

## **Bunbury City Council**

### **Notice of Meeting and Agenda 27 October 2015**



**CITY OF BUNBURY**  
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Bunbury WA 6230  
Western Australia  
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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

The next Ordinary Meeting of the Bunbury City Council will be held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Tuesday, 27 October 2015 at 5.30pm.



Andrew Brien  
Chief Executive Officer  
(Date of Issue: 16 October 2015)

### Agenda

27 October 2015

Note: The recommendations contained in this document are not final and are subject to adoption, amendment (or otherwise) at the meeting.

#### Council Members:

Mayor Gary Brennan  
Councillor Wendy Giles  
Councillor James Hayward  
Councillor Judy Jones  
Councillor Jaysen Miguel  
Councillor Michelle Steck  
Councillor Karen Steele  
Councillor Brendan Kelly  
Councillor Sam Morris  
Councillor Betty McCleary  
Councillor Monique Warnock  
Councillor Joel McGuinness  
Councillor Murray Cook

#### **1. Declaration of Opening / Announcements of Visitors**

## **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**

#### 4. Election of the Deputy Mayor

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

Pursuant to clause 7 of Division 2 of Schedule 2.3 of the *Local Government Act 1995*, the Council is required to appoint a Deputy Mayor at its first meeting following an Ordinary Election day.

Accordingly, the Mayor will call for Councillors to nominate as candidates at the meeting. All Councillors, including newly elected Councillors, are eligible to nominate.

The roles and responsibilities of the Deputy Mayor are outlined in the *Local Government Act 1995*:

##### 2.9 Role of the deputy mayor or deputy president

*The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.*

Section 5.34 states:

##### 5.34. When deputy mayors and deputy presidents can act

*If –*

- (a) the office of mayor or president is vacant; or*
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

*then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.*

##### 2.8. Role of mayor or president

- (1) The mayor or president –*
  - (a) presides at meetings in accordance with this Act;*
  - (b) provides leadership and guidance to the community in the district;*
  - (c) carries out civic and ceremonial duties on behalf of the local government;*
  - (d) speaks on behalf of the local government;*
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.*

The Deputy Mayor is also entitled to one quarter of the Mayoral allowance in addition to Council sitting fees.

In the event that there is more than one nomination for the position of Deputy Mayor, the Chief Executive Officer will act in the position of Returning Officer to conduct the ballot as required under

the *Local Government Act 1995*. The ballot for the position of Deputy Mayor will be conducted pursuant to the provisions of clause 8 of Division 2 of Schedule 2.3 of the *Local Government Act 1995* as outlined below:

8. *How deputy mayor or deputy president is elected*

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

The winner will be declared elected to the position of Deputy Mayor for a two-year term and will be required to read (and sign) a form titled "*Declaration for the Office of Deputy Mayor*".

How to count votes and ascertain the result of an election is covered through the provisions of Schedule 4.1 of the *Local Government Act 1995* as outlined below:

1. *The number of votes given for each candidate is to be ascertained.*
2. *If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.*
3. *If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.*



4. *If the election is to fill 2 or more offices of councillor, the candidates elected are —*
  - (a) the candidate who receives the greatest number of votes; and*
  - (b) the candidate who receives the next highest number of votes; and*
  - (c) the candidate who receives the next highest number of votes,*

*and so on up to the number of offices to be filled.*
  
5. *If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.*

## 5. Attendance

### 5.1 Apologies

### 5.2 Approved Leave of Absence

## 6. 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.”*

## **7. 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.

### **7.1 Public Question Time**

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

Nil.

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

### **8.1 *Minutes***

#### **8.1.1 Minutes – Ordinary Council Meeting**

The minutes of the Ordinary meeting of the Bunbury City Council held 13 October 2015 have been circulated.

#### **Recommendation**

The minutes of the Ordinary meeting of the Bunbury City Council held 13 October 2015 be confirmed as a true and accurate record.

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

Nil.

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

### **9.1 *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

### **9.2 *Presentations***

### **9.3 *Deputations***

### **9.4 *Council Delegates' Reports***

### **9.5 *Conference Delegates' Reports***

## **10 Method of Dealing with Agenda Business**

## **11. Reports**

### **11.1 *Recommendations from Advisory Committees***

Nil.

