20/R30'.

It is anticipated that the existing use and development of the subject site as a 'Place of Worship' will continue until such time as the landowners wish to redevelop the site for residential purposes. As such, the existing land use will remain compatible with the zoning of the locality, as the 'Place of Worship' land use class is an 'A' use in the 'Residential Zone' (discretionary subject to advertising), and thus, presents no expected land use conflict.

Lots 190 and 191 have a combined site area of 2,240 m² and two street frontages, with Lowe Street to the north and Eedle Street to the east. The potential lot yield for the site, subject to compliance with clause 5.3.2 of the Scheme and the Residential Design Codes (R-Codes), could result in the development of up to seven additional dwellings in an established residential area (location plan **attached** at Appendix DPDS-2).

Rezoning the subject site from 'Place of Assembly Zone' to 'Residential Zone' with a residential density coding of 'R20/R30' will satisfy the objective of the Town Planning Scheme - in relation to providing the opportunity for the development of a range of dwelling types to meet the needs of different households, through infill development in an established neighbourhood located:

- 150 metres from a primary school;
- 260 metres from a local centre; and
- 550 metres from a neighbourhood park.

Analysis of Financial and Budget Implications

The scheme amendment procedure has no associated budgetary impact other than public advertising. There are not considered to be any direct financial or budgetary implications for Council in the final adoption of the proposed scheme amendment. Conditions of land subdivision and development will include items that are to be dedicated/constructed at the subdivider's/developer's cost and to the specification and satisfaction of relevant public authorities.

Community Consultation

The scheme amendment proposal was advertised for public comment for a period of 42 days, in accordance with the requirements of the Planning and Development Act 2005 and associated Town Planning Regulations 1967, following consideration of environmental matters by the EPA.

The public advertising undertaken by the City of Bunbury included:

- two on site advertisement signs;
- notices in the local newspaper;
- display of necessary documents in the City of Bunbury's administrative office;
- letters of proposed scheme amendment sent to adjoining landowners and occupiers; and
- letters of proposed scheme amendment sent to relevant stakeholders, infrastructure providers and state government agencies.

A total of three submissions were received, expressing either no objection or comment made about the scheme amendment proposal. The schedule of submissions and corresponding officer comments is **attached** at Appendix DPDS-3.

Councillor/Officer Consultation

Staff of the Sustainability, Planning and Development department conducted the assessment of the proposed scheme amendment, which was undertaken in consultation with all members of the Development Coordination Unit (DCU).

Outcome – Council Meeting 28 April 2015

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

Council Decision 134/15

That Council:

- 1. In accordance with the Planning and Development Act 2005, resolves to adopt Scheme Amendment 77 to the City of Bunbury Town Planning Scheme No. 7, as detailed in the Local Planning Scheme Amendment Report attached at Appendix DPDS-1, by amending the Scheme Map to rezone Lots 190 and 191 (street address #16) Lowe Street, Carey Park, from 'Place of Assembly Zone' to 'Residential Zone' with a residential density coding of 'R20/R30'.***
- 2. Refer the Scheme Amendment 77 documentation to the Western Australian Planning Commission (WAPC) for final approval in accordance with the provisions of the Town Planning Regulations 1967.***
- 3. Inform submitters and the applicant of the Council decision.***

CARRIED

10 votes "for" / Nil votes "against"

10.4 Withers Advisory Committee Membership (was listed as item 10.1.1 of the Council Agenda)

Applicant/Proponent:	Internal
Author:	Phil Harris, Director Works and Services
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix CRUSC-1: Applications for Positions on the Withers Advisory Committee

Summary

The purpose of this report is to consider approving the nominations received to fill the five vacant positions on the Withers Advisory Committee (WAC) in accordance with the amendments to the composition of the Committee (Decision 95/15).

Executive Recommendation

That Council appoints Mary Dunlop, Joanna Hugues-Dit-Ciles, Kenneth Warnes, Lynette Warnes and Gavin Ladhams as Withers community members to the Withers Advisory Committee.

