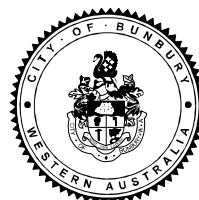


## Bunbury City Council

### Minutes 9 June 2015



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
*Correspondence to:*  
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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, 9 June 2015 at 5.30pm.

### **Minutes**

9 June 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 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 extended Council's congratulations to the Manager Community Safety and Emergency Management, John Kowal who had been awarded the Australian Fire Services Medal in the Queens Birthday Honours List.

The Mayor then noted the passing of Neil Simmons, a long-standing employee of the City of Bunbury, who had been laid to rest the previous day. He offered his condolences and noted that Mr Simmons had been a much appreciated long-term employee of the City.

#### 4. Attendance

<b>Council Members:</b>	
Presiding Member	Mayor G Brennan
Deputy Presiding Member	Deputy Mayor Cr B Kelly
Members	Councillor B McCleary
	Councillor S Morris
	Councillor J Hayward
	Councillor J Jones
	Councillor D Prosser
	Councillor K Steele
	Councillor N McNeill
	Councillor M Steck
	Councillor W Giles
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Director Corporate and Community Services	Ms S Addison-Brown
Director Works and Services	Mr P Harris
Director Planning, Development and Regulatory Services	Mr B Karazskewych
<b>Council Officers (Non-Voting)</b>	
Acting Media and Communications Officer	Mr J Tatham
Manager Governance	Mr G Golinski
Manager Finance	Mr D Ransom
Manager Community Safety and Emergency Management	Mr J Kowal
Executive Assistant to the Mayor	Ms K Merwood
Council Meeting Support Officer	Mrs L Allan
<b>Others (Non-Voting)</b>	
Members of the Public	45 (approximately)
Members of the Press	2

##### 4.1 Apologies

Nil

## **4.2 Approved Leave of Absence**

### **4.2.1 Request for Leave of Absence – Cr Jaysen Miguel**

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

#### **Summary/Background**

Cr Miguel requests leave of absence from all Council-related business from 4 June 2015 to 10 June 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, Cr Miguel is granted leave of absence from all Council-related business from 4 June 2015 to 10 June 2015 inclusive.

#### **Outcome – Council Meeting 9 June 2015**

The recommendation (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 185/15**

***Pursuant to Section 2.25 of the Local Government Act 1995, Cr Miguel is granted leave of absence from all Council-related business from 4 June 2015 to 10 June 2015 inclusive.***

CARRIED

12 votes "for" / Nil votes "against"

## 5. Declaration of Interest

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

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

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

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

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

Cr Kelly declared an impartiality interest in the item titled *“10.4.3 Draft Local Development Plan Bunbury Plaza Shopping Centre and In Principles Support of Proposed Redevelopment and Extension to Supermarket”* as he owns a property in Alexander Street which is approximately 500 metres to the east. Cr Kelly will remain in the chamber for the discussion and vote on the matter.

Cr Steck declared a financial interest in the item titled *“10.4.3 Draft Local Development Plan Bunbury Plaza Shopping Centre and In Principles Support of Proposed Redevelopment and Extension to Supermarket”* as her partner owns shopping centres within the City. Cr Kelly will vacate chamber for the discussion and the vote on the matter.

Cr Jones declared an impartiality interest in the item titled *“10.5.1 Bunbury Water Playground – Detailed Design”* as she is the Chairman of Aqwest and sponsorship of a portion of the Water Playground is being considered by Aqwest. Cr Jones 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: I refer to the accounts for April, 2015 endorsed by Council and note the following items:

2/4/2015 invoice 01045 for transfer fees (Lands)  
20/4/2015 invoice 6675 8603 transfer fees for \$1,076.60

AND I ASK to what land these transactions relate and have the new titles issued and if so can a copy of these titles be provided?

Question 2: Could Council please advise the total costs of the Street Art (painting on walls) including the amounts paid to the individual artists and businesses associated with them?

Question 3: I refer to the proposed Water Park which I support and ask:

- (i) Why further public consultation has not taken place on the draft plan before Council committed itself to the cost of a final design?
- (ii) Why and when did Council formally decide not to proceed with the water park plan developed by the previous consultants who prepared the full precincts report; and
- (iii) Why there has not been any reference in the current consultation to the extensive public consultation undertaken by the previous consultants?
- (iv) What the total amount paid to the previous consultants for their work on the proposed water park and precincts plan was?
- (v) Is Council currently seeking funding from the State and Federal Government to progress the water park and if so is it for the full development cost of the precinct and water park or simply for the first stage works and if so what is included and what is excluded, and to which agencies, Departments and Ministers Council intends to direct its applications?
- (vi) What is Councils current suggested timetable for all stages of the Water Park to be completed?

- (vii) Has a whole of life costs and revenue and grants analysis been undertaken and if so is it proposed to allow the public access to them and does that include the supervisory life guard costs?

*The Mayor advised that he would allow Mr Smith to ask questions 1 and 2 of those he had submitted (as they comprised 3 questions in total), and that the rest would be taken as correspondence in accordance with Council's Standing Orders Local Law 2012.*

**6.7 Other procedures for question time for the public**

- (1) In this clause–
- (a) a “person” means a member of the public; and
  - (b) a “question” includes a part of a question.
- (2) Unless the Presiding Member determines otherwise, a person may ask up to 3 questions at a meeting.
- (3) A person who wishes to ask a question at a meeting must–
- (a) before the commencement of the meeting, complete a question form provided by the Local Government and place the completed form in the question tray provided by the Local Government; and
  - (b) be present at the meeting when the question is asked.
- (4) A completed question form must include–
- (a) the name and residential or contact address of the person who wishes to ask the question; and
  - (b) the terms of no more than 3 questions that the person wishes to ask.

*As such the responses to questions 1 and 2 of those submitted are*

Statement 1: I refer to the accounts for April, 2015 endorsed by Council and note the following items:

2/4/2015 invoice 01045 for transfer fees (Lands)  
20/4/2015 invoice 6675 8603 transfer fees for \$1,076.60

AND I ASK

Question 1 - To what land these transactions relate?

*Reply: Invoice 01045 - Relates to the settlement of transfer of Lot 497 Ocean Drive and Lot 881 Koombana Drive.*

*Invoice 6675 8603 - Transfer fees for Lots 732, 7331 743 and 744 Trinity Rise; Lot 761 Winthrop Ave; Lot 938 Somerville Drive*

Question 2 - Have the new titles been issued? If so can a copy of these titles be provided?

*Reply: No*

Question 3: Could Council please advise the total costs of the Street Art (painting on walls) including the amounts paid to the individual artists and businesses associated with them?

*Reply: The breakdown of Council funding towards the Re.Discover Street Art Project is as follows:*

**Re.Discover 2013/2014 Funding**

Community Funding - \$2,500.00

CoB In-kind - \$5,000.00

Art Gallery In-kind - \$1,500.00

Councillor Discretionary Funds - \$500.00

**Re.Discover 2014/2015 Funding**

Community Funding - \$4,218.00

Events Funding - \$8,000.00

In-kind - \$3,807.00

Councillor Discretionary Funds - \$2,480.00

## **6.2 Responses to Public Questions Taken 'On Notice'**

## **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 26 May 2015 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 26 May 2015 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 9 June 2015**

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

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

#### **Council Decision 186/15**

***The minutes of the Ordinary meeting of the Bunbury City Council held 26 May 2015 be confirmed as a true and accurate record.***

CARRIED

12 votes "for" / Nil votes "against"

### 7.1.2 Minutes – Council Advisory Committees and Working/Project Groups

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Various
<b>Executive:</b>	Various
<b>Attachments:</b>	Appendix MTBN-1 – Youth Advisory Council Committee Minutes – 13/05/2015

#### Summary

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

1. Title: Youth Advisory Council Committee Minutes – 13/05/2015  
Author: Michele Grimston  
Appendix: MTBN-1

#### Council Committee Recommendation

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

1. Youth Advisory Council Committee Minutes – 13/05/2015

#### Outcome – Council Meeting 9 June 2015

The recommendation (as printed) was moved Cr Morris, 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 187/15

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

1. ***Youth Advisory Council Committee Minutes – 13/05/2015***

CARRIED

12 votes “for” / Nil votes “against”

## **8. Petitions, Presentations, Deputations and Delegations**

### **8.1 Petitions**

Nil

### **8.2 Presentations**

Nil

### **8.3 Deputations**

In accordance with section 6.9 (2)(b) of Councils Standing Orders, the CEO referred the following deputation requests to Council to decide by simple majority, whether or not to receive the deputation. Nine deputations were received being:

#### **David Smith, 8 Picton Crescent, Bunbury**

Mr Smith requested to address items 10.3.1 titled “2015/16 Event Funding Program”, 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”, 10.5.1 titled “Bunbury Water Playground – Detailed Design”, 10.5.3 titled “Koombana Drive Reconstruction” and 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”.

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith’s deputation request to address items 10.3.1 titled “2015/16 Event Funding Program”, 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”, 10.5.1 titled “Bunbury Water Playground – Detailed Design”, 10.5.3 titled “Koombana Drive Reconstruction and 10.4.2 titled “Dog Exercise Areas and Prohibited Areas” and allows a period of up to five (5) minutes to present to Council on each item.*

MOTION WAS LOST

#### **Peter Elderfield 12 Crowea Street, Bunbury (on behalf of Friends of Hartley Anderson Reserve)**

Mr Elderfield requested to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”.

#### **Council Decision 188/15**

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Elderfield’s deputation request to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas” and allows a period of up to 5 minutes to present to Council.*

CARRIED

**Peter Suckling, 2B Hudson Road , Bunbury**

Mr Suckling requested to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”.

**Council Decision 189/15**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Suckling’s deputation request to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas” and allows a period of up to 5 minutes to present to Council.***

CARRIED

**Anne Avery, 2 Shaw Close, Withers**

Ms Avery requested to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”.

