

## Bunbury City Council

### Minutes 4 August 2015



**CITY OF BUNBURY**  
4 Stephen Street  
Bunbury WA 6230  
Western Australia  
*Correspondence to:*  
Post Office Box 21  
Bunbury WA 6231

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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 Notice of Meeting**

Minutes of the Ordinary Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 4 August 2015 at 5.30pm.

### **Minutes**

4 August 2015

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

There were no announcements by the Presiding Member.

#### 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 Jones
	Councillor D Prosser
	Councillor K Steele
	Councillor N McNeill
	Councillor J Hayward
	Councillor M Steck
	Councillor J Miguel
	Councillor W Giles
	Councillor M Cook
<b>Executive Leadership Team (Non-Voting)</b>	
Chief Executive Officer	Mr A Brien
Acting Director Corporate and Community Services	Mr J Bowron
Director Works and Services	Mr P Harris
Acting Director Planning, Development and Regulatory Services	Mr J Kowal
<b>Council Officers (Non-Voting)</b>	
Acting Media and Communications Officer	Mr J Tatham
Manager Finance	Mr D Ransom
Manager Governance	Mr G Golinski
Sport and Recreation Liaison Officer	Mr G Thompson
Community Development Project Officer	Ms M Howard
Council Meeting Support Officer	Mrs L Allan
<b>Others (Non-Voting)</b>	
Members of the Public	7
Members of the Press	2

##### 4.1 Apologies

Nil.

##### 4.2 Approved Leave of Absence

Nil.

## 5. Declaration of Interest

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

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

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

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

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

Cr Prosser declared an impartiality interest in the item titled “10.3.1 Department of Sport and Recreation CSRFF Application July 2015” as he is a member of the Bunbury Rowing Club. Cr Prosser will remain in the chamber for the discussion and the vote on the matter.

Cr Steck declared a financial interest in the item titled “10.3.1 Department of Sport and Recreation CSRFF Application July 2015” as her partner is an annual sponsor of the Awards and provides donations to the Bunbury Rowing Club. Cr Steck will remain in the chamber for the discussion and the 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, of 8 Picton Crescent, Bunbury on 3 August 2015, submitted the following questions to Council:

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

Question 1: Am I correct in my reading of the Council Budget for 2015-2016 that no funding has been allocated as a line item to the Eisteddfod or Christmas Carols?

Reply: *This is correct.*

Question 2: Did applications for funding of events in 2015-2016 close on the 30/6/2015— that is well before the budget was published on the Council website?

Reply: *Allocations for Events Funding are determined by the BECG and do not appear as line items in the budget and are not approved prior to adoption of the budget.*

Question 3: Were the Eisteddfod and/or the Christmas Carols committees informed that they needed to apply for Council general event funding from Council which has never been the case before and how much is or was the amount available for funding for community groups events in each of 2013-2014, 2014-2015 and 2015-2016?

Reply: *Yes - both the Eisteddfod and Christmas Carols Committee (which has now disbanded) were advised in writing and at meetings*

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

Nil.



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

### **7.1 Minutes**

#### **7.1.1 Minutes – Ordinary Council Meeting**

The minutes of the Ordinary meeting of the Bunbury City Council held 21 July 2015 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 21 July 2015 be confirmed as a true and accurate record.

#### **Outcome – Council Meeting 4 August 2015**

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

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

#### **Council Decision 270/15**

***The minutes of the Ordinary meeting of the Bunbury City Council held 21 July 2015 be confirmed as a true and accurate record.***

CARRIED

13 votes "for" / Nil votes "against"

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

Nil.

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

### **8.1 Petitions**

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

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

### **8.2 Presentations**

Nil.

### **8.3 Deputations**

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. One deputation request was received being:

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

Mr Smith requested to address item 10.4.1 titled "*Initiation of proposed Scheme Amendment – Lot 891 Clifton Street from "Parks and Recreation" to "City Centre Zone"*".

#### **Council Decision 271/15**

*Pursuant to clause 6.9 (2)(b) of Councils Standing Orders, Council approves Mr Smith's deputation request to address item 10.4.1 titled "Initiation of proposed Scheme Amendment – Lot 891 Clifton Street from "Parks and Recreation" to "City Centre Zone" and allows a period of up to 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).

Pursuant to Standing Order 5.5, the Council “*adopted by exception*” (i.e. without discussion) those recommendations listed for items 10.2.2, 10.2.3, 10.2.4, 10.3.2, 10.3.4 and 10.4.2.

Items 10.2.1, 10.3.1, 10.3.3 and 10.4.1 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 Giles.

## 10. Reports

### 10.1 **Councillor Discretionary Funds Quarterly Report** (was listed as item 10.2.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Katie Merwood, Executive Assistant to the Mayor
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

In accordance with Council Policy ‘*Councillor Discretionary Funds*’, Council is to be provided with a quarterly report outlining details of all Councillor Discretionary Fund (CDF) payments . This agenda item satisfies the requirements of this policy

#### Executive Recommendation

That Council receives the report for the period 1 April 2015 to 30 June 2015 relating to Councillor and Mayoral Discretionary Fund expenditure.

#### Background

At the Council meeting held 18 March 2014, Council adopted a Policy relating to Councillor Discretionary Funds. The policy requires officers to provide quarterly reports to Council outlining the relevant details of CDF expenditure as follows:

- i) The name of the community group;
- ii) The purpose for which the funds were delivered; and
- iii) The amount of funds provided

#### Council Policy Compliance

This matter is in line with the Councillor Discretionary fund Policy requirements

#### Legislative Compliance

There is no legislative compliance applicable to this matter

#### Officer Comments

The following table outlines the Councillor Discretionary Fund payments made for the period 1 April 2015 to 30 June 2015:

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
Cr Kelly	Print Shop Bunbury	To Print Marcia Brochures	\$203.00
Cr Kelly	Print Shop Bunbury	To Print Marcia Brochures	\$203.00
Cr McCleary	Bunbury Setagaya Marathon Runners	Paid for Tori-Rae Davies to perform	\$100.00

<b>Councillor</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Value</b>
Cr McCleary	Bunbury Setagaya Marathon Runner	Paid for Sushi for event from Kokoro	\$100.00
Cr Giles	Milligan Community Learning	Family Programs	\$200.00
Cr Giles	South West Women's Health Centre	Health Educator Nurse Program	\$1,000.00
Cr Steck	Friday Brass Band	To assist with the purchase of banners for competition	\$540.00
Cr Steck	Total Uniforms Geraldton	To cover the cost of Zonta Club of Bunbury Vests	\$145.00
Cr Steele	South West Fashion Festival	To assist with running costs of festival	\$2,500.00
Cr Steele	Bunbury Bowling Club	To assist with maintaining Bunbury Bowling Club	\$750.00
Cr Miguel	Alana Gianotti	To assist with the cost of attending sporting event	\$250.00
Cr Miguel	Edith Cowan University	City Of Bunbury Art Project	\$500.00
Cr Miguel	Special Olympics	To help with funding for Special Olympics	\$500.00
Cr Miguel	South West Junior Football League	To assist with running SWJFL	\$1,000.00
Cr Miguel	Friends of Des Ugle Park	Donation	\$500.00
Cr Hayward	SW Women's Health	General Donation	\$1,000.00
Cr Hayward	Friends of Des Ugle Park	Donation to go toward Christmas party	\$800.00
Cr Hayward	Withers Progress Association	General Donation	\$2,000.00
Cr McNeill	Special Olympics	To help with funding for special Olympics	\$500.00
Cr Prosser	Alana Gianotti	To assist with the cost of attending sporting event	\$250.00
Mayor Brennan	PooleGrave – Engraved Plaques	Donation to fund plaques for re-Discover 2015	\$1,540.00
Mayor Brennan	Friends of Des Ugle Park	Donation	\$200.00

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

There are no financial or budget implications as the money allocated has been included in the 2014/2015 budget.

#### **Community Consultation**

There is no community consultation required for this matter.

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

There is no councillor/officer consultation required for this matter.

**Outcome – Council Meeting 4 August 2015**

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

**Council Decision 272/15**

***That Council receives the report for the period 1 April 2015 to 30 June 2015 relating to Councillor and Mayoral Discretionary Fund expenditure.***

CARRIED

13 votes "for" / Nil votes "against"

**10.2 Preliminary Financial Management Report for the Period Ending 30 June 2015** (was listed as item 10.2.3 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>	Appendix CEO-1: Statement of Comprehensive Income Appendix CEO-2: Statement of Financial Activity Appendix CEO-3: Statement of Net Current Assets Appendix CEO-4: Balance Sheet Appendix CEO-5: Capital Works Expenditure Summary Appendix CEO-6: Operating Project Summary

**Summary**

**Note that this is a preliminary report to 30 June 2015 and is subject to change as end-of-year figures have not been finalised including transfers to and from reserves, employee provisions, restricted cash, final calculation of depreciation and asset revaluation. Council will receive a final report after the annual audit due to commence 7 September 2015.**

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

- Statement of Comprehensive Income (**attached** at Appendix CEO-1)  
Actual Financial Performance to 30 June 2015
  - Actual income of \$52.95M is \$2.82M greater than the year-to-date budgeted income of \$50.13M.
  - Actual expenditure of \$53.00M is \$2.47M less than the year-to-date budgeted expenditure of \$55.47M (refer explanation in the report).
  - Actual operating deficit of \$48K is \$5.29M less than the year-to-date budgeted operating deficit of \$5.34M.
- Balance Sheet (**attached** at Appendix CEO-4)

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

	Year-to-date	Forecast
* Current Assets of \$24.45M includes:		
- Cash and Investments	\$22.77M	\$23.85M
- Rates	\$ 0.19M	\$0.22M
- Other Current Assets	\$ 1.49M	\$2.04M
Current Liabilities of \$8.03M includes:		
- Trade and Other Payables	\$3.11M	\$4.30M
- Annual Leave and LSL Provisions	\$3.10M	\$3.77M
* Working Capital (Current Assets less Current Liabilities)	\$16.41M	\$16.02M
* Equity (Total Assets less Total Liabilities)	\$429.62M	\$428.99M

3. Statement of Financial Activity (**attached** at Appendix CEO-2)
  - Closing Funding Surplus to 30 June 2015 is forecast at \$5.83M, which is \$5.29M more than the Current Budget Closing Funding Surplus of \$539K. Note that the forecast closing funds of \$5.83M includes \$2.09M of operating and capital projects carried forward to 2015/16 Budget and \$804K of advanced Federal Assistance Grant payments. Forecast closing funds net of carried forward projects is \$3.74M which will be used to fund the 2015/16 Budget. The budgeted Closing Fund Surplus at 30 June 2016 is \$657K.
  