****Absolute Majority Vote Required***

Background

At its meeting held 17 March 2015 Council decided (95/15) to commence the process of calling for five (5) community members to be appointed to the Withers Advisory Committee

Council Decision 95/15

That Council

- a. *Approves changes to the composition of the Withers Advisory Committee to include*
 - i) *Three (3) Councillors members*
 - ii) *Five (5) Withers community members*
- b. *Notes that this supersedes the requirements of Council Decision 350/13.*
- c. *Advises the existing committee members of the decision and thank them for their participation.*
- d. *Commences the process of calling for nominations for five (5) community members to be appointed to the Withers Advisory Committee*

Council Policy Compliance

There is no Council policy applicable to this proposal.

Legislative Compliance

Subdivision 2 of Division 2 of Part of the Local Government Act 1995 deals with the establishment of committees.

Officer Comments

The nomination forms with a covering letter were hand delivered to all Withers residences on the weekend of 28–29 March 2015. The call for nominations was also advertised in the City Focus on 1 April and 8 April 2015 and on the City’s Facebook page on 1 April and 9 April. Nominations closed at 4:00pm Friday 10 April 2015.

Five nominations were received (**attached** at Appendix CRUSC-1) from Mary Dunlop, Joanna Hugues-Dit-Ciles, Kenneth Warnes, Lynette Warnes and Gavin Ladhams. The applications were reviewed by City of Bunbury Councillors currently on the WAC, and the Committee Executive Officer. As applicants had previously served or are members of the Withers Action Group (WAG), Withers Progress Association (WAP) or WAC and nominations addressed the assessment criteria, the nominations are endorsed.

Analysis of Financial and Budget Implications

Not Applicable

Community Consultation

Not Applicable

Councillor/Officer Consultation

The nominations for Withers community members on the Withers Advisory Committee were reviewed by Cr Hayward, Cr Miguel, Cr Steck and Phil Harris (as Committee Executive Officer).

Outcome – Council Meeting 28 April 2015

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

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

Council Decision 135/15

That Council appoints Mary Dunlop, Joanna Hugues-Dit-Ciles, Kenneth Warnes, Lynette Warnes and Gavin Ladhams as Withers community members to the Withers Advisory Committee.

CARRIED
10 votes “for” / Nil votes “against”
ABSOLUTE MAJORITY ATTAINED

10.5 Barr Road Traffic Calming Petition (was listed as item 10.5.1 of the Council Agenda)

File Ref:	R00030
Applicant/Proponent:	Internal Report
Author:	Ian Browning, Senior Project Officer
Executive:	Phil Harris, Director Works and Services
Attachments:	Appendix DWS-1: Submission Responses Barr Road proposal for Traffic Calming Appendix DWS-2: Blister Island Appendix DWS-3: Example of Speed Cushions

Summary

At the Council Meeting held on 9 December 2014 a petition requesting that the “*Bunbury City Council install effective calming devices in our road to prevent speeding vehicles passing through the area*” which contained 15 signatures representing 12 Barr Road households and one Brittain Road household was accepted.

Council Decision 454/14 states ‘*That the Council request a report be prepared in consultation with the residents recommending suitable treatment.*’

Executive Recommendation

That Council consider the inclusion of a project to install speed cushions adjacent to the existing blister islands on Barr Road from PR-1239 - Install Traffic Management Devices - Local Area Traffic Management (LATM) in 2016/17.

Background

The residents of Barr Road and Ecclestone Street have contacted Council on several occasions including through petitions in 1998 and 2006 to express their concerns regarding vehicle volumes and speeds. Traffic studies have previously been undertaken by Lowes Churchill in 2006 and Shawmac in 2008, both of which have been reviewed by Council previously, with both reports recommending the installation of blister islands. In 2008/2009 designs were prepared base on consultation with residents at the time. The design considerations included the need to allow the free movement of buses, rubbish trucks, emergency vehicles and horse floats along Barr Road, whilst also ensuring the blister islands did not obstruct access by horse floats into driveways. It was considered undesirable to install raised platforms due to concerns for the welfare of horses in floats. In 2009 the current Blister Islands were installed.