**Council Decision 190/15**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Ms Avery’s deputation request to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas” and allows a period of up to 5 minutes to present to Council.***

CARRIED

**Gaye North, 9 Hooper Place, Bunbury**

Ms North requested to address Item.

**Council Decision 191/15**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Ms North’s deputation request to address Item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas” and allows a period of up to 5 minutes to present to Council.***

CARRIED

**Gary Fitzgerald of Tecon WA and Dan Perkins of Perkins Builders, 65 Lucy Victoria Avenue, Australind**

Messrs Fitzgerald and Perkins requested to address Item 10.4.3 titled “Draft Local Development Plan Bunbury Plaza Shopping Centre and In Principle Support of Proposed Redevelopment and Extension to Supermarket”.

**Council Decision 192/15**

***Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Messrs Fitzgerald and Perkins’ deputation request to address Item 10.4.3 titled “Draft Local Development Plan Bunbury Plaza Shopping Centre and In Principle Support of Proposed Redevelopment and Extension to Supermarket” and allows a period of up to five (5) minutes to present to Council.***

CARRIED

**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 10.2.3, 10.2.4, 10.4.1, 10.5.2 and 10.5.3.

Items 10.2.1, 10.2.2, 10.3.1, 10.4.2, 10.4.3 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 McCleary.



## 10. Reports

### 10.1 *Proposed Licence to Utilise Portion of Ocean Drive Road Reserve for Take-Off/Landing Area – Hang Gliding Association of WA (was listed as item 10.2.3 of the Council Agenda)*

<b>Applicant/Proponent:</b>	Hang Gliding Association of WA
<b>Author:</b>	Jane Dawson, Senior Property Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-2: Location Plan

#### Summary

An application has been received from the Hang Gliding Association of WA (“applicant”) seeking council’s consent to accepting a Deed of Licence over portion of Ocean Drive Road Reserve Bunbury. A location plan is **attached** at Appendix CEO-2.

#### Executive Recommendation

That Council agrees to grant a Deed of Licence to the Hang Gliding Association of WA over Back Beach Ridge, Portion of Ocean Drive Road Reserve, South Bunbury adjacent to Mangles Street car park for a term of five (5) years subject to the terms and conditions as specified in the report, and the following:

1. The applicant to pay all costs associated with the lease application including document preparation.
2. Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.
3. No disturbance of the dune is to occur and if any does occur it is to be repaired at the Licensee’s expense.

#### Background

The Applicant had previously used the site for at least 30 years (since 1980) prior to a Licence being granted in June 2011. The take-off/landing area comprises an area of approximately 170m<sup>2</sup> and is situated on the Ocean Drive Road Reserve, adjacent to the Mangles Street Toilet Block and Car park.

The applicant first entered into a Licence Agreement with the City on 1 August 2011 for a trial one (1) year period and complied with all conditions of the Agreement. A second Licence Agreement was approved for two (2) years on 1 August 2012 and the third Agreement for two (2) years on 1 August 2013. The City now proposes a term of five (5) years.

#### Current Licence Details

Commencement:	1 August 2013
Term:	Two (2) years
Expiry Date:	31 July 2015

Rental:	\$500.00 plus GST annual Licence fee
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(m)
Special Conditions:	<p>(i) Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.</p> <p>(ii) Comply with the Local Government Act 1995 – Local Government and Public Property Local Law.</p> <p>(iii) There is to be no disturbance of the dunes and if any does occur it is to be repaired at the Licensee’s expense AND the City may decide to revoke permission for the activity if the Licensee does not comply.</p> <p>(iv) The Hang Gliding Association of WA is to ensure the use of the Back Beach Site will only be permitted by persons holding appropriate current certification.</p> <p>(v) The Hang Gliding Association of WA implement appropriate safety rules to ensure safe use of the site.</p>
Document Preparation:	The applicant to pay full costs associated with the licence application including document preparation.

*Proposed New Licence Details*

Commencement:	1 August 2015
Term:	Five (5) years
Expiry Date:	31 July 2020
Rental:	\$500.00 plus GST annual Licence fee
Outgoings:	Responsibility of the Lessee
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(m)
Special Conditions:	<p>(i) Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.</p> <p>(ii) Comply with the Local Government Act 1995 – Local Government and Public Property Local Law.</p> <p>(iii) There is to be no disturbance of the dunes and if any does occur it is to be repaired at the Licensee’s expense AND the City may decide to revoke permission for the activity if the Licensee does not comply.</p> <p>(iv) The Hang Gliding Association of WA is to ensure the use of the Back Beach Site will only be permitted by persons holding appropriate current certification.</p> <p>(v) The Hang Gliding Association of WA implement appropriate safety rules to ensure safe use of the site.</p> <p>(vi) The Hang Gliding Association of WA are to install a permanent hang glider use area sign to inform the general public that the area is an officially recognised site. The sign is to be approved by the City.</p>
Document Preparation:	The applicant to pay full costs associated with the licence application including document preparation.

**Council Policy Compliance**

There is no Council Policy applicable to this proposal.

### **Legislative Compliance**

Section 3.58 of the Local Government Act 1995

### **Officer Comments**

The Hang Gliding Association of WA has been flying on the Back Beach Ridge, Portion of Ocean Drive Road Reserve, Bunbury South adjacent to Mangles Street Toilet Block and Car park since 1980. It has complied with all conditions of the previous Licence Agreements and there have been no reports of major injuries or incidents to pedestrians or vehicles in the vicinity or surrounding areas.

There will be no disturbance of the sand dunes, and if any does occur, it is to be repaired at the Licensee's expense, and the City may also decide to revoke permission for the activity.

### **Analysis of Financial and Budget Implications**

The applicant will be responsible for all costs associated with the preparation of documentation associated with the licence.

The annual licence fee of \$500.00 plus GST is based on other Local Government fees currently charged for the same sporting activity.

### **Community Consultation**

Advertising in accordance with the provisions of Section 3.58 of the Local Government Act 1995.

### **Councillor/Officer Consultation**

The Development Coordination Unit on 14 May 2015 – no objections were received. It is to be noted in the Licence Agreement that there is to be no dune disturbance, should there be damage it is to be repaired at the Licensee's expense.

### **Outcome – Council Meeting 9 June 2015**

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

**Council Decision 193/15**

***That Council agrees to grant a Deed of Licence to the Hang Gliding Association of WA over Back Beach Ridge, Portion of Ocean Drive Road Reserve, South Bunbury adjacent to Mangles Street car park for a term of five (5) years subject to the terms and conditions as specified in the report, and the following:***

- 1. The applicant to pay all costs associated with the lease application including document preparation.***
- 2. Compliance with Civil Aviation Safety Authority (CASA) requirements/regulations.***
- 3. No disturbance of the dune is to occur and if any does occur it is to be repaired at the Licensee's expense.***

CARRIED

12 votes "for" / Nil votes "against"

**10.2 Proposed Increase in Property Rates for the 2015/16 Budget** (was listed as item 10.2.4 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

Following Council's adoption of the Corporate Business Plan 2015/16 to 2018/19 on 14 April 2015, the forecasts contained in this plan have been used as the basis for producing a draft annual budget for 2015/16.

Councillors have held two budget workshops to consider the draft budget, and a proposed property rate increase of 3.5% is necessary to meet the operating and capital expenditure in the 2015/16 draft budget.

The proposed property rate increase of 3.5% will now be advertised for community and ratepayer information prior to adopting the 2015/16 annual budget in late July 2015.

**Executive Recommendation**

Council advertise the proposed property rate increase of 3.5% for the 2015/16 Annual Budget.

**Background**

Budget workshops were held with Councillors on the 12 and 26 May 2015 which included considering the proposed rates in the 2015/16 draft budget. A rate increase of 3.5% for the General Rate and Minimum Rate is now being considered when adopting the annual budget in late July 2015.

**Council Policy Compliance**

Not applicable

**Legislative Compliance**

There is no legislative requirement to advertise the proposed General and Minimum Rates. Section 6.36 of the Local Government Act 1995 only requires Council to advertise the proposed rates when imposing Differential Rates.

**Officer Comments**

Advertising the proposed rates will inform the community and ratepayers of the rate increase being considered by Council prior to adopting the 2015/16 Annual Budget.

### **Analysis of Financial and Budget Implications**

The proposed rate increase of 3.5% is considered necessary to meet the operating and capital expenditure in the 2015/16 draft budget.

### **Community Consultation**

The proposed rate increase will be advertised in the Bunbury Mail over a three week period and will also be emailed to the Household Panel subscribers.

### **Councillor/Officer Consultation**

Councillors have held budget workshops on the 12 and 26 May 2015 which included considering the proposed rates in the 2015/16 draft budget.

### **Outcome – Council Meeting 9 June 2015**

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

#### **Council Decision 194/15**

***Council advertise the proposed property rate increase of 3.5% for the 2015/16 Annual Budget.***

CARRIED

12 votes "for" / Nil votes "against"

### **10.3 Lodging House Fees** (was listed as item 10.4.1 of the Council Agenda)

<b>File Ref:</b>	A00348
<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Bob Karaszekwych, Director Planning, Development and Regulatory Services
<b>Executive:</b>	Bob Karaszekwych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Nil

#### **Summary**

Lodging Houses (e.g. Motels, Guest Houses, Backpacker type accommodation) are required to renew registration each year in accordance with the City of Bunbury Health Local Laws 2001. The local laws have been developed in accordance with section 342 of the *Health Act 1911* (the Act).

Whilst the Council is currently advertising the fees for registration/ renewal of a Lodging House as part of the 2015/16 Schedule of Fees and Charges, section 344C of the Act requires the setting of fees in relation to the local laws by way of resolution of the local government and publication of a notice to appear in the Government Gazette and local newspaper.