4. Capital Works (**attached** at Appendix CEO-5)
  - Actual capital works of \$12.30M (which excludes \$4.36M of committed expenditure) is \$9.30M less than the year-to-date budgeted capital works of \$21.59M, (refer explanation within report).
  
5. Operating Project Expenditure (**attached** at Appendix CEO-6)
  - Actual operating project expenditure of \$3.24M (which excludes \$102K of committed expenditure) is \$1.18 less than the year-to-date budgeted operating project expenditure of \$4.42M, (refer explanation within report).

#### **Executive Recommendation**

The Preliminary Financial Management Report for the period ending 30 June 2015 be received.

#### **Background**

A financial management report is provided to Councillors on a monthly basis which includes the following summaries:

- Statement of Comprehensive Income (**attached** at Appendix CEO-1)
- Statement of Financial Activity (**attached** at Appendix CEO-2)
- Statement of Net Current Assets (**attached** at Appendix CEO-3)
- Balance Sheet (**attached** at Appendix CEO-4)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-5)
- Operating Projects Summary (**attached** at Appendix CEO-6)

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

#### **Council Policy Compliance**

Not applicable.

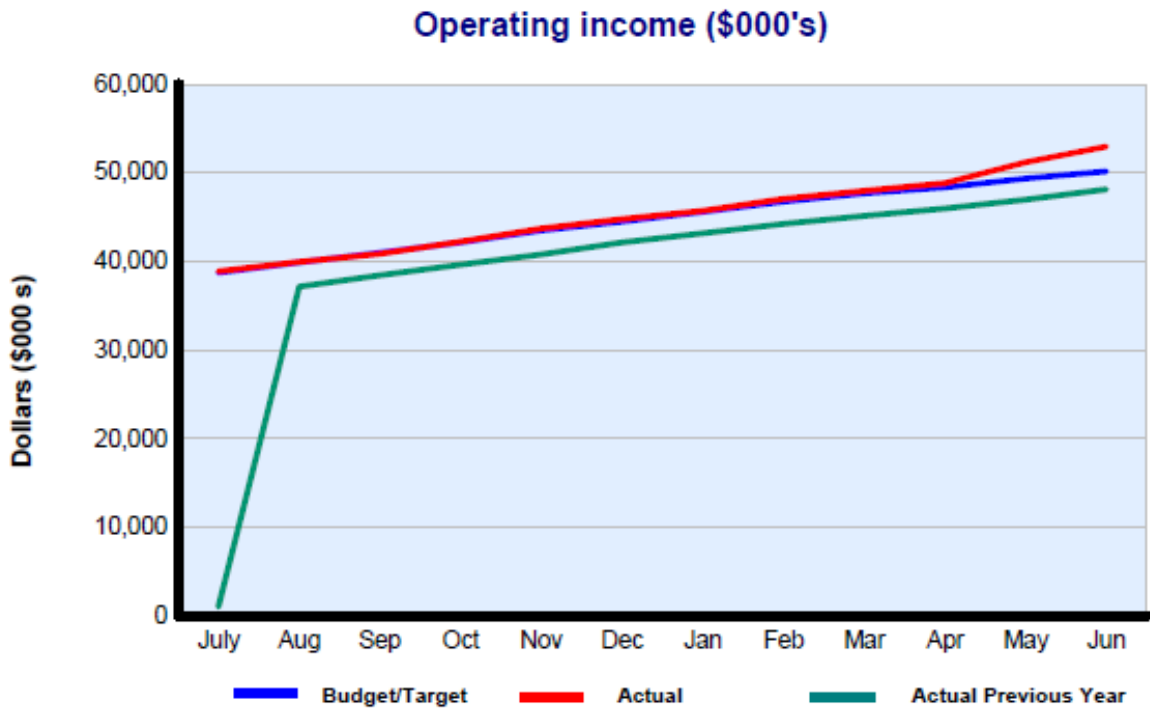
#### **Legislative Compliance**

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.



**Officer Comments**

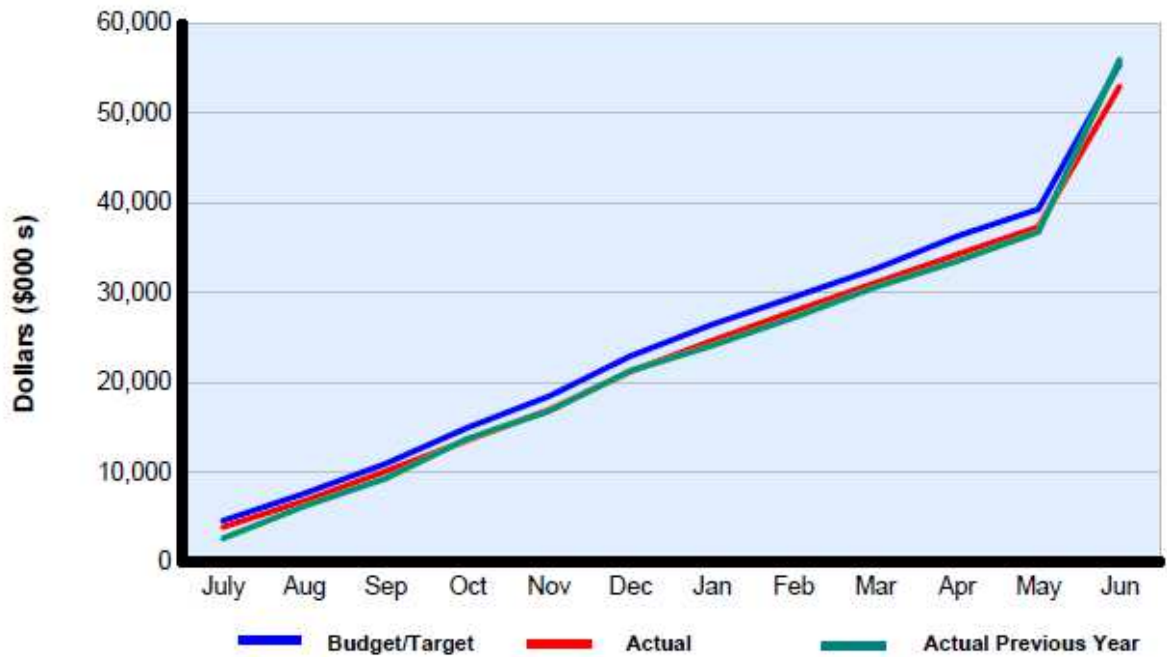
The Operating Income, Operating Expenditure and Capital Expenditure graphs provide an overview on how actual income/expenditure is tracking to budget and the previous financial year. Comments are provided on each graph regarding the current financial position



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

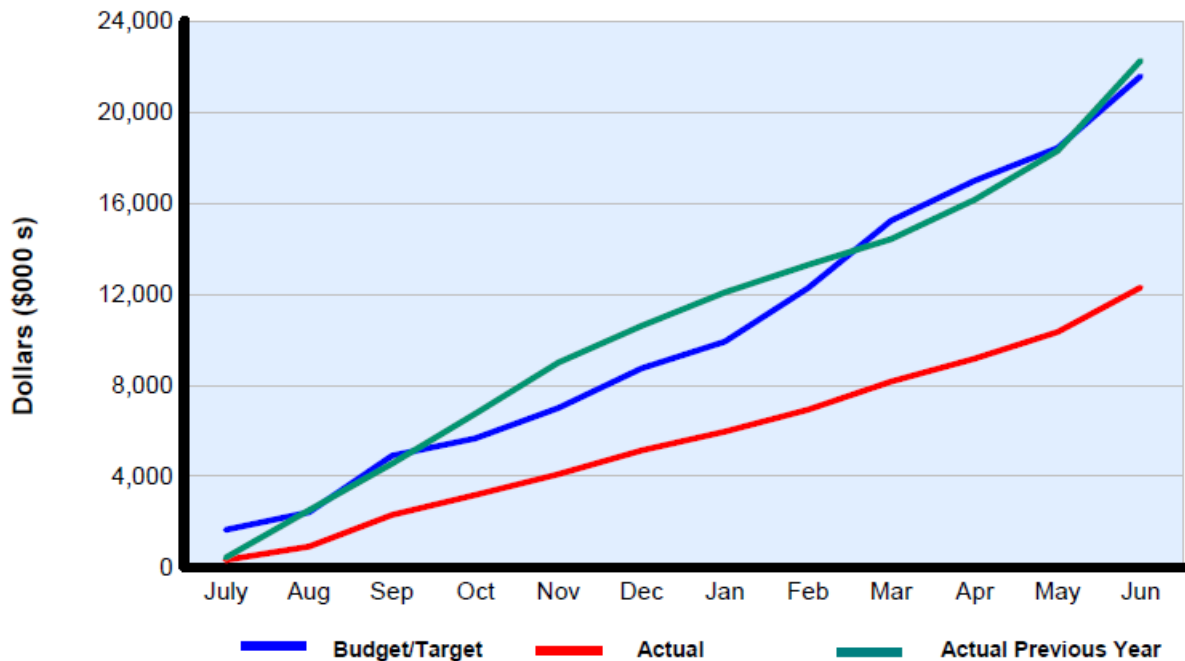
There is a favourable actual to budget variance of \$2,819,633 due to \$28K favourable variance in rating, \$1.737M favourable variance from operating grants and subsidies (Marine Facilities and advanced Federal Assistance Grant payment), \$267K favourable variance from contribuion and reimbursement income, \$456K favourable variance from fees and charges, \$199K favourable variance from interest received and a \$132K favourable variance from other revenue.

### Operating expenditure (\$000's)



**Note:** Actual operating expenditure for both base and operating projects is \$2.47M under the year-to-date budget due to timing of works commencing. Note that there is operating project committed expenditure of \$102K. Operating projects of \$1.3M have been carried forward to the 2015/16 Budget.

### Capital Expenditure (\$ 000's)



**Note:** The capital expenditure variance to the end of June 2015 of \$9.30M is due to the delay in commencement or progress of various projects as reported in the monthly Capital Works Expenditure Summary Report to Council. Note that there is committed expenditure of \$4.36M.