Late in 2014 residents again expressed concerns at driver behaviour on Barr Road resulting in the petition being presented to Council on 9 December 2014. City officers commenced consultation on the 23 January 2015 when letters were sent to residents of Barr Road, the Bunbury State Emergency Service and Bunbury Turf Club seeking feedback on potential options to address their concerns.

Responses were received from fifteen (15) residents with the five (5) preferring a road closure at Brittain Road, three (3) supporting raised platforms and five (5) supporting road closure and raised platforms (**attached** at Appendix DWS-1).

During the period 5 to 20 December 2014 traffic classifiers were placed on Barr Road and recorded an average of 1072 vehicles per day. Vehicle speeds indicated that 30% of north bound traffic exceeded the 50Kph speed limit with 6.5% of these travelling above 60Kph. 49% of south bound traffic exceeded the 50Kph speed limit with 10.3% of these travelling above 60Kph. These figures are comparable with details in the Lowes Churchill and Shawmac reports and representative of most urban locations within Western Australia.

There have been two minor crashes recorded on Barr Road on the Police Main Roads database with further reports from residents of numerous incidents of vehicles damaging letter boxes and front lawns.

TransBunbury route 829 from the Bus Station to the Health Campus travelled along Barr Road until recently when the route was changed to Ecclestone Street by the Public Transport Authority

Council Policy Compliance

There is no policy applicable to this matter.

Legislative Compliance

There is no legislative compliance with this matter.

Officer Comments

Traffic count data indicates that Barr Road is a preferred route from Brittain Road to Ecclestone Street and vice versa. The traffic data highlights a notable increase in Barr Road traffic following the installation of the blister islands on Ecclestone Street for the horse crossing in late 2009. The traffic modelling by Lowes Churchill was based on traffic volumes and speeds applicable at the time, the blister islands installed on Barr Road were designed to accommodate buses and resulted in little, if any deflection for the general motorist. Given traffic volumes have increased by 45% since 2008 and 30% of the current traffic exceeds the posted speed there are a number of options that would address the concerns of residents.

Option 1

Speed cushions similar to those installed in Prince Philip Drive adjacent to the Bunbury Wildlife Park could be installed at strategic locations. These will lower the instances of speeding vehicles and due to their design. There is however no guarantee that this treatment will reduce the traffic volumes on Barr Road. **Attached** at Appendix DWS-2 is a Blister Island Drawing and **attached** at Appendix DWS-3 is an example of Speed Cushions.

Option 2

The closure of Barr Road at Ecclestone Street or Brittain Road will limit the traffic volume on Barr Road to local traffic only. This is also the most costly option and not recommended given the current review of land use planning in the area.

Analysis of Financial and Budget Implications

It is anticipated that the installation of three sets of speed cushions would cost in the region of \$12,000 whilst a full road closure would cost in the region of \$25,000. There is no project identified

to fund the executive recommendation with the 2014/15 Local Area Traffic Management (LATM) funding fully expended. The next opportunity for LATM funding will be in 2016/17 under project PR 1239. There is no LATM funding in 2015/16.

Community Consultation

The residents of Barr Road were consulted in January 2015. Fifteen responses were received from more than thirty five that were distributed. TransBunbury was consulted however not long afterwards the new contractors reverted the route back to Ecclestone Street.

Councillor/Officer Consultation

The Engineering and Design teams reviewed options and current traffic data in the formulation of this recommendation.

Outcome – Council Meeting 28 April 2015

Ms Shelley Leech of 22 Barr Road, Bunbury addressed Council with regard to Barr Road traffic calming considerations.

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

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

Council Decision 136/15

That Council consider the inclusion of a project to install speed cushions adjacent to the existing blister islands on Barr Road from PR-1239 - Install Traffic Management Devices - Local Area Traffic Management (LATM) in 2016/17.