#### **Executive Recommendation**

That Council:

1. Approve fees for the registration/ renewal of a Lodging House, effective from 1 July 2015, as follows:

* Registration of a Lodging-House for less than 100 lodgers	\$110
* Renewal of a Lodging-House Registration for less than 100 lodgers	\$110 PA
* Registration of a Lodging-House for 100 or more lodgers	\$292.70
* Renewal of a Lodging-House Registration for 100 or more lodgers	\$292.70 PA
2. Authorise the publication of the Council resolution for fourteen (14) days, in both the Government Gazette and local newspaper.
3. Authorise the issue of Invoices for the renewal of a Lodging House licences by applying the gazetted fee for the period July 2015–June 2016.

#### **Background**

A Lodging House must be registered in accordance with Part 8.1.2 of the City of Bunbury Health Local Laws 2001 and applications for registration must be accompanied by a fee. As the local laws are made under the Act, all fees and charges associated with the local law must be fixed by resolution in accordance with section 344C of the Act that specifies:

*344C. Fees and charges may be fixed by resolution*

- (1) *Where a local government is empowered to make a local law setting fees or charges under a provision set out in the Table to this section, it may fix that fee or charge by resolution in accordance with this section.*
- (2) *Fees or charges fixed under this section shall be fixed by resolution of a local government and notice of the resolution shall be published at least 14 days before the day on which the resolution is to take effect —*
  - (a) *in the Gazette; and*
  - (b) *in a newspaper circulating generally throughout the district of the local government.*
- (3) *Notice of a resolution under subsection (2) shall specify —*
  - (a) *the day on which the resolution is to take effect; and*
  - (b) *the amounts of the fees or charges.*
- (4) *Notwithstanding anything else in this Act, where a local government fixes a fee or charge by resolution under this section, that fee or charge applies in respect of the district of the local government and the fee or charge prescribed by local law which otherwise would have applied does not apply in respect of that district.*
- (5) *A resolution made by a local government under this section may revoke a resolution previously made by that local government under this section.*
- (6) *Sections 41(2), 42, 43, 45 and 46 of the Interpretation Act 1984 apply to a resolution made under this section as if the resolution were a regulation.*
- (7) *A fee or charge fixed under this section may be enforced and recovered as if it were prescribed by local law made under this Act.*
- (8) *Where a resolution made under this section is inconsistent with a regulation made under this Act —*
  - (a) *the regulation prevails to the extent of the inconsistency; and*
  - (b) *the Minister may, by order published in the Gazette, revoke or amend the resolution, whether or not the resolution has taken effect*

**Table**

*Sections 133(1), 134(6), (11), (12), (29), (44), (45) and (46), 146(3), 158(3), 199(10) and 344(1)(a). [Section 344C inserted by No. 28 of 1996 s. 18; amended by No. 36 of 2007 Sch. 4 cl. 4(7); No. 43 of 2008 s. 147(15).]*

There are currently eleven (11) registered lodging houses in the City and ten (10) of those pay registration fees (NB: the registered lodging house located at 25 Victoria Street, formerly known as Yanget Guest House, is not charged fees as it is operated by a Not-For-Profit organisation).

*Definition of Lodging-house*

The Act defines a Lodging House as, lodging-house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than six persons, exclusive of the family of the keeper thereof, for hire or reward; but the term, does not include:

- (a) premises licensed under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911(as amended);
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or
- (c) any building comprising residential flats.



Hotels (such as Lord Forrest, Mantra, Rose Hotel, Prince of Wales etc.) that provide accommodation on site are not registered as lodging houses with the City as they are a licensed premises with the Department of Racing, Gaming and Liquor and must comply with its requirements. Although these premises are inspected for compliance with Health related legislation by the City, the rooms are not inspected unless the City has received a complaint.

#### *Lodging-House Premises*

Premises less than 100 lodgers – proposed fee \$110

- \* Wander Inn, 16 Clifton Street
- \* Ocean Drive Motel, 123 Ocean Drive
- \* Dolphin Retreat Bunbury YHA, 14 Wellington Street
- \* Bunbury Beach House, 2 Clifton Street
- \* 25 Victoria Street, 25 Victoria Street (former Yanget Guest House NFP no fees applied)

Premises more than 100 lodgers – Proposed fee \$292.70

- \* Bunbury Welcome Inn, 75 Ocean Drive
- \* The Clifton Motel and Grittelton Lodge, 2 Molloy Street
- \* Sanctuary Condominium Unit, 105 Old Coast Road
- \* Quest Bunbury, 22/14 Lyons Cove
- \* Bunbury Motel, 45 Forrest Avenue
- \* Comfort Inn Admiral, 54 Spencer Street

#### *Fees and Inspection*

Fees proposed for lodging houses are comparable with surrounding local governments, for example:

- \* Albany – Charge an Application fee of \$115 to establish as a Lodging House and then an annual fee of \$165
- \* Augusta-Margaret River – Charge one flat fee of \$200 regardless of number of lodgers. However, have now excluded motels to not be registered as a lodging house
- \* Busselton – Charge initial fee for less than 15 lodgers - \$328 and then \$219 to renew (annually) and initial fee for more than 15 lodgers - \$469 and then \$313 to renew (annually)
- \* Donnybrook – Charge one flat fee of \$180 regardless of number of lodgers

Fees charged for lodging houses is primarily to issue an annual Registration Certificate, as required by the legislation.

The City includes two inspections of the lodging houses per annum, as part of this fee checking the following elements for compliance with the City of Bunbury Health Local Laws 2001:

- \* guest to facility requirements ratio
- \* fire prevention and control
- \* cleanliness of rooms/ kitchen/ bathrooms/ laundry/ common areas
- \* cleaning and maintenance requirements
- \* bedding/ furnishings
- \* pest control

- \* register of lodgers

Fees can be determined by Council, however each time the fee is amended or new fees developed under this legislation, they must be gazetted in accordance with the requirements of the Act.

### **Council Policy Compliance**

There is no applicable Council Policy.

### **Legislative Compliance**

A Lodging House, such as motels, guest houses and backpacker accommodation must be registered in accordance with Part 8.1.2 of the City of Bunbury Health Local Laws 2001 and an application for registration must be accompanied by a fee. As the local laws are made under the *Health Act 1911* (as amended), all fees and charges associated with the local laws must be fixed by resolution in accordance with section 344C of the *Health Act 1911* (as amended).

### **Officer Comments**

The proposed fees have been increased to cover the City's administrative and inspectorial costs for lodging houses. The resolution of the proposed fee(s) is to ensure compliance with the Act.

### **Analysis of Financial and Budget Implications**

The proposed Lodging House fee(s) have been increased in line with other Council fees and charges. The revenue generated from registrations is approximately \$2,196.20 pa.

### **Community Consultation**

In accordance with the legislative requirements, the Council resolution will be published in a local newspaper and in the Government Gazette fourteen (14) days prior to the new fee taking effect.

The fees also appear in the Council's Schedule of Fees and Charges for 2015/16 which is currently being publically advertised, prior to adoption.

### **Councillor/Officer Consultation**

Council officers have liaised with Department of Health WA and State Law Publisher to ensure that all legislative requirements have been considered.

### **Relevant Precedents**

Council considered a proposed increase of Lodging House fees at the meeting of 10 September 2013 where the motion was adopted.

### **Outcome – Council Meeting 9 June 2015**

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

**Council Decision 195/15**

***That Council:***

1. ***Approve fees for the registration/ renewal of a Lodging House, effective from 1 July 2015, as follows:***
  - \* ***Registration of a Lodging-House for less than 100 lodgers*** ***\$110***
  - \* ***Renewal of a Lodging-House Registration for less than 100 lodgers*** ***\$110 PA***
  - \* ***Registration of a Lodging-House for 100 or more lodgers*** ***\$292.70***
  - \* ***Renewal of a Lodging-House Registration for 100 or more lodgers*** ***\$292.70 PA***
2. ***Authorise the publication of the Council resolution for fourteen (14) days, in both the Government Gazette and local newspaper.***
3. ***Authorise the issue of Invoices for the renewal of a Lodging House licences by applying the gazetted fee for the period July 2015–June 2016.***

CARRIED

12 votes “for” / Nil votes “against”

**10.4 Bellemore Park** (was listed as item 10.5.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Bunbury Apex Club
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Appendix DWS-2: Bicycle Education Area Bellemore Park

**Summary**

The Bunbury Apex and Lions Clubs would like to reintroduce bicycle education training at Bellemore Park in South Bunbury. A representative of Bunbury Apex Club recently addressed the Bunbury Roadwise Committee, providing details of a Business Case they are preparing in relation to the proposal which will need Council in-principle support to utilise the Bellemore Park.

In the event that Council adopts the Executive Recommendation for item 10.4.2 titled “Dog Exercise Areas and Prohibited Areas”, it should be noted that Bellemore Park is proposed to be an off-leash area.

**Executive Recommendation**

That Council endorse the use of Bellemore Park by Bunbury Apex and Lions Clubs for the purposes of bicycle education training.

**Background**

The bicycle educational track at Bellemore Park has not been utilised from more than 20 years due to a number of factors but mainly due to lack of funding from government agencies.

Mr Mike Presser, representing the Bunbury Apex Club, has made a number of approaches to elected members and Council staff over the last two years in an attempt to reintroduce bicycle educational facilities to the bitumen track on Bellemore Park. Recently Mr Presser has gained in-principle support of Bunbury Lions to assist with the training.

It is proposed that Apex and Lions will seek grant funding to cover the costs of training its members to deliver structured bicycle education programs.

Apex is currently considering a number of models which would include trained instructors to run appropriate courses including:

1. A school based approach where students attend during the day; and
2. A weekend model where clubs run morning sessions

There is also the option to allow full public usage where parents can teach their children correct bike safety at their own time and pace.

The Apex and Lions Club have indicated that they seek Councils support in resurfacing or patching the present cycle track as well as supplying signage.

The in-principle support is required to enable Apex/Lions to seek grant funding.

### **Council Policy Compliance**

Not Applicable.

### **Legislative Compliance**

Section 5.42 of the Local Government Act 1995  
Part 4 of the Local Government (Functions and General) Regulations 1996

### **Officer Comments**

A recent inspection of Bellemore Park confirmed that approximately 80% of the bitumen bicycle track is serviceable and could be utilised at any time while the remaining sections require works as a result of root ingress and oxidised asphalt.