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

Statement of Comprehensive Income	YTD Actual to Budget Variance
<b>Operating Income</b>	
<p><b>Rates</b> <i>Rate Interim Income</i> – Additional interim rate income of \$31,163 received. The end of year forecast has been adjusted accordingly.</p>	<p>\$28,336 0.08%</p>
<p><b>Operating Grants and Subsidies</b> <i>Operating Grant Income</i> – Additional grant funds received from the South West Development Commission for the Bunbury Marine Facilities management of funds (\$1M) and an advanced payment of the Federal Assistance Grants for the 2015/16 financial year (\$804K). The end of year forecast has been adjusted accordingly.</p>	<p>\$1,737,525 71%</p>
<p><b>Contributions Reimbursements and Donations</b> <i>Reimbursement Income</i> – Favourable year-to-date variance of \$242,181, due to \$66K additional insurance claims received to date, higher than anticipated legal reimbursements received of \$70K (\$44K associated with parking, \$18K associated with Dog Act and \$8K associated with the recovery of rates), \$23K additional government paid parental leave received, \$37K additional utilities recouped, \$10K reimbursements for the upgrade of parking machines and towing fees, higher than anticipated workers compensation claims of \$19K, \$15K bond retention reimbursement due to damage after music event. <i>Donation Income</i> – Favourable year-to-date variance of \$7,016, is mainly due to an unbudgeted donation for the maintenance of the Graham Bricknell Shell received (\$9.5K) which is offset by budgeted donations for the Bunbury Wildlife Park, Bunbury Regional Art Galleries and the Setagaya conference not being received (\$3.25K).</p>	<p>\$267,307 31%</p>
<p><b>Fees and Charges</b> <i>Fine and Penalty Fee Income</i> – Favourable variance of \$127,566 due to higher than anticipated parking fines received year-to-date of \$90K, (note that any additional income is transferred into reserves), higher than anticipated dog registration fines of \$25K, higher than expected year-to-date local law fines of \$5K, higher than expected library fines \$3K. The end of year forecasts has been adjusted accordingly.</p>	<p>\$456,201 3%</p>
<p><b>Interest Received</b> Favourable year-to-date variance of \$198,713 due to additional \$175K of term deposit interest received to date and an additional \$24K of rates debtor interest received. The end of year forecasts has been adjusted accordingly.</p>	<p>\$198,713 22%</p>

<p><b>Other Revenue</b></p> <p><i>Miscellaneous Income</i> – Favourable year-to-date variance of \$131,550, mainly due to \$31K received in museum donations (note that this income is transferred into reserves), higher than anticipated year-to-date private works income of \$42K received, additional employee reimbursements of \$12K received, higher than anticipated year-to-date visitor centre commissions of \$14K received, additional \$14K of income from the collection of commercial waste, additional \$4K received from rate payer information requests from Landgate and reprints of rate notices, additional \$3K from contracted sweeping of road pavements, additional \$2.5K from the coordination of art exhibitions, additional \$2K in banner hire, additional \$2K from works in thoroughfare and bus shelter advertising. The end of year forecasts has been adjusted accordingly.</p>	<p>\$131,550 44%</p>
<p><b>Operating Expenditure</b></p>	
<p><b>Employee Costs</b></p> <p><i>Salary Accruals Expense</i> – This is currently showing as a credit, final employee provisions are yet to be processed.</p>	<p>656,174 3%</p>
<p><b>Materials and Contracts</b></p> <p><i>Materials Expense</i> – Favourable variance of \$567,498 mainly due to the timing of operating projects. Refer to Operating Expenditure report for project details.</p> <p><i>Fuel Expense</i> – Favourable year-to-date variance of \$89,097.</p> <p><i>Contract Employment Expense</i> – Favourable year-to-date variance of \$14,907 due to the reduction in contract employment.</p> <p><i>Consultants Expense</i> – Favourable year-to-date variance of \$248,349 mainly due to the timing of operating projects. Refer to Operating Expenditure report for project details and carried forward projects.</p> <p><i>Software Licence or Maintenance Expense</i> - Unfavourable year-to-date variance of \$102,887 due to \$154,156 paid in advance for 2015/16 software licences.</p> <p><i>Equipment Lease or Hire Expense</i> – Favourable year-to-date variance of \$29,461 mainly due to reduced outgoings of \$7K for the Child Health Clinic, \$7K savings in lease corporate plant and \$20K equipment hire and lease for the Setagaya Sister Cities conference (PR-3177) reallocated to catering and professional fees, all of which is mainly offset additional expenditure of \$6K for the leasing of the Victoria Street Carpark.</p>	<p>\$1,212,715 8%</p>
<p><b>Other Expenditure</b></p> <p><i>Contributions, Donations and Sponsorship Expense</i> – Favourable year-to-date budget variance of \$294,708. This is mainly due to the events funding allocation (PR-3510) not fully spent (\$225K) of which \$27K will be carried forward to 2015/16.</p> <p><i>Elected Member Expenses</i> – Favourable year-to-date variance of \$60,303 due to \$35K savings in elected member training and \$25K saving resulting from unspent elected member discretionary funds.</p>	<p>\$382,639 16%</p>

<p><i>Miscellaneous Non-Cash Expense</i> – Unfavourable year-to-date to variance of \$21,421 due to the write-off of debtors.</p> <p><i>Miscellaneous Expense</i> – Favourable year-to-date budget variance of \$49,276 due to employee training and conferences that did not occur. The end of year forecasts has been adjusted accordingly.</p>	
<p><b>Grants and Contributions to the Development of Assets</b></p> <p><i>Capital Grant, Subsidy and Contribution Income</i> – Unfavourable variance of \$2,778,405 due to grant funds and contributions not yet received, but carried forward in the 2015/16 Budget including the following projects:</p> <p>PR-1021 Hay Park Sports Pavilion \$1,413,657 PR-2366 Contribute to a Regional Waste Site \$700,000 PR-1195 Construct Roundabout at Jeffrey Road \$315,343 PR-2123 Construct Animal Care Facility \$200,000 PR-2625 Widen embankment and reconstruct Koombana Drive \$135,600</p>	<p>(\$2,778,405) (37%)</p>
<p><b>Proceeds from the Disposal of Assets</b></p> <p><i>Proceeds Land Disposal</i> – Unfavourable variance of \$1,369,664 due to the sale of Lot 70 Winthrop Ave \$1.2M (PR-3730) and Lot 361 Geographe Way Withers \$170K (PR-3617) not occurring in the 2014/15 financial year. These land sales have been budgeted to be received in the 2015/16 financial year.</p>	<p>(\$1,355,255) (69%)</p>
<p><b>Statement of Financial Activity</b></p>	<p><b>YTD Actual to Budget Variance</b></p>
<p><b>Operating Revenues</b></p>	
<p>See explanation above included in the Statement of Comprehensive Income variances.</p>	<p>\$2,791,297 16%</p>
<p><b>Operating Expenses</b></p>	
<p>See explanation above included in the Statement of Comprehensive Income variances.</p>	<p>\$2,470,537 4%</p>
<p><b>Capital Expenses</b></p>	
<p><b>Acquisition of Assets</b> – Variance due to delay in progress of various projects including:</p> <p>PR-1021 Construct Hay Park Sports Pavilion \$3.55M PR-3612 Construct SES Incident Control Centre \$1.09M PR-2123 Construct replacement animal care facility \$384K PR-2421 Drainage Improvements – Horseshoe Lake \$328K PR-2625 Widen Formation and reconstruct embankment Koombana Drive \$280K PR-2578 Design of Water Playground \$190K PR-1798 Rehabilitate Paisley Centre \$166K PR-1373 Upgrade access road to new Rescue Helicopter Base and Airport Hangers \$117K</p> <p>Note that there is committed expenditure of \$4.36M. Refer to Capital Expenditure report for project details.</p>	<p>\$8,090,330 43%</p>

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

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

### **Community Consultation**

There is no requirement for community consultation on this report.

### **Councillor/Officer Consultation**

Council's Executive Leadership Team, Department Managers and Finance staff monitor the City's monthly revenue and expenditure and (as required) refers any variances requiring remedial action to Council.

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

### **Outcome – Council Meeting 4 August 2015**

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

#### **Council Decision 273/15**

***The Preliminary Financial Management Report for the period ending 30 June 2015 be received.***

CARRIED

13 votes "for" / Nil votes "against"

**10.3 Endorsement of Attendance at 2015 WA Local Government Convention – Perth 5 August to 7 August - Cr Neville McNeill (was listed as item 10.2.4 of the Council Agenda)**

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

**Summary**

At the Ordinary Council Meeting held 26 May 2015, Council resolved (Decision 170/15) to endorse Councillors Kelly and Prosser as voting delegates and for the WALGA Annual General Meeting and attendance at Local Government Convention to be held in Perth from Wednesday 5 August to Friday 7 August 2015 inclusive.

Councillor McNeill has now expressed his desire to also attend this year's convention and endorsement from Council is now sought.

**Executive Recommendation**

Council endorses the attendance of Councillor Neville McNeill at the Local Government Convention to be held in Perth from Wednesday 5 August to Friday 7 August 2015 inclusive.

**Background**

Elected Members and Chief Executive Officers from Local Governments were invited to the Annual West Australian Local Government Association Convention to be held at the Perth Convention and Exhibition Centre between Wednesday 5 August and Friday 7 August 2015.

The theme for the 2015 Local Government Convention this year is "Switched On" which will aim to inspire new ways of thinking, innovative ways of working and assist the Local Government sector in shaping our future.

**Council Policy Compliance**

Attendance at this conference will be facilitated through the provisions and conditions of Council Policy CEO1 *"Conferences, Seminars, Training and Induction Courses – Attendance by Elected Members."*

**Legislative Compliance**

The endorsement of this proposal will ensure that compliance has been met with all legislative matters including policy.

**Officer Comments**

The Annual Convention provides one of the few professional development and networking opportunities for both elected members and Chief Executive Officers and attendance at the Convention is considered appropriate.

It should be noted that Councillor McNeill has indicated, that should Council not support his attendance at the expense of the City, that he will personally meet the registration costs.

**Analysis of Financial and Budget Implications**

It is felt that the registration cost of \$1,475 would be able to be accommodated from the upcoming 2015/16 Budget.

**Community Consultation**

There is no requirement for community consultation on this proposal.

**Councillor/Officer Consultation**

This report serves to bring the matter to the attention of all elected members.

**Outcome – Council Meeting 4 August 2015**

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

**Council Decision 274/15**

***Council endorses the attendance of Councillor Neville McNeill at the Local Government Convention to be held in Perth from Wednesday 5 August to Friday 7 August 2015 inclusive.***

CARRIED

13 votes "for" / Nil votes "against"



#### **10.4 Museum Fit Out Design** (was listed as item 10.3.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Julian Bowron, Acting Director Corporate and Community Services
<b>Executive:</b>	Julian Bowron, Acting Director Corporate and Community Services
<b>Attachments:</b>	Nil

##### **Summary**

The purpose of this report is for council to consider a reallocation of funding for the design of the new Bunbury Museum and Heritage Centre.