## **11.2 Chief Executive Officer Reports**

### **11.2.1 Appointment to External Committees**

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Summary**

The purpose of this report is for Council to consider making appointments to external boards of management (external committees with Council representation).

#### **Executive Recommendation**

That Council:

1. Nominates Councillors \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as members of the Bunbury Harvey Regional Council, and Councillors \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as proxy members.
2. Nominates Councillor \_\_\_\_\_ as a member of the Bunbury Local Emergency Management Committee, and Councillor \_\_\_\_\_ as a proxy member.
3. Nominates Councillor \_\_\_\_\_ as a member of the Bunbury Regional Theatre Inc.
4. Nominates Councillor \_\_\_\_\_ as a member of the South West Country Zone of WALGA, and Councillor \_\_\_\_\_ as a proxy member.
5. Nominates Councillor \_\_\_\_\_ as a member of the South West Regional Road Group, and Councillor \_\_\_\_\_ as a proxy member.
6. Nominates Councillor \_\_\_\_\_ as a member of the Bunbury Alcohol Accord.
7. Nominates Councillor \_\_\_\_\_ as a member of the Bunbury Meals on Wheels and Senior Citizens Management Committee.
8. Nominates Councillor \_\_\_\_\_ as a member of the Bunbury Port Community Liaison Committee.
9. Nominates Councillor \_\_\_\_\_ as a member of the Bunbury Wellington Economic Alliance.
10. Nominates Councillor \_\_\_\_\_ as a member of the Dolphin Discovery Centre Management Committee.
11. Nominates Councillor \_\_\_\_\_ as a Board member of Morrissey Homestead Inc.
12. Nominates Councillor \_\_\_\_\_ as a member of the South West Women's Health Information Centre Management Committee.
13. Nominates Councillor \_\_\_\_\_ as a member of the Peron Naturaliste Partnership, and Councillor \_\_\_\_\_ as a proxy member.
14. Nominates Councillor \_\_\_\_\_ as a member of the Worsley Community Liaison Committee.
15. Request the Chief Executive Officer advise the above groups accordingly.

#### **Background**

The following committees are not committees of Council established pursuant to the provisions of section 5.8 of the Local Government Act, but rather are external boards of management that are

either constitutionally required to have City of Bunbury Councillors as members, or have requested that Council nominate an elected representative to become a member:

- \* Bunbury Harvey Regional Council
- \* Bunbury Local Emergency Management Committee
- \* Bunbury Regional Theatre Inc.
- \* South West Country Zone of WALGA
- \* South West Regional Road Group
- \* Bunbury Alcohol Accord
- \* Bunbury Meals on Wheels and Senior Citizens Management Committee
- \* Bunbury Port Community Liaison Committee
- \* Bunbury Wellington Economic Alliance
- \* Dolphin Discovery Centre Management Committee
- \* Morrissey Homestead Inc.
- \* South West Women’s Health Information Centre Management Committee
- \* Peron Naturaliste Partnership Inc.
- \* Worsley Community Liaison Committee

It is important to note that as the Boards above are not committees of Council, all secretariat work is administered by the relevant person/people within each respective committee.

#### **Council Policy Compliance**

Not Applicable

#### **Legislative Compliance**

Not applicable, as these committees are independent of the City of Bunbury.

#### **Officer Comments**

##### Bunbury Harvey Regional Council

The BHRC is a Regional Council formed between the City of Bunbury and Shire of Harvey under the provisions of the Local Government Act. The BHRC comprises three (3) Councillor representatives and three (3) proxies from the City of Bunbury.

Prior to the 2015 local government elections, Councillors Jones, Cook and McNeill were Council’s representatives on the BHRC, and Councillors Kelly, McCleary and Giles proxies.

##### Bunbury Local Emergency Management Committee

The Bunbury LEMC is a required Committee under the provisions of the *Emergency Services Act 2005*. The Bunbury LEMC comprises one (1) Councillor representative and one (1) proxy from the City of Bunbury.

Prior to the 2015 local government elections, Councillor Cook was Council’s representative on the Bunbury LEMC and Councillor Hayward the proxy.



Bunbury Regional Theatre Inc.