Officers are looking at options to involve prisoner community works and Active, in the track rehabilitation works to reduce costs.

The bicycle training is supported by members of the Greater Bunbury Bicycle Master Plan Working Group and the Greater Bunbury Bicycle Users Group

### **Analysis of Financial and Budget Implications**

It is proposed that Apex and Lions will cover all costs associated with ongoing training. The City of Bunbury in conjunction with external sponsors would cover the initial supply and installation of signage which is estimated to be in the vicinity of \$1,200.

### **Community Consultation**

The Bunbury Roadwise Committee have been consulted with the proponent also undertaking some door knocking of nearby residents whose property fronts onto Bellemore Park.

### **Councillor/Officer Consultation**

The Executive Leadership team and members of Works and Services managers group are aware of the proposal.

### **Outcome – Council Meeting 9 June 2015**

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

#### **Council Decision 196/15**

***That Council endorse the use of Bellemore Park by Bunbury Apex and Lions Clubs for the purposes of bicycle education training.***

CARRIED

12 votes "for" / Nil votes "against"

### **10.5 Koombana Drive Reconstruction** (was listed as item 10.5.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Appendix DWS-1: Cross Section of preferred Option

#### **Summary**

The City of Bunbury has become aware of the deterioration of the Koombana Drive road embankment adjoining the Leschenault Inlet (SLK 1.18 – 1.77). Tidal action along with stormwater run-off from the Koombana Drive sealed pavement is causing the embankment to erode which will ultimately compromise the Koombana Drive road pavement and traffic safety.

The timber boardwalk along this section of Koombana Drive is also being impacted by erosion around the timber piles and has a number of structural concerns that indicate it has a limited life.

#### **Executive Recommendation**

That Council:

1. Authorise the Chief Executive Officer to instruct Cardno to proceed with the detailed design incorporating bicycle lanes, walkways, two 3.5m traffic lanes and a central median as **attached** at Appendix DWS-1.
2. Request the Chief Executive Officer to seek funding opportunities from Main Roads WA and other State sources to complete the project in a single year.
3. Authorise the Chief Executive Officer to call tenders for the work in accordance with funding arrangements/availability.

#### **Background**

The boardwalk along Koombana Drive is well utilised by the public for walking, jogging and to a lesser extent cycling activities all year round. Koombana Drive traffic volumes are approximately 11,500 vehicles per day with an AM peak of between 1000 – 1150 vehicles.

In December 2014 Council engaged Cardno through a competitive tender process to undertake an embankment deterioration study on the section of Koombana Drive adjoining the Leschenault Inlet after monitoring of the road and boardwalk identified safety and structural concerns with both.

Koombana Drive has been identified for upgrade as a project under the Regional Road Group program over a four (4) year period from 2014/2015 to 2017/2018 with \$2m funding from the state with the city's contribution of \$1m.

Cardno provided the project team with four options of which the recommended option provides the best value for money and meets the criteria of addressing pedestrian, cyclist, car and heavy traffic needs as well as allowing the road to be transformed into an entry statement.

Geotechnical investigation by Cardno confirmed that the muddy inlet floor adjacent to the road was of a very poor quality that would require piling to a depth of 18 metres in some areas to either support road widening or piling for a replacement boardwalk.

Following an inspection by the City's Assets team in 2013 Timber Insights were engaged to provide an independent structural assessment of the boardwalk which highlights that the structure was nearing the end of its economical and safe life and would require replacement of at least one end of the structure in the near future and major rehabilitation works on the other end to keep it open in a safe condition.

Since the report two further vehicle run off incidents have damaged the boardwalk resulting in temporary closures and detours while repairs were undertaken.

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

Not Applicable

### **Officer Comments**

The results of the engineering study have confirmed that it is not practical to reconstruct the road or boardwalk in a staged manner. The preferred option involves the use of sheet piling up to four metres in length to retain the road and allow for the road to be widened within the existing footprint and road reserve without encroaching into the Leschenault Inlet.

This option also allows for construction to proceed while traffic continues to utilise Koombana Drive under restricted conditions.

### **Analysis of Financial and Budget Implications**

Koombana Drive has \$3,000,000 funding identified over the next four (4) years on a two thirds to one third contribution basis from the Regional Road Group program. From the preliminary estimates the project is likely to cost in the vicinity of \$3,800,000 which leaves the city with a shortfall in funding of \$800,000

Main Roads WA has indicated that the City could prefund the construction and claim the \$500,000 per year over the period of the original funding proposal.

### **Community Consultation**

During the 2012 Leschenault Inlet Master Plan development the boardwalk (area 7) featured as a prominent element of the inlet.

Cardno have consulted with the Department of Planning, Main Roads WA, Public Transport Authority, Department of Water, Department of Environment and Conservation, Department of Environmental Regulation, Bunbury Port Authority, Environmental Protection Agency and Dolphin Discovery Centre.

### **Councillor/Officer Consultation**

The concepts were presented to Council on 19 May 2015. The Executive team is aware of the problems with the road pavement and boardwalk.

### **Outcome – Council Meeting 9 June 2015**

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

#### **Council Decision 197/15**

***That Council:***

- 1. Authorise the Chief Executive Officer to instruct Cardno to proceed with the detailed design incorporating bicycle lanes, walkways, two 3.5m traffic lanes and a central medium as attached at Appendix DWS-1.***
- 2. Request the Chief Executive Officer to seek funding opportunities from Main Roads WA and other State sources to complete the project in a single year.***
- 3. Authorise the Chief Executive Officer to call tenders for the work in accordance with funding arrangements/availability.***

CARRIED

12 votes "for" / Nil votes "against"



**10.6 Write-Off of Outstanding Community Law and Safety Infringements** (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Director:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

The following is a summary of outstanding infringements from 2012/2013:

<b>Infringement:</b>	<b>Amount Raised 2012/2013</b>	<b>Outstanding Balance 2012/2013</b>
Parking	\$351,836	\$22,058
Dog Act	\$54,419	\$13,941
Litter	\$3,403	\$268
Bushfire	\$9,848	\$1,590
Local Laws	\$3,026	\$1,047
Off Road Vehicles	\$354	\$236
<b>Total</b>	<b>\$422,886</b>	<b>\$39,140</b>

Endeavours to facilitate the collection of outstanding infringements will continue through the Ministry of Justice Fines Enforcement Registry (FER), however the certainty of success is reduced after 2 years and it is prudent that these amounts are removed from the financial statements to accurately reflect the collectability of infringements.

**Executive Recommendation**

That Council approve the write-off of outstanding Community Law and Safety Infringements totalling \$39,140 as at 30 June 2015.

**Note: Absolute Majority Required**

**Background**

The City aims to collect 90% of infringement notices issued for Parking, Dog Act, Litter, Bushfire, Off Road Vehicles and Local Laws infringements issued each year. Debt collection actions include internal efforts by staff and lodging infringements with the FER.

Community Law and Safety infringements issued during 2012/2013 total \$422,886. The amount that has not been recovered to date is \$39,140. This represents approximately 9.3% of infringements issued during the 2012/2013 financial year.

**Council Policy Compliance**

This item complies with Council's policy for the write off of moneys.

### **Legislative Compliance**

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write off any amount of money which is owed to the local government. An absolute majority vote is required.

### **Analysis of Financial and Budget Implications**

The write off of outstanding Community Law and Safety infringements will reduce the net current asset position as at 30 June 2015 by \$39,140.

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

This item has been referred to Council after consultation with the Manager Community Law, Safety and Emergency Management who will continue efforts to recover outstanding infringements through the FER.

### **Outcome – Council Meeting 9 June 2015**

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

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

#### **Council Decision 198/15**

***That Council approve the write-off of outstanding Community Law and Safety Infringements totalling \$39,140 as at 30 June 2015.***

CARRIED

12 votes "for" / Nil votes "against"

**ABSOLUTE MAJORITY ATTAINED**

**10.6 Write-Off of Account Receivable Balances 2014/15** (was listed as item 10.2.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	David Ransom, Manager Finance
<b>Director:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: List of Accounts Receivable Invoices

**Summary**

All endeavours to facilitate collection of the outstanding Accounts Receivable Balances have been exhausted. The list of accounts receivable invoices (as **attached** at Appendix CEO-1) totalling \$12,957.51 is proposed to be written off as at 30 June 2015.

**Executive Recommendation**

That Council approves the write off of account receivable invoices totalling \$12,957.51 as at 30 June 2015.

**Note: Absolute majority required**

**Background**

A review of outstanding invoices is regularly conducted to determine that unpaid amounts can be recovered. Account receivable follow-up of unpaid invoices usually ensures that invoices raised are collected within 90 days of issue. However there are instances where amounts are deemed to be not collectable or the cost of recovery is not economically feasible for the amount outstanding.

In all instances:

- \* All the necessary measures have been taken to recover the debt,
- \* The debt remains unpaid for a minimum period of 90 days after its date for payment, and
- \* A list of debts to be written off is presented to Council.

**Council Policy Compliance**

This item complies with Council's policy for the write off of accounts receivable balances.

**Legislative Compliance**

In accordance with the provisions of Section 6.12 of the Local Government Act 1995, Council may write off any amount of money which is owed to the local government. An absolute majority vote is required.

**Analysis of Financial and Budget Implications**

The write off of accounts receivable balances will reduce the net current asset position as at 30 June 2015 by \$12,957.51

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

Council's Executive Leadership Team, Department Managers and Corporate Services staff monitors the City's accounts receivable balance and after all endeavours to facilitate collection have been exhausted are referred to Council.