##### **Executive Recommendation**

That Council approve the transfer of \$14,480 from PR-2734 to PR-3199 in the 2015/16 budget.

##### **Background**

Restoration of the interior of the former Paisley Centre building is nearing completion with only minor details remaining to be attended to. The museum team has moved into the building and work is continuing towards opening to the public. A major touring exhibition from the Australian National Archive will open at the museum in November 2015.

The official museum opening is scheduled for early March 2016 when a permanent exhibition telling many of the key stories which make up Bunbury's unique history will be in place. This will be a one-off opportunity for the Bunbury Museum and Heritage Centre to make an impact as a must-see attraction and memorable museum experience for both visitors and Bunbury residents. To achieve this, the exhibition must be of an appropriate standard within available resources. The key to that achievement will be the innovation, dynamism and quality of the museum design and subsequent fit out combined with the research and concepts that underpin it all.

##### **Council Policy Compliance**

There is no Council policy relating to the recommendations contained within this report.

##### **Legislative Compliance**

N/A

##### **Officer Comments**

Project PR-3199, which is for the design of the new Bunbury Museum and Heritage Centre, has a balance of \$40,000 to fund the design aspects of the new Centre.

Following the procurement process, the City, on 26 June 2015, appointed Sue Hodges Productions to undertake the design works for a price of \$54,480.

At the time, Officers proposed to fund the differential from three other projects within the Corporate and Community Services Directorate.

As the City has entered into a contract with Sue Hodges Productions for the delivery of design plans for the new Bunbury Museum and Heritage Centre, the City is committed to the design work being finalised.

Following further consultation with the Executive Leadership Team in relation to this matter, it is now proposed to fund the shortfall amount of \$14,480, from PR-2734, which is for the actual fit-out of the new Museum and Heritage Centre. This proposal is consistent with the recommendation contained within this report.

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

A transfer of \$14,480 from PR-2734 into PR-3199 is the recommendation of this report. This will result in no change to the bottom line in the 15/16 budget.

#### **Community Consultation**

Nil

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

This matter is presented to Council for consideration.

#### **Outcome – Council Meeting 4 August 2015**

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

#### **Council Decision 275/15**

***That Council approve the transfer of \$14,480 from PR-2734 to PR-3199 in the 2015/16 budget.***

CARRIED

13 votes "for" / Nil votes "against"

### **10.5 Crystalline Methamphetamine** (was listed as item 10.3.4 of the Council Agenda)

<b>Applicant/Proponent</b>	Internal Report
<b>Author:</b>	Julian Bowron, Acting Director Corporate and Community Services Melissa Howard, Community Safety Project Officer
<b>Executive:</b>	Julian Bowron, Acting Director Corporate and Community Services Phil Harris, Director Works and Services
<b>Attachments:</b>	Appendix DCCS-2: Community Safety and Crime Prevention Program Action Plan 2015-2020

#### **Summary**

The purpose of this report is to provide the Council with an overview of the illicit drug Crystalline Methamphetamine (a strong central nervous system stimulant) commonly known as 'Ice', and how the City is involved in addressing it's ill-effects on the community.

#### **Executive Recommendation**

That Council

1. Acknowledges and supports Community Safety and Crime Prevention partnerships with WA Police, WA Country Health Service, Department of Housing and Works, Department of Child Protection and Family Support and the Department of Education and Training.
2. Supports training of relevant City staff on community safety and crime prevention matters provided by relevant State government agencies, such as the Drug and Alcohol Officer, and that elected members to be provided with an opportunity to participate.
3. Endorses the Community Safety and Crime Prevention Action Plan (**attached** at Appendix DCCS-2).

#### **Background**

On the 8 April 2015, the Prime Minister announced the establishment of a Nation Ice Task Force to develop a National Ice Strategy, which is due to be completed at the end of this year. The consultation phase of the project has begun with Bunbury one of many contributing communities around Australia. Member for Forrest, Nola Marino organised an 'Ice Forum' in Gelorup in support of the National Ice Task Forces agenda. Over 200 people attended, including individuals and families personally impacted by 'Ice', as well as, representatives from government agencies and non-government organisations.

The National Ice Task Force consultation report noted 1300 submissions from communities around Australia with 1 in 4 related to people directly affected by 'Ice', such as violence and crime. Information on 'Ice', access to treatment and support for local solutions discussed.

Department of Health statistics find that 2.1% of the Australian population use methamphetamines with a very real concern 'Ice' over other forms of methamphetamines is growing exponentially. In 2010 the percentage of 'Ice' users was 22%; in 2013, it was 50%.

From 2011 to 2012, the weight of methamphetamine seized by law enforcement increased by 15% to 144 tonnes. On average, there are 74 amphetamine-related deaths in Australia each year with an average of more than 2,500 amphetamine-related treatment sessions in WA each year.

Bunbury St John of God Community Drug Team who works with 'Ice' users, confirmed reports that patterns of use have changed. Regular users have increased the frequency of use that results in much greater impacts, such as an individual's health; employment and stability that have flow-on negative impacts on family members and the community.

The City's role in the Bunbury Alcohol Accord and Neighbourhood Watch programs is proactive with officers having an awareness of community concerns.

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

The WA Public Health Bill 2014, is a major initiative and regulatory reform project currently being rolled out across the State. One of the requirements of this bill is that all local governments develop a Public Health Plan. Bunbury's Public Health Plan will be integrated with the Community Safety and Crime Prevention Plan, as an overarching regulatory body, especially for initiatives in Goal 3: Reducing the harm of alcohol and other drugs.

### **Officer Comments**

There is a need for a Community Safety and Crime Prevention program to address the negative impacts of drug use in the community.

Professionals in the industry advise of a new generation of synthetic drugs that are beginning to appear that will have more devastating consequences than currently experienced. City of Bunbury officers are unlikely to experience an elevated degree of risk, in terms of exposure to 'Ice' users, however there may be risks for front-line Rangers, Cleaners, Parks and Gardens teams and reception officers. The provision of training to those officers in relation to recognising and dealing with people affected by drugs would be prudent.

The City's Community Safety and Crime Prevention partnership offers a range of training, at no cost, delivered by various State government agencies. This includes training packages for enhancing the capacity of professionals to respond to alcohol and other drug-related harm from the Drug and Alcohol Office; how to deal with armed Robbery by the South West Crime Prevention Office (WA Police); Eyes on the Street awareness training (WA Police); and Responsible Service of Alcohol, by the Department of Racing, Gaming and Liquor.

The City's first Community Safety and Crime Prevention 2008-2013, included strategies designed to deal with the harms of drugs within the community. These programs are included in the next five (5) year Action Plan:

- 1.2 City of Bunbury CCTV Strategy
- 2.1 Neighbourhood Watch
- 3.3 Bunbury Alcohol Accord
- 3.4 Needle and Syringe Program

The draft Community Safety and Crime Prevention Program - Action Plan 2015-2020 will soon be presented to and considered by Council. Once endorsed, the Plan will include strategies that address the impacts of drugs on the community:

- 3.1 Alcohol Management Policy
- 3.2 Alcohol and Other Drugs Management Plan
- 3.5 Major Events Management
- 4.2 The Greater Bunbury Youth Strategy
- 5.1 Knowledge Management System

Goal 3: Reducing the harm of alcohol and other drugs. One initiative under this Goal is to develop an 'Alcohol and Other Drugs Plan' scheduled to be delivered by January 2016.

Elected members are invited to participate in the planning process undertaken by the Community Safety and Crime Prevention working group/steering committee.

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

The financial implications are confined to the allocation of staff time.

#### **Community Consultation**

The Bunbury community is consulted through various and ongoing community safety and crime prevention programs, such as the Bunbury Alcohol Accord, and the Neighbourhood Watch Committee. The community's input on security, safety and crime issues in Bunbury is invaluable to agencies such as the WA Police.

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

Both Cr Cook and Cr Steck have participated in Bunbury Alcohol Accord meetings, whereas Cr Jones attended several working Group meetings. A cross-directorate working group has been involved in the development of the Community Safety and Crime Prevention Plan 2015-2020.

#### **Outcome – Council Meeting 4 August 2015**

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

**Council Decision 276/15**

***That Council***

- 1. Acknowledges and supports Community Safety and Crime Prevention partnerships with WA Police, WA Country Health Service, Department of Housing and Works, Department of Child Protection and Family Support and the Department of Education and Training.***
- 2. Supports training of relevant City staff on community safety and crime prevention matters provided by relevant State government agencies, such as the Drug and Alcohol Officer, and that elected members to be provided with an opportunity to participate.***
- 3. Endorses the Community Safety and Crime Prevention Action Plan (attached at Appendix DCCS-2).***

CARRIED

13 votes “for” / Nil votes “against”

**10.6 Adoption of Scheme Amendment 80 – Modification of Special Use Zone No.7 (Punchbowl)** (was listed as item 10.4.2 of the Council Agenda)

<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Jana Joubert, Strategic Planning Officer
<b>Executive:</b>	Bob Karaszekwych, Director Planning and Development
<b>Attachments:</b>	Appendix DPDS-2: Modified Scheme Amendment 80 Report Appendix DPDS-3: Approved Sub-division Appendix DPDS-4: Conceptual Layout Appendix DPDS-5: Schedule of Submissions

At its meeting of 9 December 2014, Council resolved to initiate for public advertising proposed Scheme Amendment 80, Special Use Zone No.7 - Mixed Use Tourism (formerly known as the Punchbowl Caravan Park).

The primary modification as part of the scheme amendment involves the removal of the current requirement for at least 75% of the site to be developed solely for short-stay accommodation (tourism) purposes to reflect current economic conditions and contemporary trends in accommodation options and tourism. The amendment facilitates a more flexible outcome, including the opportunity to develop the site for a mix of medium and higher density housing, with the on-going option of their occupation on a short term or long term (permanent) basis, in a manner similar to the approach recently adopted for the Back Beach Tourism Precinct and also at the nearby Seaview Apartments (Special Use Zone 43).

**Executive Recommendation**

That Council:

1. In accordance with the *Planning and Development Act 2005*, resolves to grant final adoption to Scheme Amendment 80 to the City of Bunbury Town Planning Scheme No. 7 by:
  - (a) *Modifying text in the table under Schedule 2 – Special Use Zones at No. 7 within the “Special Use(s)” and “Conditions” columns,*
  - (b) *Amending the Scheme Map by revising the annotation shown on Lot 501 Holywell St and Lot 211 Pandal St South Bunbury, from “S.U.7” to “S.U.7 Mixed Use-Tourism”, and*
  - (c) *Amending the Scheme Map by removing Lot 500 Holywell Street South Bunbury, from Special Use Zone No. 7 and designating this “Public Purpose Reserve”*

in accordance with the Local Planning Scheme Amendment Report 80 (**attached** as Appendix DPDS 2).