CARRIED

10 votes "for" / Nil votes "against"

11. Applications for Leave of Absence

No requests for Leave of Absence had been received at the time of printing.

12. Motions on Notice

No Motions on Notice had been received at the time of printing.

13. Questions on Notice

13.1 Response to Previous Questions from Members taken on Notice

Nil.

13.2 Questions from Members

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

Cr Cook asked about whether it was possible for the City to offer any assistance to the Nepalese communities affected by the recent earthquakes. The Deputy Mayor advised he was happy to speak to Cr Cook about this further after the meeting.

15. Meeting Closed to Public

15.1 Matters for which the Meeting may be Closed

15.1.1 Proposed Lease Over Lot 1 and Lot 166 Prosser Street, Lot 8, Lot 100, Lot 31 and Lot 32 Spencer Street, South Bunbury With Bunbury City Plaza Shopping Centre

Applicant/Proponent:	Owners of Bunbury Plaza
Author:	Felicity Anderson, Manager Major Projects
Executive:	Andrew Brien, Chief Executive Officer
Attachments:	Appendix CRUSC-2-1: Site Plan Appendix CRUSC-2-2: Summary of records found Appendix CRUSC-2-3: Certificate of Title for Lot 100 Spencer Street, South Bunbury Appendix CRUSC-2-4: Certificate of Title for Lot 8 Spencer Street

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.

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 " 15.1.1 Proposed Lease Over Lot 1 and Lot 166 Prosser Street, Lot 8, Lot 100, Lot 31 and Lot 32 Spencer Street, South Bunbury With Bunbury City Plaza Shopping Centre".

The motion was moved Cr McNeil, seconded Cr Jones.

The Deputy Mayor put the motion to the vote and was CARRIED 10 votes "for" / Nil votes "against". The meeting was closed to all members of the public and press at 5:41pm.

Outcome – Council Meeting 28 April 2015

The Deputy Mayor, Brendan Kelly declared an impartiality interest as he is the part owner of a property in Alexander Street. The Deputy Mayor remained in the chamber for the discussion and vote on the matter.

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

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

Council Decision 137/15

That:-

- 1. Council approve the preparation of a Deed of Lease between the Bunbury City Plaza Shopping Centre and the City over Lot 1 and Lot 166 Prosser Street, Lot 8, Lot 100, Lot 31 and Lot 32 Spencer Street, South Bunbury for a term of Twenty (20) years with a further option of 5 + 5 + 5 + 5 to align with the terms of the private commercial lease for the Plaza Shopping Centre.***
- 2. The Chief Executive Officer be authorised to negotiate the commercial terms and amount of the lease prior to public advertising in accordance with the options outlined in the confidential report.***
- 3. The Applicant to pay all costs associated with the document preparation.***
- 4. Advertising be undertaken in accordance with the provisions of Section 3.58 of the Local Government Act 1995.***

CARRIED

10 votes "for" / Nil votes "against"

15.2 Public Reading of Resolutions that may be made Public

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

The Deputy Mayor put the motion to the vote and was CARRIED 10 votes "for" / Nil votes "against".

The meeting was reopened to the public and press at 5:58pm.

The Deputy Mayor read aloud Council Decision 137/15:

That:-

1. *Council approve the preparation of a Deed of Lease between the Bunbury City Plaza Shopping Centre and the City over Lot 1 and Lot 166 Prosser Street, Lot 8, Lot 100, Lot 31 and Lot 32 Spencer Street, South Bunbury for a term of Twenty (20) years with a further option of 5 + 5 + 5 + 5 to align with the terms of the private commercial lease for the Plaza Shopping Centre.*
2. *The Chief Executive Officer be authorised to negotiate the commercial terms and amount of the lease prior to public advertising in accordance with the options outlined in the confidential report.*
3. *The Applicant to pay all costs associated with the document preparation.*
4. *Advertising be undertaken in accordance with the provisions of Section 3.58 of the Local Government Act 1995.*

16. Closure

The meeting was declared closed at 6:00 pm.