### **Outcome – Council Meeting 9 June 2015**

The recommendation (as printed) was moved Cr Jones, 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 199/15**

***That Council approves the write off of account receivable invoices totalling \$12,957.51 as at 30 June 2015.***

CARRIED

12 votes "for" / Nil votes "against"

**ABSOLUTE MAJORITY ATTAINED**

**10.7 2015/16 Event Funding Program** (was listed as item 10.3.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Bunbury Event Coordination Group
<b>Author:</b>	Juaini Taylor, Senior Events Officer
<b>Executive:</b>	Stephanie Addison-Brown, Director Corporate and Community Services
<b>Attachments:</b>	Nil

**Summary**

The Bunbury Event Coordination Group is seeking clarification on the 2015/16 Grant Funding Program budget for the events category and wishes to request Council earmark an additional \$100,000 to be used as a contingency fund for a future (as yet unidentified) iconic event.

**Bunbury Event Coordination Group Recommendation**

That Council:

1. Reserve an allocation of up to \$100,000 to be used as a contingency fund for a yet identified iconic event, outside the funding round, subject to a business case to Council.
2. Carry forward unallocated funds from the 2014/15 Event Funding Program budget into the 2015/16 Grant Funding, Events Category budget, to award to other events in the 2015/16 financial year.

**Executive Recommendation**

That Council:

1. Provides in principle support to the BECG to continue to work to attract an iconic event for Bunbury.
2. Will give consideration to funding an iconic event, should one be identified by the BECG during the 2015/16 financial year, subject to a business case being presented for Council's consideration.
3. Carry forward unallocated funds from the 2014/15 Event Funding Program budget into the 2015/16 Grant Funding, Events Category budget, to award to other events in the 2015/16 financial year.

**Background**

In February 2014, Council established the Bunbury Event Coordination Group (BECG) to assist the City's Events Department in coordinating the attraction and development of events in Bunbury and managing the Event Funding Program.

Council's four year Corporate Business Plan was endorsed in April 2015 (Council Decision 125/15). This document includes a reduction in the annual Grant Funding Program budget for the Events Category from \$350,000 to \$200,000. Reductions have been made in several program areas across the whole organisation with a focus on keeping rate increases to a minimum.

BECG members are concerned with the budget decrease, which they feel will hamper momentum built from the ground work that has undertaken since the group was established, including building relationships with event organisers to promote Bunbury as 'open for business'. Concerns have been raised about the BECG's ability to capitalise on this ground work with a significantly reduced budget.

### **Council Policy Compliance**

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

### **Legislative Compliance**

Not applicable

### **Officer Comments**

The City of Bunbury released its Grant Funding Program at the start of May 2015 with applications to be assessed in July 2015, and announcements made in mid-August 2015. The Grant Funding application form and guidelines were revised in 2015 in order to improve the application process for the community and streamline staff efforts in the administration and promotion of the program.

Every application received will be assessed against a number of criteria around social, economic, strategic and community benefit.

The four funding categories covered by the Grant Funding Program include:

- \* Community Assistance
- \* Arts
- \* Place Making
- \* Events

It is noted that the intent is for the event funding to be specifically targeted at events which bring an economic and tourism benefit to the City with smaller, community-focused events potentially being able to secure funding from the other three categories.

At the Ordinary Council meeting held on the 17 March 2015, Council supported in-principle the proposal for a three-year contract with Action Sport Games, subject to the development and approval of a satisfactory business case and due diligence report. Council also endorsed utilising an allocation of \$100,000 per year for three years with funds being allocated from the annual Event Funding Round. In 2015/16, this \$100,000 will be taken from the \$200,000 allocation, leaving \$100,000 remaining for all other applications (including the cost of providing in kind support to Groovin' The Moo).

### **Analysis of Financial and Budget Implications**

Given the current financial situation and the proposed reduction in the available funding for the attraction of events, the BECG feel they have little scope to achieve their core objective of attracting and securing major events.

Currently in its first year of a 5 year agreement, Groovin' the Moo (GTM), a well-known iconic event, receives up to \$35,000 worth of in-kind services from the City. This value is a maximum and may not all be needed, in which case the remainder will be returned to the funding pool. Including this agreement, the budget for events is significantly reduced.

In summary, a potential funding round pool of \$200,000 may already have commitments as detailed below should the Action Sports Games proposal proceed in 2016:

Action Sports Games	\$100,000
Groovin' the Moo	\$ 35,000
Available to Community	\$ 65,000
<b>Total:</b>	<b><u>\$200,000</u></b>

The 2014/15 Event Funding budget was not all spent with over \$74,000 remaining:

*Event Funding Program Budget 2014/15*

\* \$275,316.50 (including cash and in-kind) allocated in funding to minor, major and iconic events.

\* \$74,683.50 remains to award to other events

**Total: \$350,000**

An additional \$100,000 for the 2014/15 financial year was requested by the BECG and endorsed by Council in late 2014. This funding was earmarked for the purpose of attracting an iconic event and a business case was to be brought to Council to access the funds. To date, there has been no proposal from the BECG in this regard and it is anticipated none will be received before the end of this financial year.

### **Community Consultation**

The BECG met on Wednesday 6 May 2015 for their monthly meeting at which the Chief Executive Officer provided the group with details of the Draft 2015/16 budget allocation for the Grant Funding Program for events.

### **Councillor/Officer Consultation**

Council discussed the budget for Event Funding at its budget workshop in February 2015 while looking at savings across the organisation.

The following are members of the BECG, and have been involved in the establishment of the event funding round and assessment of the applications.

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

### **Outcome – Council Meeting 9 June 2015**

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

*That Council:*

1. *Provides in principle support to the BECG to continue to work to attract an iconic event for Bunbury.*
2. *Will give consideration to funding an iconic event, should one be identified by the BECG during the 2015/16 financial year, subject to a business case being presented for Council's consideration.*
3. *Carry forward unallocated funds from the 2014/15 Event Funding Program budget into the 2015/16 Grant Funding, Events Category budget, to award to other events in the 2015/16 financial year.*

Cr Morris moved an Amendment to the Recommendation, Cr Cook seconded proposing the amendment of item 2 through the inclusion of the reservation of a \$100,000 allocation as follows:

2. Will give consideration to funding an iconic event, **by reserving an allocation of \$100,000**, should one be identified by the BECG during the 2015/16 financial year, subject to a business case being presented for Council's consideration.

The Mayor put the Amendment to the vote and it was adopted eight votes "for", four votes "against" and was therefore added to the Substantive Motion.

Substantive Motion

*That Council:*

1. *Provides in principle support to the BECG to continue to work to attract an iconic event for Bunbury.*
2. *Will give consideration to funding an iconic event, by reserving an allocation of \$100,000, should one be identified by the BECG during the 2015/16 financial year, subject to a business case being presented for Council's consideration.*
3. *Carry forward unallocated funds from the 2014/15 Event Funding Program budget into the 2015/16 Grant Funding, Events Category budget, to award to other events in the 2015/16 financial year.*

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



**Council Decision 200/15**

***That Council:***

- 1. Provides in principle support to the BECG to continue to work to attract an iconic event for Bunbury.***
- 2. Will give consideration to funding an iconic event, by reserving an allocation of \$100,000, should one be identified by the BECG during the 2015/16 financial year, subject to a business case being presented for Council's consideration.***
- 3. Carry forward unallocated funds from the 2014/15 Event Funding Program budget into the 2015/16 Grant Funding, Events Category budget, to award to other events in the 2015/16 financial year.***

CARRIED

11 votes "for" / 1 vote "against"

Cr Steele asked that her vote "against" be recorded.

All other Councillors and the Mayor voted "for" the motion.

**10.8 Dog Exercise Areas and Prohibited Areas** (was listed as item 10.4.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Bob Karaszewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPDS-1: Dog Exercise Map

**Summary**

Local government authorities were advised by the Department of Local Government and Communities that the Dog Amendment Regulations 2014 (the Regulations), were published in the Government Gazette on Tuesday, 20 May 2014.

As a result, if local governments wish to establish dog exercise areas or specify places where dogs are prohibited it is required that this be undertaken by council resolution (by absolute majority), in accordance with amended section 31 of the Dog Act 1976 (the Act) rather than through a local law.

It is recommended that the Council resolve to endorse the amended dog exercise areas and dog prohibited areas in accordance with amended section 31 of the Dog Act 1976.

**Executive Recommendation**

That Council adopts the dog exercise areas in accordance with section 31(3A) of the Act and dog prohibited areas in accordance with section 31(3B) of the Act as shown in the map **attached** as Appendix DPDS-1.

**Note: Absolute Majority Vote Required**

**Background**

Local government authorities are required to give 28 days' notice of the intention to specify dog prohibited areas or dog exercise areas.

This requirement, under changes to the Regulations, has been used as an opportunity to review and update specified dog prohibited or dog exercise areas within the City of Bunbury.

For administrative and compliance purposes, Council is requested to adopt recommendations contained in this report with a view to maintaining continuity of dog exercise and dog prohibited areas within the District.

**Council Policy Compliance**

Not Applicable

**Legislative Compliance**

Should local governments wish to establish exercise areas or specify places where dogs are prohibited, they must now do so via a council resolution (by absolute majority), in accordance with amended section 31(3A) and section 31(3B) of the Act rather than through a local law.

Any resolution of the Council is subject to conformity with any written law and Commonwealth law on 'assistance animals' as defined in section 9(2) of the Disability Discrimination Act 1992 (Commonwealth).

### **Officer Comments**

Council is now faced with the predicament that existing areas in the local law are void, unless a Council resolution reaffirms the particular areas currently contained in the local law as "dog exercise areas" or "dog prohibited areas". The absence of designated areas will render enforcement action ineffectual.

The City can establish dog exercise areas, or prohibit dogs absolutely from areas under the local government's care, control and management, however amendments to the Act removed a local government's ability to include these two areas within local laws.

In order to relieve local government authorities from having to remove those provisions from their local laws by following the local law making process set out in section 3.12 of the Local Government Act 1995 - the Regulations provide a sunset clause (31 July 2014) for the operation of those provisions.

This means that if a local government has a local law containing clauses that establish dog exercise areas, or prohibits dogs absolutely from areas; these provisions became inoperable from 31 July 2014.