2. Refers the modified Scheme Amendment 80 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the Town Planning Regulations 1967.
3. Notify the Western Australian Planning Commission of Council’s resolution in accordance with relevant provisions of the City of Bunbury Town Planning Scheme No. 7.
4. Informs submitters of the Council resolution.

## Background

The background to this amendment can be found in the Council Minutes dated 9 December 2014. Council Decision 453/14 is as follows:

*That Council:*

1. *In accordance with the Planning and Development Act 2005, resolves to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 by:*
  - (a) *Modifying text in the table under Schedule 2 – Special Use Zones at No. 7 within the “Special Use(s)” and “Conditions” columns; and*
  - (b) *Amending the Scheme Map by revising the annotation shown on Lot 210 Holywell St and Lot 211 Pental St South Bunbury, from “S.U.7” to “S.U.7 Mixed Use-Tourism”,*
  
2. *In accordance with the Amending Pages (Draft), **attached** at Appendix DPDS-1.*
  - (a) *Instructs City of Bunbury officers to prepare scheme amending documentation to accompany the proposal.*
  - (b) *Advise the Western Australian Planning Commission (WAPC) of Council’s decision to initiate the proposed scheme amendment and furnish the Commission with a copy of the scheme amending documentation prior to proceeding to public advertising.*
  - (c) *Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.*
  - (d) *Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.*
  - (e) *Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.*

Following Council initiation, the City was advised by the Western Australian Planning Commission of a sub-division approval dated 1 April 2015 (Deposited Plan 404732) over Lot 210 Holywell Street. The sub-division created two (2) lots that are recognised as Lots 500 and 501 Holywell Street, as shown **attached** at Appendix DPDS-3.

Lot 500 Holywell Street has been created to accommodate infrastructure associated with an upgrade to the pump station.

In the interests of correctness, the City has reflected those minor changes within the amending pages and scheme amendment map of the document. These extend to the following:

- i) Replacing references to Lot 210 Holywell Street with reference to 501 Holywell Street; and
- ii) Readjusting the alignment of the Special Use Zone No.7 boundary by excluding Lot 500 and incorporating this into the adjacent Public Purposes Reserve.

## Council Policy Compliance

The potential contribution of the site for the benefit of tourism is recognised within Council’s adopted Local Planning Strategy for Tourism 2009 (LPS-T), and was acknowledged within Scheme Amendment 17, which incorporated the condition that 75% of site must be retained for short-stay



accommodation (tourism) purposes. The approach taken in Scheme Amendment 17 was at that time consistent with the policy position advocated by the State government and the WAPC (notably Planning Bulletin 83/2009). Subsequent guidance from the Commission (Planning Bulletin 83/2013), promotes a more strategic and flexible approach in order to encourage and support investment in the industry. This has since been reflected in the preparation of proposals for the Back Beach Tourism Precinct and in relation to the redevelopment of the former “Fawlty Towers” now Bunbury Seaview Apartments site.

### **Legislative Compliance**

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*. The documentation prepared for the scheme amendment will need to be referred to the EPA and WAPC for their review prior to any formal public advertising period.

Should Council resolve to adopt the scheme amendment, documentation together with the schedule of submissions and Council’s resolution is to be referred to the WAPC for its endorsement and to the Minister for Planning for final approval and gazettal.

### **Officer Comments**

Given the endeavours of City without success to secure a short-stay/ tourism function for the site, since the caravan and camping activities ceased in 1998, it is reasonable to consider alternative development options, in particular those that still hold the potential to contribute to the range and quality of the tourism and related lifestyle product in Bunbury over time.

The primary modification as part of the scheme amendment involves the removal the current requirement for at least 75% of the site to be developed solely for short-stay accommodation purposes, and thus facilitates greater flexibility in the extent and mix of uses that may be accommodated. Residential uses incorporated within any future development would necessarily benefit from an “Unrestricted Residential Accommodation” classification, meaning that they would be available for occupation either on a short term or long term/ permanent basis, and thus be responsive to changes in market demand over time. This arrangement is similar to the scheme amendment provisions approved by Council within the Back Beach Tourism Precinct, and would also be consistent with the intention to designate this site a mixed use tourism zone within Local Planning Scheme No. 8 (LPS8).

The majority of existing special uses and other conditions controlling development associated with Special Use Zone No. 7 are intended to remain largely unchanged, including those requiring the preparation of a Local Development Plan (previously termed a Detailed Area Plan), site layout and interface arrangements, and matters regarding building height. A conceptual layout has been prepared and is **attached** as Appendix DPDS-4.

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

The scheme amendment procedure has no associated budgetary impact other than public advertising. The amendment, if finally approved, could be expected to increase interest in the purchase of the site from prospective developers/ investors.

### **Community Consultation**

The proposed scheme amendment was advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967* for a period of 42 days. The formal period for submissions to be received closed on 24 June 2015.

Of the 12 submissions received one was from a nearby resident of Holywell Street, who raised concerns about:

- \* The proposed development not being in keeping with the surrounding area which is predominantly residential;
- \* The area ultimately not being retained as a tourism precinct; and
- \* Increased noise and traffic.

Their objection together with an officer response is contained within the Schedule of Submissions which is **attached** as Appendix DPDS-5.

In terms of responses from Government agencies and departments it is noted that Tourism WA acknowledges that it is a challenging site for tourism development and that the City has had difficulty in attracting investment over a long period of time. Tourism WA advises therefore that, while supporting in principle the retention of this site for tourism purposes, considers that the City of Bunbury is best placed to decide on the future zoning of this site.

Opportunities for further input and comment will be provided at the required Local Development Plan stage (and potentially as part of the development application process).

### **Councillor/Officer Consultation**

Informal views of elected members were sought during briefings on both the inaugural Local Planning Strategy and the draft Local Planning Scheme, prior to the preparation of this scheme amendment proposal.

### **Outcome – Council Meeting 4 August 2015**

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

**Council Decision 277/15**

***That Council:***

***In accordance with the Planning and Development Act 2005, resolves to grant final adoption to Scheme Amendment 80 to the City of Bunbury Town Planning Scheme No. 7 by:***

- (a) Modifying text in the table under Schedule 2 – Special Use Zones at No. 7 within the “Special Use(s)” and “Conditions” columns,***
- (b) Amending the Scheme Map by revising the annotation shown on Lot 501 Holywell St and Lot 211 Pandal St South Bunbury, from “S.U.7” to “S.U.7 Mixed Use-Tourism”, and***
- (c) Amending the Scheme Map by removing Lot 500 Holywell Street South Bunbury, from Special Use Zone No. 7 and designating this “Public Purpose Reserve”***

***in accordance with the Local Planning Scheme Amendment Report 80 (attached as Appendix DPDS 2).***

- 2. Refers the modified Scheme Amendment 80 documentation to the Western Australian Planning Commission for final approval in accordance with the provisions of the Town Planning Regulations 1967.***
- 3. Notify the Western Australian Planning Commission of Council’s resolution in accordance with relevant provisions of the City of Bunbury Town Planning Scheme No. 7.***
- 4. Informs submitters of the Council resolution.***

CARRIED

13 votes “for” / Nil votes “against”

## **10.7 WALGA Annual General Meeting 2015** (was listed as item 10.2.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	WA Local Government Association
<b>Author:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

### **Summary**

This report seeks Council consideration in respect of each of the eleven items/motions contained on the agenda of the 2015 WA Local Government Association Annual General Meeting (WALGA AGM).

### **Executive Recommendation**

That Council endorses the following positions in respect of the motions for each of the eleven items contained within the agenda of the 2015 WA Local Government Association Annual General Meeting:

- \* Item 4.1: Eradication of Trachoma in Australian Populations – **SUPPORT**
- \* Item 4.2: Prescribed Burning Program – **SUPPORT**
- \* Item 4.3: Bushfire (Planning) Regulations – Local Government Impacts – **SUPPORT**
- \* Item 4.4: Integrated Response by Local Governments to Hoarding – **SUPPORT**
- \* Item 4.5: Shark Hazard – Local Government Expectations – **SUPPORT**
- \* Item 4.6: Inland Waterway Shoreline Management – **SUPPORT**
- \* Item 4.7: Planning for Waste Management Facilities – **SUPPORT**
- \* Item 4.8: Management of Narrow Leafed Cotton Bush – **NOT SUPPORT**
- \* Item 4.9: Illegal Camping – **SUPPORT**
- \* Item 4.10: Non-rateable Properties – Charitable Use of Land – **SUPPORT**
- \* Item 4.11: Financial Limits for Tenders – **SUPPORT**

### **Background**

At its meeting held on 26 May 2015, Council appointed Councillors Kelly and Prosser as its voting delegates for the 2015 WALGA AGM.

Further, Council also endorsed the tabling of three motions, relating to *Bushfire (Planning) Regulations – Local Government Impacts*; *Shark Hazard – Local Government Expectations*; and *Integrated Response by Local Governments to Hoarding* (items 4.3; 4.5; and 4.4 respectively).

### **Legislative Compliance**

Not applicable.

## **Officer Comments**

Agenda papers for the 2015 WALGA AGM have been released, and direction is sought as to Council's position on each of the eleven motions/items as outlined below. Officers recommend that each motion, with the exception of 4.8, be supported.

### ***Item 4.1: Eradication of Trachoma in Australian Populations***

#### ***Motion***

*That WALGA advocate to the Federal and Western Australian State Government a Nationwide program for the eradication of Trachoma in Indigenous Populations, especially in Western Australia.*

The need for greater investment in controllable diseases is acknowledged. There is already a comprehensive State program for Trachoma Management in WA for discrete Aboriginal Communities. WA is one of the leading States in the management of Trachoma through targeted personal hygiene programs and use of new generation 6 month and 12 month antibiotics.

### **Item 4.2: Prescribed Burning Program**

#### ***Motion***

*That WALGA lobby the Minister for Regional Development to negotiate conditions on the use of Royalties for Regions funds for enhancement of the State Government's prescribed burning program to ensure that these additional funds are used only for prescribed burns for asset preservation and protection around towns and settlements and that the funds not be used for broad scale prescribed burning of forests and national parks distant from towns and settlements.*

Given the limited funding available within the state for bushfire risk mitigation, it is critical that any additional funding for prescribed burning is used in high priority areas of the state, particularly those that are in close proximity to towns, settlements and significant economic infrastructure.