Should local governments wish to establish exercise areas or specify places where dogs are prohibited, they must now do so via a council resolution (by absolute majority), in accordance with amended section 31 of the Act rather than through a local law.

### **Analysis of Financial and Budget Implications**

The City currently has a range of resources dedicated to Community Law and Safety and Emergency Management. The changes to dog exercise areas or dog prohibited areas do not result in any budgetary changes. The only budgetary implications would be for advertising, community engagement and the installation of new signage for dog exercise and dog prohibited areas. Those costs can be satisfactorily accommodated within current operational budgets.

The City reviews its resource needs to address its responsibilities regarding community safety as part of the Annual Business Planning process.

### **Community Consultation**

Following a change in the local laws relating to dogs, the City of Bunbury undertook a review of the approved dog exercise areas.

Initial consultation took place from 7 July to 24 July 2014 and sought to establish which areas are most utilised, if people would like more or less exercise areas, and where they would like them to be located. A flyer was mailed to all registered dog owners in the City of Bunbury and as forwarded to vets operating in the City. The information was reported on by local media outlets, was advertised in the City Focus for the duration of the consultation, included in the City's e-newsletter and Household Panel, and was widely distributed through social media (including the City's page as

well as to South West Pet’s, Blair Street Veterinary Clinic, Bunbury Vet Clinic, and Aussie Pooch Mobile Dog Wash pages). 429 responses were received.

Following the initial consultation, a proposed dog exercise and prohibited area map was created taking into consideration feedback received from registered dog owners, sporting clubs operating on various ovals including Hay Park, and to ensure an even spread of exercise areas. Further consultation was undertaken in October 2014 on the proposed map between and a total of 59 comments were received. The map in full was advertised in the Bunbury Mail, and information was included in the City Focus, in the City’s e-newsletter, and across social media.

As a result of comments received the dog exercise and prohibited areas map was again modified. Around this time a Facebook group was formed by a group of residents aimed at lobbying Council for an enclosed dog exercise are and to the keep the existing dog exercise areas. At the time of writing this group has a total of 430 members, however they are not particularly active. The group did organise a “Paws for a Cause” event on 18 January 2015 in opposition of the proposed changes to the map and to promote responsible dog ownership.

The current proposed map is the result of the community consultation, taking into consideration the requirements of both dog owners and sporting groups who utilise various grounds across the City, as well as responding to the changes in local laws.

*Overview of Changes*

Due to concerns by sporting groups across the City with regard to the impact of dogs being “off-leash” on ovals, the most significant changes seen restrict the times during which dogs can be off-leash in these locations. Additional restrictions are as a direct result of the changes to Local Laws where the City does not have a management order over Crown land. Some additional exercise areas have been included and some areas remain the same as per the table below:

<b>Location</b>	<b>Current map</b>	<b>Proposed map</b>
<b>Back Beach (N)</b>	Prohibited 1 October – 30 April	Prohibited 1 October – 30 April
<b>Back Beach (S)</b>	Off-leash	Off-leash
<b>Bellemore Park</b>	Not included	Off-leash
<b>Big Swamp</b>	Prohibited on the swamp; on-leash surrounding swamp; off-leash area to south of swamp	Prohibited on the swamp; on-leash surrounding swamp; off-leash area to south of swamp
<b>Cantwell Park</b>	Not included	Off-leash
<b>Charterhouse Reserve</b>	Not included	Off-leash
<b>Dolphin Discovery Centre</b>	Prohibited	Prohibited
<b>Forrest Park</b>	Off-leash	Permitted off-leash surrounding the oval from 6am – 8am and 5pm – 8pm.
<b>Hartley Anderson Park</b>	Off-leash	Off-leash, reduced size
<b>Hastie Street Beach</b>	Prohibited 1 October – 30 April	On-leash
<b>JE Hands Memorial Oval</b>	Off-leash	Prohibited on oval. Permitted off-leash surrounding the oval from 6am – 8am and 5pm – 8pm.
<b>Kelly Park</b>	Off-leash	Prohibited on oval.

Location	Current map	Proposed map
		Permitted off-leash surrounding the oval from 6am – 8am and 5pm – 8pm.
<b>Kimberley Park</b>	Not included	Off-leash
<b>Koombana Beach</b>	Prohibited 1 October – 30 April	Prohibited 1 October – 30 April
<b>Lewin Reserve</b>	Off-leash	On-leash
<b>Lighthouse Beach</b>	Off-leash	Off-leash
<b>Loughton Park</b>	Off-leash	Off-leash
<b>Melaleuca Park</b>	Off-leash	Off-leash
<b>Mindalong Beach</b>	Off-leash	On-leash
<b>Payne Park</b>	Off-leash	Prohibited on oval. On-leash near club rooms. Permitted off-leash surrounding the oval from 6am – 8am and 5pm – 8pm.
<b>Pelican Point</b>	Not included	Off-leash
<b>Pennant Reserve</b>	Off-leash	Off-leash
<b>Pointciana/Hester Reserve</b>	Off-leash	Off-leash
<b>Queens Gardens</b>	Not included	Off-leash
<b>Richmond Street Reserve</b>	Not included	Off-leash
<b>Shoalhaven Reserve</b>	Off-leash	Not included
<b>Trinity Green</b>	Off-leash	Off-leash
<b>Vincent Park (also known as Honey Park)</b>	Off-leash	On-leash

Local sporting groups have also advocated for the addition of a clause to prohibit dogs from an area being used for sporting or other activities, as permitted by the local government, during the times of such use, due to ongoing conflicts between sporting groups and dog owners.

#### **Councillor/Officer Consultation**

Following consultation with the community, this report serves to bring the matter to the attention of Elected Members.

#### **Outcome – Council Meeting 9 June 2015**

Mr Peter Elderfield, on behalf of Friends of Hartley Anderson Reserve, addressed the Council.

Mr Peter Suckling, on behalf of the Hastie Street Dog Walking Group, addressed the Council.

Ms Anne Avery was no-longer in attendance.

Ms Gaye North addressed the Council.

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

*That Council adopts the dog exercise areas in accordance with section 31(3A) of the Act and dog prohibited areas in accordance with section 31(3B) of the Act as shown in the map attached as Appendix DPDS-1.*

Cr Kelly moved an Amendment to the Recommendation, Cr Hayward seconded:

2. *Requests that the Chief Executive Officer investigate the establishment of a management order over the site commonly known as the beach area south of Hastie Street and over the eastern end of Hartley Anderson Park to allow for the area to be included as an off-leash exercise area.*

As mover and seconder of the Executive Recommendation were the mover and seconder of the Amendment, this then became the Substantive Motion:

1. *That Council adopts the dog exercise areas in accordance with section 31(3A) of the Act and dog prohibited areas in accordance with section 31(3B) of the Act as shown in the map attached as Appendix DPDS-1.*
2. *Requests that the Chief Executive Officer investigate the establishment of a management order over the site commonly known as the beach area south of Hastie Street and over the eastern end of Hartley Anderson Park to allow for the area to be included as an off-leash exercise area.*

Cr McCleary moved an Amendment to the Substantive Motion, Cr Steck seconded, as follows:

- ~~1. That Council adopts the dog exercise areas in accordance with section 31(3A) of the Act and dog prohibited areas in accordance with section 31(3B) of the Act as shown in the map attached as Appendix DPDS-1.~~
1. *That Council adopts the dog exercise areas in accordance with section 31(3A) of the Act and dog prohibited areas in accordance with section 31(3B) of the Act as shown in the map attached as Appendix DPDS-1, with the following amendment;*
  - (a) *All of Hay Park be designated as off-leash exercise area except when the surrounding area is being used for active sporting events including training; and*

The Mayor put the Amendment to the vote and the vote was six votes “for”, six votes “against” and it was therefore lost as no **Absolute Majority Vote** was attained. It was requested that the voting be recorded.

#### Voting

LOST 6 votes “for” / 6 votes “against” **NO ABSOLUTE MAJORITY ATTAINED**

Votes “for”: Cr Giles, Cr Steele, Cr McCleary, Cr Cooke, Cr Steck, Cr Morris

Votes “against” Cr Jones, Cr Kelly, Cr Prosser, Cr McNeil, Cr Hayward, Mayor Brennan

Cr Hayward moved an Amendment to the Substantive Motion, Cr Morris seconded, as follows:

3. *That the areas south of Hastie Street along the Beach, and the area on the eastern portion of Hartley Anderson Reserve be removed from the map.*

The Mayor put the Amendment to the vote and the vote was three votes “for”, nine votes “against” and it was therefore LOST.

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

**Council Decision 201/15**

- 1. *That Council adopts the dog exercise areas in accordance with section 31(3A) of the Act and dog prohibited areas in accordance with section 31(3B) of the Act as shown in the map attached as Appendix DPDS-1.***
  
- 2. *Requests that the Chief Executive Officer investigate the establishment of a management order over the site commonly known as the beach area south of Hastie Street and over the eastern end of Hartley Anderson Park to allow for the area to be included as an off-leash exercise area.***

CARRIED

11 votes “for” / 1 vote “against”

**ABSOLUTE MAJORITY ATTAINED**

**10.9 Draft Local Development Plan Bunbury Plaza Shopping Centre and In Principle Support of Proposed Redevelopment and Extension to Supermarket** (was listed as item 10.4.3 of the Council Agenda)

<b>File Ref:</b>	A06355
<b>Applicant/Proponent:</b>	Tecon Australia Pty Ltd
<b>Authors:</b>	Kelvin Storey, Team Leader Strategic Planning and Urban Design Laura Sabitzer, A/Team Leader Development Assessment and Compliance Thor Farnworth, Manager Sustainability, Planning and Development
<b>Executive:</b>	Bob Karaszewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPDS-2: Bunbury Plaza Shopping Centre Local Development Plan Appendix DPDS-3: Bunbury Plaza Shopping Centre Traffic Impact Assessment

**Summary**

The consulting firm Tecon Australia Pty Ltd, acting on behalf of the landowners of the Bunbury Plaza Shopping Centre, have submitted for Council's consideration and adoption a proposed draft Local Development Plan for the redevelopment of the shopping centre (**attached** at Appendix DPDS-2).