Identification of the priority areas and the subsequent prescribed burning programs could be done through coordination of the results of the bushfire risk management planning process, which is currently being piloted by several Local Governments, the Department of Fire and Emergency Services mapping generated for the purposes of the soon to be implemented, WA Planning Commission state planning policy – bushfire prone areas, and the office of bushfire risk management's approvals process.

### **Item 4.3: Bushfire (Planning) Regulations – Local Government Impacts**

#### ***Motion***

- 1. That WALGA move to seek that the Fire and Emergency Services Commissioner recognises existing Local Government bushfire risk assessment processes that demonstrate sufficient rigour and accept that Local Government's Bushfire Risk Mapping in the application of the new Bushfire (Planning) Regulations.*
- 2. That appropriate support be provided to Local Government, to offset the costs and delays that will be incurred as a result of implementing the new Regulations into the development application processes. This would include (but not limited to) training in bushfire risk assessment - Bushfire Attack Level (BAL). A media campaign to explain the new Regulations and its impacts would assist in deflecting some of the negative reaction that may be incurred by Local Governments.*

3. *That WALGA request the State Government to assist with the implications of State owned lands providing risk to developments. Rather than insist on construction requirements to increase resilience for new structures, it may be more beneficial to treat the risk. This would be especially important where existing structures are also impacted. Currently, the Bush Fires Act (1954) does not bind the Crown.*

This motion has been proposed and endorsed by Council at its meeting held 26 May 2015.

#### **Item 4.4: Integrated Response by Local Governments to Hoarding**

##### **Motion**

*That WALGA:*

1. *Acknowledge that hoarding is a complex problem for Local Governments to address in Western Australia.*
2. *Facilitate the development of an integrated response to the problem of hoarding by using consistent best practice standards which can be applied by all Local Governments in Western Australia.*

This motion has been proposed and endorsed by Council at its meeting held 26 May 2015.

#### **Item 4.5: Shark Hazard – Local Government Expectations**

##### **Motion**

1. *That WALGA move to seek that the State Government declare Shark Attack as a ‘hazard’ within the Emergency Management Regulations (2006) and assign an Hazard Management Agency, for the development and maintenance of Hazard Management Arrangements. This agency would then also be responsible for the provision of community information and advice, to enable the community to make informed decisions with their use of the marine environment.*
2. *That WALGA recommend the adoption of the South West Local Government Response Flowchart and Responsibility Matrix, as the basis for Local Government response to any credible risk from sharks in local waters.*
3. *That WALGA act on behalf of WA Local Governments in the negotiation with the Department of Fisheries, to ensure that Local Government Officers are not expected to make any response decisions, where they do not have the Subject Matter Expertise, nor jurisdiction (i.e. when to open a beach after sighting, or when to close a beach etc.) for those decisions.*

This motion has been proposed and endorsed by Council at its meeting held 26 May 2015.

#### **Item 4.6: Inland Waterway Shoreline Management**

##### **Motion**

*That WALGA lobby for a single State Government agency to be responsible for inland waterway shoreline management in the same manner as the Department of Transport’ current role to administer the State Government’s policy directly relating to coastal management.*

The Department of Transport is currently reviewing its *Coastal Protection Policy for Western Australia*. It is noted that the new draft policy document does not provide greater clarity for local government and does not provide a greater amount of transparency on how the Department of Transport will be helping to manage the coastal environment.

The policy is pared back from the previous version (as cited by the City of Mandurah). Therefore, at a time when coastal management roles and responsibilities should be solidified, the Department seems to be tempering its response to this issue and notions of operational responsibility.

#### **Item 4.7: Planning for Waste Management Facilities**

##### ***Motion***

*That WALGA request the State Government as a matter of urgency:*

- \* *Develop a waste management infrastructure plan for Western Australia*
- \* *Progress regulatory reforms to establish a framework for planning and siting of landfills.*
- \* *Implement a moratorium on new private landfill approvals until adoption of a durable planning framework.*

There is currently no strategic infrastructure plan in place for waste management facilities. Decisions regarding waste management facilities, whether it is landfills, recycling facilities or waste to energy plants, are made on a Council by Council basis.

#### **Item 4.8: Management of Narrow Leafed Cotton Bush**

##### ***Motion***

*That WALGA Lobby the Minister for Agriculture and Food seeking support for a multi-tiered approach to the management of Narrow Leafed Cotton Bush including:*

- \* *Training Local Government staff who can assist with infringing any land-owners not managing cotton bush and other declared pests.*
- \* *Provide funding to regional biosecurity groups of \$100,000 per annum to ensure their survival.*
- \* *Make Changes to the Biosecurity and Agriculture Management Act 2007 (BAM) to ensure any pest rate raised stays within the district*
- \* *Request cabinet address the issue of cotton bush and the inaction of state departments in managing their own land.*

The South West Zone of WALGA (the Zone) considered the matter of Narrow Leafed Cotton Bush at its meeting in April 2015, resolving as follows:

*“That the EO writes to the Minister for Agriculture and Food:*

1. *Confirming the urgency of the requirement to expedite the establishment of local Bio-security Groups;*
2. *Reinforcing the need to provide additional resources to ensure enforcement actions are taken against landowners who are not taking responsibility for the control of invasive species; and*
3. *Emphasizing that local governments are concerned that the current policy is a cost-shifting initiative and that the Government needs to allocate sufficient funds to support control initiatives and support RBGs.”*

Furthermore, email correspondence between the Chief Executive Officers of member Councils of the Zone promotes a view to oppose the proposed motion, which would be consistent with the Zone’s position on this matter. There is a general view that the management of Narrow Leafed Cotton Bush and other pest should be overseen by the department of Agriculture and Food, and not cost shifted to local government. As the City of Bunbury is not directly affected by Narrow

Leafed Cotton Bush, it is recommended that the City's position be consistent with that of our neighbouring Council's, being to oppose the motion.

#### **Item 4.9: Illegal Camping**

##### ***Motion***

*That WALGA is to investigate legislation changes to allow Local Governments to recover fines issued to illegal campers through vehicle hire companies (as a majority of offenders are from overseas using hire vans/vehicles), as an example, to try and assist Local Governments to control this activity and recover costs incurred in policing illegal camping.*

Illegal camping often presents a conundrum to communities, keen on the one hand for tourism visitations to stimulate the local economy but aware also of the negative impact illegal camping may have on sensitive environments or the general amenity of popular local attractions.

The capacity to issue infringements for illegal camping has a positive deterrent effect on responsible tourists, but it is agreed that recovering fines in certain circumstances is problematic.

Local Government needs a tight legal mechanism to allow receipt of infringements to assist in recouping part of the costs for policing this activity.

#### **Item 4.10: Non-rateable Properties – Charitable Use of Land**

##### ***Motion***

*That WALGA increases it's lobbying for an amendment to the Local Government Act 1995 Section 6.26(2)(g) to allow land used for charitable purposes to be rateable if it is used for housing.*

Non-rateability of land used for charitable purposes, particularly in the areas of retirement and social housing, is presenting an increasing cost burden to the community if Local Government is to be able to provide services and infrastructure. This also raises issues of equity and fairness in both the rating of properties and the ability to access and utilise Local Government services and facilities.

The proposed motion aligns with WALGA's policy in relation to charitable land use rate exemptions, and State Council's current position on affordable housing.

#### **Item 4.11: Financial Limits for Tenders**

##### ***Motion***

*That the Local Government (Functions and General) Regulations 1996 (as amended from time to time) be amended so the minimum threshold for the purchase of a good or service, be altered to match the threshold level from time to time gazetted under the State Supply Policies for State Government Departments and instrumentalities.*

The current financial threshold levels under these Regulations require Local Governments to use an open tender process for the purchase of goods or services with a value of over \$100,000. This threshold level has existed since February 2007 when it was changed from \$50,000 by an Amendment to these Regulations.

The Department of Local Government and Communities is currently finalising amendments to the *Local Government (Functions and General) Regulations*. It is WALGA's position that the tender threshold should align with the threshold that applies to State Government agencies; \$250,000.



The current proposal is to amend the Regulations so that the tender threshold be increased from \$100,000 to \$150,000.

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

There are no financial implications arising from the recommendations within this report.

#### **Community Consultation**

Not applicable

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

This report is presented to Council for consideration.

#### **Outcome – Council Meeting 4 August 2015**

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

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

#### **Council Decision 278/15**

***That Council endorses the following positions in respect of the motions for each of the eleven items contained within the agenda of the 2015 WA Local Government Association Annual General Meeting:***

- \* ***Item 4.1: Eradication of Trachoma in Australian Populations – SUPPORT***
- \* ***Item 4.2: Prescribed Burning Program – SUPPORT***
- \* ***Item 4.3: Bushfire (Planning) Regulations – Local Government Impacts – SUPPORT***
- \* ***Item 4.4: Integrated Response by Local Governments to Hoarding – SUPPORT***
- \* ***Item 4.5: Shark Hazard – Local Government Expectations – SUPPORT***
- \* ***Item 4.6: Inland Waterway Shoreline Management – SUPPORT***
- \* ***Item 4.7: Planning for Waste Management Facilities – SUPPORT***
- \* ***Item 4.8: Management of Narrow Leafed Cotton Bush – NOT SUPPORT***
- \* ***Item 4.9: Illegal Camping – SUPPORT***
- \* ***Item 4.10: Non-rateable Properties – Charitable Use of Land – SUPPORT***
- \* ***Item 4.11: Financial Limits for Tenders – SUPPORT***

CARRIED

11 votes "for" / 2 votes "against"

**10.8 Department of Sport and Recreation CSRFF Application July 2015** (was listed as item 10.3.1 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal Report
<b>Author:</b>	Gary Thompson, Sport and Recreation Liaison Officer
<b>Executive:</b>	Julian Bowron, Acting Director Corporate and Community Services
<b>Attachments:</b>	Appendix DCCS-1: Bunbury Rowing Club – CSRFF Application

**Summary**

Council received one (1) external Community Sport and Recreation Facility Funding (CSRFF) small grants application (**attached** at Appendix DCCS-1) which WAS submitted in the July 2015 round. This application was received from the Bunbury Rowing Club.

The Bunbury Rowing Club application seeks a financial contribution of \$8,545.41 from Council for the clubs proposed project of asphalt and fencing their outside storage area at the Bunbury Rowing Club facility.