The purpose of the proposed draft Local Development Plan for the Bunbury Plaza Shopping Centre is to set out the general land use planning, urban design and infrastructure standards and requirements necessary to guide the future redevelopment of the shopping centre as a designated 'neighbourhood centre'.

Should Council resolve to publicly advertise the proposed draft Local Development Plan Bunbury Plaza Shopping Centre, the intent is that this should occur in conjunction with the recently initiated Scheme Amendment 79 to the City of Bunbury Town Planning Scheme No. 7 (TPS7), once confirmation has been given by the Environmental Planning Authority (EPA) and the Western Australian Planning Commission (WAPC) to proceed.

The proposed scheme amendment and draft Local Development Plan, together with all of the submissions received, will then be returned to the Council for final consideration to adopt at the conclusion of the public advertising period.

Applications for planning approval (albeit with incomplete information at this stage) have been submitted for works associated with undertaking refurbishment, additions and alteration of existing buildings, including the extension of the supermarket.

It is intended that the application for planning approval to extend the supermarket will have undergone a complete assessment and will be formally determined in conjunction with the gazettal of the finalised scheme amendment and associated approval of the final draft Local Development Plan. However, at this stage the landowners are seeking an in principle letter of support or comfort from the Council to Woolworths to progress the proposal.



### **Executive Recommendation**

That Council:

1. Subject to confirmation being received from the Environmental Protection Authority and the Western Australian Planning Commission to proceed with the public advertising of proposed Scheme Amendment 79 to the City of Bunbury Town Planning Scheme No. 7, resolves to publicly advertise the proposed draft Local Development Plan Bunbury Plaza Shopping Centre (as modified) for a period of not less than 42 days in conjunction with the scheme amendment proposal;
2. Reconsider the proposed draft Local Development Plan Bunbury Plaza Shopping Centre, together with any public submissions lodged with the City of Bunbury following the conclusion of the public advertising period, and if approved, forward a copy of the adopted Local Development Plan (with or without conditions) to the Western Australian Planning Commission in accordance with the relevant provisions of clause 6.2.7 of the City of Bunbury Town Planning Scheme No. 7; and
3. Provides 'in principle' support (in writing) on a without prejudice basis for the undertaking of alterations and extension to the existing supermarket, subject to compliance with the provisions of any adopted Local Development Plan Bunbury Plaza Shopping Centre, the Town Planning Scheme and applicable Local Planning Policies.

### **Background**

The landowners of the Bunbury Plaza Shopping Centre have signalled their desire to refurbish and expand the neighbourhood centre. The intended scope of redevelopment requires the rezoning of adjacent land to 'Shopping Centre Zone' with a residential density code of 'R-AC3', which was initiated by Council on 26 May 2015 as Scheme Amendment 79 to TPS7.

In order to guide the future redevelopment of this neighbourhood centre in a planned and orderly manner, a proposed draft Local Development for the Plan Bunbury Plaza Shopping Centre has been prepared for Council's consideration. The submitted version of the proposed draft Local Development Plan is supported by a Traffic Impact Assessment (TIA), which was undertaken by the firm Donald Veal Consultants (DVC) (**attached** at Appendix DPDS-3).

The proposed draft Local Development Plan has been prepared largely in accordance with clause 6.2.7 of TPS7, which should as a minimum address those elements specifically listed under clause 6.2.7.3 of the Scheme. Some of the information shown on the proposed draft Local Development Plan map (e.g. relating to car parking, landscaping and the location of incidental structures) is indicative only. Accordingly, it is anticipated that detailed plans will need to be submitted and approved by the City of Bunbury prior to an application for planning approval being determined.

Key aspects addressed directly by the submitted version of the proposed draft Local Development Plan primarily relate to:

- (a) building footprint; and
- (b) access arrangements.

The building footprint shown on the proposed draft Local Development Plan map extends beyond that of the existing shopping centre - the major part of this being represented by a southward extension of the supermarket abutting both Forrest Avenue and the edge of the existing property boundary of the shopping centre with Lot 5 Forrest Avenue.

A total of six (6) vehicular entry/exit points are indicated on the proposed draft Local Development Plan map. Four (4) of these are as per the existing crossover locations, whilst one (1) is a modified access arrangement to better cater for large truck deliveries. The sixth vehicular entry/exit point proposed off Prosser Street that is located close to the southern boundary of the subject site would be additional to the current arrangement of crossovers.

The status of the Lady Mitchell Memorial Child Health Centre building is recognised within the proposed draft Local Development Plan, and consequently any development proposal will need to have regard to the social and cultural importance of this place (currently being considered for entry onto the State Heritage Register), noting though that the ongoing maintenance of the premises remains the responsibility of the City of Bunbury or the lessee in accordance with the recently adopted Conservation Management Plan.

Applications for planning approval for the initial scope of redevelopment works to be undertaken have been submitted for the City of Bunbury's consideration and subsequent assessment. It is on this basis that the proponent is seeking in principle support from Council in order to provide some comfort in continuing to pursue the proposal, noting that a formal decision on the application for planning approval to expand the shopping centre would not occur until after the gazettal of Scheme Amendment 79 and the adoption of a finalised Local Development Plan.

### **Council Policy Compliance**

The Local Planning Strategy for Activity Centres and Neighbourhoods (LPS-ACN) recognises the Bunbury Plaza Shopping Centre as a 'neighbourhood centre', embedded within the Spencer Street activity corridor. Whilst acknowledging the future potential for the corridor to significantly increase in the amount of commercial floorspace provided, the LPS-ACN states that the amount of 'shop-retail' floorspace associated with the neighbourhood centre should not exceed 6,000m<sup>2</sup> net lettable area (nla). Nevertheless, it should be noted that the extent of redevelopment works proposed in the application for planning approval falls within this maximum and would not be inconsistent with the adopted LPS-ACN.

### **Legislative Compliance**

Upon gazettal of Scheme Amendment 79, a Council resolution to adopt the final draft Local Development Plan (as modified) may then take statutory effect, and a copy of the adopted Local Development Plan will be forwarded to the WAPC in accordance with clause 6.2.7.1(e) of the Scheme.

### **Officer Comments**

The WAPC's Activity Centres for Greater Bunbury Policy (2012) recognises the Bunbury Plaza Shopping Centre as a 'neighbourhood centre' within the regional activity centres hierarchy. The policy requires that a Retail Sustainability Assessment (RSA) be undertaken for any proposal that would result in the total shop-retail floorspace area of a neighbourhood centre exceeding 6,000m<sup>2</sup> nla or expanding by more than 3,000m<sup>2</sup> nla. The proposed draft Local Development Plan

does not indicate such an increase in retail floorspace area, and therefore, a RSA has not been required to be undertaken by the proponent.

The proposed draft Local Development Plan provides a statutory planning framework that once adopted will guide the future redevelopment of the neighbourhood centre in its entirety. The extent of the building footprint is shown on the proposed draft Local Development Plan map, whereas, maximum building heights are stipulated within the accompanying text of the proposed draft Local Development Plan. The proposed height of the redevelopment accords with Council's Local Planning Policy: Building Height, which together with the stipulated building footprint, will regulate building scale and mass (and hence the rationale for waiving those provisions relating to plot ratio standards under TPS7 in this instance).

Matters such as car parking provision, landscaping, stormwater management and the locating of pathways and incidental structures must be addressed through the preparation and submissions of additional detailed plans (i.e. integrated Vehicle Parking and Traffic Management Plan, Landscaping Plan and Stormwater Management Plan) prepared to the specifications and satisfaction of the local government or delegate, prior to the issuing of any subsequent planning approvals.

Clauses appearing within the submitted version of the proposed draft Local Development Plan have been discussed with the applicant and revisions to the original plan have now been incorporated.

The TIA submitted with the proposed draft Local Development Plan concludes that the expansion of the neighbourhood centre along with the vehicular entry/exit points as proposed would have *"... no significant impact on the capacity or safety of the surrounding road network"*. Whilst the findings of the TIA have been noted and in some instances accepted by the City of Bunbury, a number of unresolved issues have been raised with the applicant, including the following:

- (a) given the proposed new design configuration of the car parking area, it is considered that a higher volume of traffic will utilise the proposed Prosser Street vehicle access/crossover point than predicted in the TIA report, as users of the shopping centre may find it easier to access Spencer Street from this point rather than the vehicle access/crossover point located opposite Plaza Street.

Whilst it is not considered that this will unduly impact on the performance of the Spencer/Prosser Street intersection, it is nevertheless recommended that further consideration be given to the installation of traffic management infrastructure, such as a splitter island with a pedestrian refuge, subject to further detail design assessment;

- (b) through the public consultation process, the proponent may be required to provide Council with more detail in response to any public concerns raised in regard to the potential for increased traffic volumes on Prosser Street; and
- (c) as the redeveloped building is proposed to abut the road verge on Forrest Avenue, it is considered that the existing pedestrian pathway will likely be damaged during construction, and that the developer should fund the replacement/upgrading of the verge to the satisfaction of the City of Bunbury for the length of the property frontage, up to the area of the recently completed road works.

The above and related matters continue to be discussed with the applicant and in negotiations with the proponent - the outcomes of which will be reported to Council at the conclusion of the public advertising period.

Discussions related to the submitted applications for planning approval are also ongoing between the applicant and the City of Bunbury. In relation to the proposal to extend the supermarket, additional information has been requested, including the provision of detailed and integrated:

- \* Vehicle Parking and Traffic Management Plan;
- \* Landscaping Plan;
- \* Stormwater Management Plan;
- \* Signage Precinct Plan;
- \* Noise Mitigation and Management Plan; and
- \* Infrastructure Implementation Plan,
- \* Prepared to the specifications and satisfaction of the City of Bunbury in accordance with provisions of the modified draft Local Development Plan; and
- \* Building floor plan details indicating the floorspace areas calculated as net lettable area (nla) in comparison to that of gross leasable area (gla);
- \* Schedule of external materials, finishes and colours; and
- \* Relocation of incidental structures.