The Department of Sport and Recreation (DSR) requires the provision of a Council resolution supporting the application for funding before they can be considered. The application must be submitted to DSR by 31 August 2015.

**Executive Recommendation**

That Council:

1. Provides in-principle support to the Bunbury Rowing Club in relation to the proposed project to asphalt and fence the outside storage area at the Bunbury Rowing Club facility subject to inclusion of appropriate terms and development conditions.
2. Advise the Bunbury Rowing Club that the City is not in a position to contribute financially to this project at this time.

**Background**

The Department of Sport and Recreation (DSR) administers the Community Sport and Recreation Facility Funding (CSRFF) grant funding program for small, annual and forward planning grants. Applications for the current round are to be submitted to DSR's South West Regional Office no later than 31 August 2015. Successful applicants are expected to be advised in November 2015.

The CSRFF program operates on a reimbursement system with grants paid to the grantee only. The maximum CSRFF grant approved by the State Government will be no greater than one-third of the total estimated cost of the applicants project and must be matched by the applicants own cash or in-kind contribution. Furthermore the balance of the final one-third of requisite funds required is to be sourced by the applicant.

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

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

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

<b>Funding Source</b>	<b>Cost</b>
Requested Council Contribution	\$8,545.41
Applicants Cash	\$8,545.41
Voluntary Labour	NIL
Donated Materials	NIL
Loans and Sponsorship	NIL
Other State or Federal Funding	NIL
CSRFF Grant Requested	\$8,545.41
Development Bonus Requested	NIL
<b>Total Cost of Project</b>	<b>\$25,636.23</b>

The Bunbury Rowing Clubs CSRFF grant application form is **attached** at Appendix DCCS-1.

#### **Council Policy Compliance**

There are no Council policies applicable to CSRFF applications

#### **Legislative Compliance**

Not applicable

#### **Officer Comments**

The reason that the Bunbury Rowing Club is seeking funding to asphalt and fence an area to the back of their clubrooms which will then allow them to extend their storage space.

The club has said that by carrying out this project to expand their storage space that it will allow their club to further grow. The shed that the club currently utilise has become over-crowded and because of this they have had to start using outside space for storage of smaller boats and trailers. The outside area that the club currently use as storage is now becoming crowded and needing expansion.

The area that club want to expand onto is currently grassed and is an eyesore. This area has also been raised by the City of Bunbury's Team Leader of Parking as an area for concern because cars are utilising this area for car parking.

The Bunbury Rowing Club have said that by carrying out their project of asphaltting and fencing this area that it will make the area more aesthetically pleasing, more easily manageable, more secure and will also alleviate the problem of people parking in this area of land.

The Bunbury Rowing Club has followed the correct procedures involved with the CSRFF process and has discussed their plans with the Department of Sport and Recreation and the City of Bunbury's Sport and Recreation Liaison Officer.

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

The funding request from the Bunbury Rowing Club is not included in Council's budget for 2015/2016. Council may be able to assist with the provision of in-kind support through the supply of materials.

### **Community Consultation**

Not applicable

### **Councillor/Officer Consultation**

Consultation occurred with: the Manager of Sport, Leisure and Active Lifestyle; the Sport and Recreation Liaison Officer; the Technical Officer Development Assessment and Building Certification; and the Planning Officer Development Services.

Further consultation occurred with Senior Property Officer who advised that the area at the back adjoining the carpark is Licensed to the Rowing Club by the City for the purpose of fencing and asphalt. This proposal would be in accordance with the terms of the Licence.

### **Life-cycle Maintenance Costs (Capital Works Projects Only)**

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

The Bunbury Rowing Club has supported their project with cash, indicating their ability to fund facility maintenance.

### **Relevant Precedents**

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

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

### **Outcome – Council Meeting 4 August 2015**

Cr Steck declared a financial interest in the item and left the Chamber at 5:36pm.

Cr Prosser declared an impartiality interest and remained in the Chamber for discussion and vote on the item.

The Executive Recommendation with amendment was moved Cr Prosser, seconded Cr Morris.

That Council:

1. Provides in-principle support to the Bunbury Rowing Club in relation to the proposed project to asphalt and fence the outside storage area at the Bunbury Rowing Club facility subject to inclusion of appropriate terms and development conditions.
2. **That the CEO be requested to include consideration of a contribution of \$5,000 to this project in the next budget review.**
3. Advise the Bunbury Rowing Club that the City is not in a position to contribute financially to this project at this time.

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

**Council Decision 279/15**

***That Council:***

1. ***Provides in-principle support to the Bunbury Rowing Club in relation to the proposed project to asphalt and fence the outside storage area at the Bunbury Rowing Club facility subject to inclusion of appropriate terms and development conditions.***
2. ***That the CEO be requested to include consideration of a contribution of \$5,000 to this project in the next budget review.***
3. ***Advise the Bunbury Rowing Club that the City is not in a position to contribute financially to this project at this time.***

CARRIED

11 votes "for" / 1 vote "against"

Cr Steck returned to the Chambers at 5:38pm.

**10.9 Proposed International Relations Committee** (was listed as item 10.3.3 of the Council Agenda)

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Isabell Evans, Senior Officer International Relations
<b>Executive:</b>	Julian Bowron, Acting Director Corporate and Community Services
<b>Attachments:</b>	Nil

**Summary**

At its meeting held 7 July 2015 Council resolved to disband the Bunbury-Setagaya Sister Cities Committee and request a report before the end of August supporting an International Relations Committee and detailing new Terms of Reference (Council decision 240/15). This Report presents these Terms as well as a draft International Relations Policy.

**Executive Recommendation**

That Council:

1. Establishes a new Committee of Council to be known as the “City of Bunbury International Relations Committee”.
2. Agrees to a committee structure of thirteen (13) members encompassing three (3) Councillors and ten (10) community members with one Councillor Position as a proxy.
3. Endorses the Terms of Reference for the City of Bunbury International Relations Committee as follows:
  - i) To develop, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.
  - ii) To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;
  - iii) To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;
  - iv) To promote Bunbury’s international relationships to the wider community, in turn increasing community awareness and participation;
  - v) To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;
  - vi) To ensure all communications to Mayors of Bunbury’s international partners are undertaken through the Office of the Mayor.
4. Requests the CEO prepare a report for council consideration to appoint members to the Bunbury International Relations Committee following the October Local Government elections.

\* **Absolute Majority Required**

**Background**

Following discussions with the Mayor and the Chair of the Bunbury-Setagaya Sister Cities Committee (BSSCC), Councillor McCleary, and in the light of the fact that Council has endorsed the

signing of a new Friendship Agreement with Vietnam, it is felt that a renewed focus on international relations should be recognised through the establishment of an International Relations Committee to provide advice and support in the ongoing development of relationships and strategic opportunities with Setagaya, Japan, Jia Xing, China and Nha Trang, Vietnam.

Accordingly, a report was presented to Council recommending it disband the BSSCC and request the Chief Executive Officer prepare a report before the end of August to support an International Relations Committee, including a new Terms of Reference, of which Council endorsed at their meeting on 7 July 2015 (Council decision 240/15).

The former BSSCC Terms of Reference are as follows:

1. To foster greater understanding publicise and educate the Bunbury community on its Sister City relationship with the City of Setagaya through active promotional programs and liaison with community, educational and commercial organisations.
2. To encourage the development of special links between individuals and interest groups of the two (2) communities.
3. To encourage and plan for cross-cultural visitations between the cities and Bunbury and Setagaya.
4. To identify opportunities to develop areas of mutual interest between the two (2) cities.
5. To advise the Bunbury City Council on matters relating to the Sister City relationship
6. All communications to the Mayor of Setagaya shall be through the Mayor of Bunbury's office.

The proposed International Relations Committee Terms of Reference are as follows:

1. To develop, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.
2. To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;
3. To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;
4. To promote Bunbury's international relationships to the wider community, in turn increasing community awareness and participation;
5. To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;
6. To ensure all communications to Mayors of Bunbury's international partners are undertaken through the Office of the Mayor.

### **Council Policy Compliance**

This Report recommends the noting of a draft new Council Policy titled "International Relations Policy".

### **Legislative Compliance**

Section 5.8 of the Local Government Act 1995 deals with the establishment of committees.

### **Officer Comments**

Given that Bunbury will soon have three formal international relationships, only one of which is currently a Sister City, it is appropriate for Council to move to a committee model encompassing all international partnerships as well as any additional formal or informal international collaborations that may occur in the future.

The BSSCC focused on cultural and education exchange and community awareness through a participatory, on-the-ground approach. It is intended that the new Committee continue this focus as a means for developing close relationships which will ideally lead to trade and business links into the future.

The Committee will however approach Bunbury's international relationships at a more strategic level as opposed to focusing on service delivery. This will involve the fostering and facilitation of partnerships between communities in areas such as education, culture, trade, tourism and sport. It is proposed that sub-committees will be formed on an as needed basis to implement on-the-ground actions (for example to support the incoming and outgoing Goodwill Tour delegations).

The draft Terms of Reference retain the same intent as that of the BSSCC in terms of exchange development and community awareness however they will also reflect a move toward a greater focus on facilitation which will apply to all of the City's international relationships.

It is anticipated that Committee membership will be comprised of representatives with links to and interest in Council's three (3) formal international relationships, however this is not exhaustive. It is proposed that there will be ten (10) places on the Committee; three (3) Council representatives (one being a proxy) and ten (10) community representatives. This structure is almost identical to the BSSCC's structure apart from the latter's two (2) youth places which were engaged for purposes pertaining to the 2014 National Sister Cities Conference.

It is also anticipated that the Committee meet on a bimonthly basis at a time and day appropriate for all members. This is also in line with BSSCC structure.

The draft Terms of Reference have been developed in consultation with other Local Governments and reflect current best practice, particularly in moving from "Sister City relationships" to "international relationships."

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

Not applicable.

### **Community Consultation**

Nil.

### **Councillor/Officer Consultation**

Councillor McCleary and Acting Director Community and Corporate Services have been consulted in the preparation of this Report. This report is also provided to Council in accordance with Council Decision 240/15.



### Outcome – Council Meeting 4 August 2015

The Executive Recommendation with amendment was moved Cr Kelly, seconded Cr Jones.