On the understanding that the above requested information is to be submitted, Council may wish to resolve to convey its in principle support on a without prejudice basis for the undertaking of alterations and extension to the existing supermarket, subject to compliance with the provisions of any adopted Local Development Plan, the Town Planning Scheme and applicable Local Planning Policies.

#### **Analysis of Financial and Budget Implications**

The procedure for considering a proposed draft Local Development Plan has no associated financial or budgetary implications other than meeting the costs of public advertising.

#### **Community Consultation**

It is intended that the proposed draft Local Development Plan be publicly advertised concurrently with Scheme Amendment 79. Scheme amendments are required to be advertised for public comment for a minimum period of 42 days in accordance with the provisions of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*. At the conclusion of the public advertising period, the proposals together with submissions received will be returned to Council for further consideration.

It is envisaged that public advertising will include the following initiatives:

- \* public notices placed in locally circulated newspapers;
- \* letters sent to owners/occupiers of surrounding properties (including schools and businesses);
- \* notification signs placed on the subject site;
- \* a notice posted on the City of Bunbury's website; and
- \* a notice displayed in the foyer of City of Bunbury's administration building.

### **Councillor / Officer Consultation**

The proposed draft Local Development Plan has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment. Matters raised are the subject of ongoing discussions with the applicant and negotiations with the proponent - the outcomes of which will be reported to Council at the conclusion of the public advertising period.

### **Outcome – Council Meeting 9 June 2015**

Cr Steele left the chamber at 6:20pm and returned at 6:22pm.

Cr Steck declared a financial interest in the item and left the chamber at 6:20pm.

Cr Kelly declared an impartiality interest in the item and remained in the chamber for the discussion and vote on the matter.

Mr Fitzgerald addressed Council speaking for the Executive Recommendation.

Cr Kelly moved and Cr Giles seconded that Mr Fitzgerald be given an extra two minutes to complete his deputation. CARRIED.

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

Cr Kelly moved an Amendment to the Recommendation, Cr Cook seconded:

4. *Will require the preparation of a detailed and integrated Vehicle Parking and Traffic Management Plan, Landscaping Plan, Stormwater Management Plan, and an Infrastructure Implementation Plan that are prepared to the specifications and satisfaction of the local government prior to the issuing of any subsequent planning approval(s).*

The Mover and Seconder of the Executive Recommendation agreed to the inclusion of the Amendment, which therefore was included as part of the Substantive Motion:

*That Council:*

1. *Subject to confirmation being received from the Environmental Protection Authority and the Western Australian Planning Commission to proceed with the public advertising of proposed Scheme Amendment 79 to the City of Bunbury Town Planning Scheme No. 7, resolves to publicly advertise the proposed draft Local Development Plan Bunbury Plaza Shopping Centre (as modified) for a period of not less than 42 days in conjunction with the scheme amendment proposal;*
2. *Reconsider the proposed draft Local Development Plan Bunbury Plaza Shopping Centre, together with any public submissions lodged with the City of Bunbury following the conclusion of the public advertising period, and if approved, forward a copy of the adopted Local Development Plan (with or without conditions) to the Western Australian Planning Commission in accordance with the relevant provisions of clause 6.2.7 of the City of Bunbury Town Planning Scheme No. 7; and*

3. *Provides ‘in principle’ support (in writing) on a without prejudice basis for the undertaking of alterations and extension to the existing supermarket, subject to compliance with the provisions of any adopted Local Development Plan Bunbury Plaza Shopping Centre, the Town Planning Scheme and applicable Local Planning Policies.*
4. *Will require the preparation of a detailed and integrated Vehicle Parking and Traffic Management Plan, Landscaping Plan, Stormwater Management Plan, and an Infrastructure Implementation Plan that are prepared to the specifications and satisfaction of the local government prior to the issuing of any subsequent planning approval(s).*

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

**Council Decision 202/15**

***That Council:***

1. ***Subject to confirmation being received from the Environmental Protection Authority and the Western Australian Planning Commission to proceed with the public advertising of proposed Scheme Amendment 79 to the City of Bunbury Town Planning Scheme No. 7, resolves to publicly advertise the proposed draft Local Development Plan Bunbury Plaza Shopping Centre (as modified) for a period of not less than 42 days in conjunction with the scheme amendment proposal;***
2. ***Reconsider the proposed draft Local Development Plan Bunbury Plaza Shopping Centre, together with any public submissions lodged with the City of Bunbury following the conclusion of the public advertising period, and if approved, forward a copy of the adopted Local Development Plan (with or without conditions) to the Western Australian Planning Commission in accordance with the relevant provisions of clause 6.2.7 of the City of Bunbury Town Planning Scheme No. 7; and***
3. ***Provides ‘in principle’ support (in writing) on a without prejudice basis for the undertaking of alterations and extension to the existing supermarket, subject to compliance with the provisions of any adopted Local Development Plan Bunbury Plaza Shopping Centre, the Town Planning Scheme and applicable Local Planning Policies.***
4. ***Will require the preparation of a detailed and integrated Vehicle Parking and Traffic Management Plan, Landscaping Plan, Stormwater Management Plan, and an Infrastructure Implementation Plan that are prepared to the specifications and satisfaction of the local government prior to the issuing of any subsequent planning approval(s).***

CARRIED

11 votes “for” / Nil votes “against”

Cr Steck returned to the chambers at 6:33pm.

**10.10 Bunbury Water Playground– Detailed Design** (was listed as item 10.5.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Phil Harris, Director Works & Services
<b>Executive:</b>	Phil Harris, Director Works & Services
<b>Attachments:</b>	Nil

**Summary**

The City of Bunbury draft 2015/2016 budget includes provision for the construction of a Water Playground PR – 2578. Following the Council meeting held 12 May 2015 a representative from Josh Byrne Architects briefed council on concept designs that the company had prepared based on 2014 community consultation. This item is to seek Council endorsement to proceed to detail design based on the concepts and preliminary costing.

**Executive Recommendation**

That Council:

1. Authorise the Chief Executive Officer to proceed to detailed design for the proposed Water Playground based on the concept drawings that were presented to Council on 12 May 2015.
2. Request the Chief Executive Officer provide Council with the detailed design and quantity surveyors detailed cost estimates for consideration prior to tendering.

**Background**

At its meeting held 11 June 2013 Council decided (165/13):

*“That Council resolves:*

1. *To adopt the Leschenault Inlet Masterplan subject to:  
(a) Recommendations as at Appendix CEO-1 being endorsed; and  
(b) Actions as at Appendix CEO-1 being undertaken.*
2. *That a further report be provided to Council specifically focused on potential options and strategies for funding of any of the works identified on or before 30 July 2013.*
3. *A briefing package on the Masterplan be prepared to lobby both State and Federal Government for funds to help progress various stages of the Masterplan on or before 30 July 2013.*
4. *That submitters be advised.”*

The Bunbury Water Park is a component of the Leschenault Inlet Master Plan which was endorsed by Council Decision 165/13.

In 2014 a project group consisting of: Cr Morris; Cr Steele; Cr McNeill; Director Works and Services; Manager Assets and Planning; Manager Major Projects; Manager Sport, Leisure and Active Lifestyles; Manager Open Space; and Communications and Media staff was formed to undertake consultation on what the community visions were in relation to a Water Playground.

Extensive consultation was undertaken including electronic media, newspaper coverage, visits to schools, and information sessions at the libraries and at community events held at Big Swamp and the South West Sports Centre. This generated a number of key themes which ultimately guided the development of the concept drawings.

In December 2014 WALGA preferred architects were invited to provide a quotation for the development of Concept designs and preliminary estimate of costs. Josh Byrne Architects were appointed as the successful applicant.

### **Council Policy Compliance**

Not Applicable.

### **Legislative Compliance**

Not Applicable

### **Officer Comments**

The concepts prepared by Josh Byrne Architects reflect the feedback of the community during the consultation process. The community noted that the playground needed to provide facilities that could be used all year round. In preparing the concepts considerable effort has been focused on integrating a nature playground, with a theme consistent with Bunbury's association with the port and marine environment.

The proposed facilities will cater for all ages and include a cafe/kiosk, change rooms and toilets. Due to health requirements the facilities will utilise potable water that will be stored in large underground tanks and treated to stringent standards with daily water quality testing required.

Council has already undertaken some preliminary site works which includes barbeque, shelters, seating, paths and turfing.

The detailed design will enable accurate costing to be established prior to Council deciding on the viability of proceeding to tender for construction.

### **Analysis of Financial and Budget Implications**

It is anticipated that the detailed design will cost in the vicinity of \$350,571 however the market for engineering and design is currently very competitive. PR - 2578 is an approved and funded project with \$189,679 in funding.

### **Community Consultation**

There has been extensive consultation prior to the preparation of the concept designs with the recently completed concepts placed on the City website and Facebook.



### **Councillor/Officer Consultation**

The concepts were presented to Council on 12 May 2015. The project team included Cr Morris, Cr Steele and Cr McNeill.

### **Outcome – Council Meeting 9 June 2015**

Cr Jones declared an impartiality interest in the item and remained in the chamber for the discussion and vote on the matter.

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

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

### **Council Decision 203/15**

#### ***That Council:***

- 1. Authorise the Chief Executive Officer to proceed to detailed design for the proposed Water Playground based on the concept drawings that were presented to Council on 12 May 2015.***
- 2. Request the Chief Executive Officer provide Council with the detailed design and quantity surveyors detailed cost estimates for consideration prior to tendering.***

CARRIED

11 votes "for" / 1 vote "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**

## **15. Meeting Closed to Public**

### ***15.1 Matters for which the Meeting may be Closed***

### ***15.2 Public Reading of Resolutions that may be made Public***

## **16. Closure**

The meeting was declared closed at 6:42pm.