That Council:

1. Establishes a new Committee of Council to be known as the “City of Bunbury International Relations Committee”.
2. Agrees to a committee structure of ~~thirteen (13)~~ **seven (7)** members ~~encompassing three (3) including one (1) Councillors and ten (10) community members with one Councillor Position as a proxy~~ and six community members with one (1) Councillor position as a proxy.
3. Endorses the Terms of Reference for the City of Bunbury International Relations Committee as follows:
  - i) To ~~facilitate develop~~, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.
  - ii) To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;
  - iii) To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;
  - iv) To promote Bunbury’s international relationships to the wider community, in turn increasing community awareness and participation;
  - v) To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;
  - vi) To ensure all communications to Mayors of Bunbury’s international partners are undertaken through the Office of the Mayor.
4. Requests the CEO prepare a report for council consideration to appoint members to the Bunbury International Relations Committee following the October Local Government elections.

An amendment was moved by Cr Steck to include within part 3 of the Recommendation words along the lines of:

*“We support or be supportive of any state and federal government strategies, tools or programs in support of this”.*

The Amendment LAPSED.

An amendment was moved Cr Giles, seconded Cr McCleary:

That Council:

1. Establishes a new Committee of Council to be known as the “City of Bunbury International Relations Committee”.
2. Agrees to a committee structure of ~~thirteen (13)~~ **seven (7)** members ~~encompassing three (3) including one (1) Councillors and ten (10) community members with one Councillor Position as a proxy~~ and ~~five (5)~~ **five (5)** community members with one (1) Councillor position as a proxy.

3. Endorses the Terms of Reference for the City of Bunbury International Relations Committee as follows:
  - i) To ~~facilitate~~ ~~develop~~, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.
  - ii) To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;
  - iii) To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;
  - iv) To promote Bunbury's international relationships to the wider community, in turn increasing community awareness and participation;
  - v) To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;
  - vi) To ensure all communications to Mayors of Bunbury's international partners are undertaken through the Office of the Mayor.
4. Requests the CEO prepare a report for council consideration to appoint members to the Bunbury International Relations Committee following the October Local Government elections.

The Mayor put Cr Giles amendment to the vote and it was carried unanimously. This was then incorporated into the Substantive Motion.

That Council:

1. Establishes a new Committee of Council to be known as the "City of Bunbury International Relations Committee".
2. Agrees to a committee structure of seven (7) members including *two* (2) Councillors and five (5) community members with one (1) Councillor position as a proxy.
3. Endorses the Terms of Reference for the City of Bunbury International Relations Committee as follows:
  - i) To facilitate, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.
  - ii) To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;
  - iii) To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;
  - iv) To promote Bunbury's international relationships to the wider community, in turn increasing community awareness and participation;
  - v) To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;
  - vi) To ensure all communications to Mayors of Bunbury's international partners are undertaken through the Office of the Mayor.
4. Requests the CEO prepare a report for council consideration to appoint members to the Bunbury International Relations Committee following the October Local Government elections.

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

**Council Decision 280/15**

***That Council:***

- 1. *Establishes a new Committee of Council to be known as the "City of Bunbury International Relations Committee".***
- 2. *Agrees to a committee structure of seven (7) members including two (2) Councillors and five (5) community members with one (1) Councillor position as a proxy.***
- 3. *Endorses the Terms of Reference for the City of Bunbury International Relations Committee as follows:***
  - i) To facilitate, support and promote cultural, sporting, education, tourism and economic partnership opportunities between Bunbury and its international partners including but not limited to its Sister City and Friendship City relationships.***
  - ii) To encourage, through Sister City and other international relationships, greater understanding and friendship between City of Bunbury residents and participating cities and in doing so contribute to the mutual benefit of all communities involved;***
  - iii) To foster the involvement of commercial, educational and community organisations in various aspects of international relationships and to encourage the development of special links with overseas counterparts;***
  - iv) To promote Bunbury's international relationships to the wider community, in turn increasing community awareness and participation;***
  - v) To advise Council on issues of importance and provide ideas for extending affiliations and developing new international partnerships;***
  - vi) To ensure all communications to Mayors of Bunbury's international partners are undertaken through the Office of the Mayor.***
- 4. *Requests the CEO prepare a report for council consideration to appoint members to the Bunbury International Relations Committee following the October Local Government elections.***

CARRIED

11 votes "for" / 2 votes "against"

**ABSOLUTE MAJORITY VOTE ATTAINED**

**10.10 Initiation of proposed Scheme Amendment – Lot 891 Clifton Street from “Parks and Recreation” to “City Centre Zone” (was listed as item 10.4.1 of the Council Agenda)**

<b>Applicant/Proponent:</b>	City of Bunbury
<b>Author:</b>	Jana Joubert, Strategic Planning Officer
<b>Executive:</b>	Bob Karaszewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	DPDS- 1: Amending Pages and Map

**Summary**

Approval is sought to initiate a scheme amendment that proposes the rezoning of Lot 891 Clifton Street from “Parks and Recreation” to “City Centre Zone”.

The City and the Department of Lands have progressively been implementing the Amended College Grove Joint Venture Agreement to enable the transition of the lot from the Crown to the City and to form part of an expanded “City Centre Zone” under the draft Local Planning Strategy and draft Local Planning Scheme 8 (TPS8) and this has been conveyed to the Department of Planning/ Western Australian Planning Commission. Officers have advised that whilst a scheme amendment rezoning could progress as part of the new scheme (TPS8), a “City Centre Zoning” as per TPS7 would be supported. This process would establish City Centre status over the subject lot sooner than waiting for gazettal of the new scheme would allow.

**Executive Recommendation**

That Council:

1. In accordance with the *Planning and Development Act 2005*, resolves to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 by:
  - (a) *Amending the Scheme Map by rezoning Lot 891 Clifton Street Bunbury from “Parks and Recreation Zone” to “City Centre Zone”*in accordance with the Amending Pages (Draft), **attached** as Appendix DPDS-1.
2. Instructs the Chief Executive Officer to prepare scheme amending documentation to accompany the proposal.
3. Advise the Western Australian Planning Commission (WAPC) of Council’s decision to initiate the proposed scheme amendment and provide the Commission with a copy of the scheme amending documentation, prior to proceeding to public advertising.
4. Refer a copy of the proposed scheme amendment documentation to the Environmental Protection Authority (EPA) and any other relevant public authority, for consideration and comment.
5. Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.

6. Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.

### **Background**

The subject site is an undeveloped 'A' Class Reserve (R9997) with a total area of 7,806m<sup>2</sup> bounded by Ocean Drive to the west, Carey Street to the north and Clifton Street to the south. The lot is currently zoned "Parks and Recreation" under TPS7, and is identified as "Urban Zone" under the Greater Bunbury Region Scheme.

The site is situated approximately 200m from the existing City Centre Zone, and located in close proximity to recreational and tourism uses and facilities, including but not limited to:

- \* Lighthouse Beach Resort (immediately to the north)
- \* Bunbury Runners Club/Recreational Park (to the south)
- \* Wyalup-Rocky Point (to the south west)
- \* Victoria Street Café Strip (to the east)

The subject lot is Crown land, and the City currently holds the Management Order over Reserve R9997 with the power to lease for 21 years.

In 2013, lot 891 Clifton Street was identified as being integral to the Amended College Grove Joint Venture Agreement (the JV), whereby the State (acting through the Minister of Lands) and the City investigate a number of strategic sites for their future development opportunities as part of a land swap arrangement with undeveloped land in College Grove (to compensate for the loss of land incurred from the Preston River to Ocean Regional Park Project).

The Department of Lands informed the City that approval has now been given for the transfer of freehold of Lot 891 (portion of 'A' Class Reserve 9997) for the purposes of the JV subject to a memorial under the LAA (Lands Act):

*"Prior to transfer [the] Lot will need to be excised from the 'A' Class reservation requiring advertising and subsequent tabling in both Houses of Parliament. Once tabled (14 sitting days), should there be a successful disallowance motion in either House, the proposed excision would not be able to proceed. Action in this respect will [depend] on the basis that the land will not be excised from the reserve until it has been rezoned under the City LPS."*

### **Council Policy Compliance**

The Scheme Amendment proposal is in line with Council Policy – Land Rationalisation and Acquisition.

### **Legislative Compliance**

Proposals to amend a Local Planning Scheme are required to be undertaken in accordance with the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967*. The documentation prepared for the proposed scheme amendment will need to be referred to the EPA and WAPC for their review prior to any formal public advertising period.

Should Council resolve to adopt the proposed scheme amendment, documentation together with the schedule of submissions and Council's resolution is to be referred to the WAPC for its endorsement and to the Minister for Planning for final approval and gazettal.

#### **Officer Comments**

Draft TPS8 proposes to extend the City Centre Zone westward, by including a number of adjacent lots from Marlston Drive south toward Prinsep Street. Lot 891 is recognised as one of the lots earmarked for inclusion into the expanded City Centre Zone.

Prior to subdivision or development the City may require the preparation of a Local Development Plan.

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

The proposed scheme amendment procedure has no associated budgetary implications other than public advertising. The amendment, once approved, has potential to provide capital income upon sale and recurring rates revenue.

#### **Community Consultation**

The proposed scheme amendment will be advertised for public comment in accordance with the requirements of the *Planning and Development Act 2005* and associated *Town Planning Regulations 1967* for a period of 42 days.

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

Informal views of elected members were sought in respect of the future development at a Council briefing held on 2 June 2015.

#### **Outcome – Council Meeting 4 August 2015**

Mr Smith addressed the Council.

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

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

**Council Decision 281/15**

***That Council:***

***In accordance with the Planning and Development Act 2005, resolves to initiate a scheme amendment to the City of Bunbury Town Planning Scheme No. 7 by:***

- (a) Amending the Scheme Map by rezoning Lot 891 Clifton Street Bunbury from “Parks and Recreation Zone” to “City Centre Zone”***

***in accordance with the Amending Pages (Draft), attached as Appendix DPDS-1.***

- 2. Instructs the Chief Executive Officer to prepare scheme amending documentation to accompany the proposal.***
- 3. Advise the Western Australian Planning Commission (WAPC) of Council’s decision to initiate the proposed scheme amendment and provide the Commission with a copy of the scheme amending documentation, prior to proceeding to public advertising.***
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- 5. Subject to formal assessment not being required by the EPA and no objection received from the WAPC, proceed to advertise the proposed scheme amendment for public comment with a submission period of not less than forty two (42) days.***
- 6. Further consider the proposal together with any public submissions lodged with the City of Bunbury following the conclusion of the statutory public advertising period.***

**CARRIED**

**12 votes “for” / 1 vote “against”**

**11. Applications for Leave of Absence**

Nil.

**12. Motions on Notice**

Nil.

**13. Questions on Notice**

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

Nil.

***13.2 Questions from Members***

Nil.

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

Nil.

**15. Meeting Closed to Public**

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

Nil.

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

Nil.



## **16. Closure**

The meeting was declared closed at 5:53pm.