The Bunbury Regional Theatre Inc. Committee is the Board that manages the Bunbury Regional Entertainment Centre. The Constitution of this Board requires an Elected Member of the City of Bunbury to be on this Committee.

Prior to the 2015 local government elections, Councillor Kelly was Council's representative on the Bunbury Regional Theatre Inc.

South West Country Zone of WALGA

Country Zones are part of the governance frameworks of the WA Local Government Association. The SWCZ comprises one (1) Councillor representative and one (1) proxy from the City of Bunbury.

Prior to the 2015 local government elections, Councillor Steck was Council's representative on the SWCZ and Councillor McNeill the proxy.

South West Regional Road Group

The SWRRG comprises one (1) Councillor representative and one (1) proxy from the City of Bunbury.

Prior to the 2015 local government elections, Councillor Jones was Council's representative on the SWRRG and Councillor Cook the proxy.

Bunbury Alcohol Accord

Prior to the 2015 local government elections, Councillor Steck represented Council on the Bunbury Alcohol Accord (one (1) vacancy).

Bunbury Meals on Wheels and Senior Citizens Management Committee

Prior to the 2015 local government elections, Councillor McNeill represented Council on the Bunbury Meals on Wheels and Senior Citizens Management Committee (1 vacancy).

Bunbury Port Community Liaison Committee

Prior to the 2015 local government elections, Councillor McNeill represented Council on the Bunbury Port Community Liaison Committee (1 vacancy).

Bunbury Wellington Economic Alliance

The BWEA comprises one (1) Councillor representative from the City of Bunbury. Prior to the 2015 local government elections, Councillor Kelly was Council's representative on BWEA.

Dolphin Discovery Centre Management Committee

Prior to the 2015 local government elections, Councillor Morris represented Council on the Dolphin Discovery Centre Management Committee (one (1) vacancy).

Morrissey Homestead Inc.

Prior to the 2015 local government elections, Councillor Kelly represented Council on the Board of Morrissey Homestead (one (1) vacancy).

South West Women's Health Information centre Management Committee

Prior to the 2015 local government elections, Councillor Giles represented Council on the South West Women's Health Information Centre Management Committee (one (1) vacancy).

Peron Naturaliste Partnership Inc.

Prior to the 2015 local government elections, Councillor Cook was Council's representative on the Peron Naturaliste Partnership and Councillor Kelly the proxy (one (1) vacancy and one (1) proxy).

Worsley Community Liaison Committee

Prior to the 2015 local government elections, Councillor Steck was Council's representative on the Worsley Community Liaison Committee (one (1) vacancy).

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Not required.

**Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### 11.2.2 Membership of the Policy Review and Development Committee

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the Policy Review and Development Committee.

#### Executive Recommendation

That Council appoints the Mayor and Councillors \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as members of the Policy Review and Development Committee.

\* ***Absolute Majority Vote Required***

#### Background

The Policy Review and Development Committee comprises five (5) members, and had the following membership composition immediately prior to the 2015 local government elections:

- \* Mayor Gary Brennan;
- \* Deputy Mayor Brendan Kelly;
- \* Councillor Karen Steele;
- \* Councillor Murray Cook; and
- \* Councillor Michelle Steck.

The terms of reference for this committee is as follows:

1. *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
2. *To make recommendations to Council on matters of policy, policy review and policy development.*
3. *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
4. *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
5. *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

**Council Policy Compliance**

Not Applicable

**Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

**Officer Comments**

The primary role of the Policy Review and Development Committee is to review all existing Council policies, facilitate the development of new Council policies as appropriate, and provide appropriate advice to Council therein.

A review of the operations of this Committee was undertaken by Council in early 2015, which included a review of the terms of reference and membership composition. Following this review, it was agreed that the Policy Review and Development Committee continue its operation post the 2015 City of Bunbury elections.

Additionally, the Mayor has indicated his desire to be a member of the Policy Review and Development Committee in accordance with Section 5.10(4) of the *Local Government Act 1995*.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Not required.

**Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### 11.2.3 Membership of the CEO Performance Review Panel

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the CEO Performance Review Panel.

#### Executive Recommendation

That Council:

1. Appoints the Mayor and Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ as members of the CEO Performance Review Panel.
2. Requests that the Chief Executive Officer inform the CEO Performance Review Panel of his choice of member Councillor at his earliest convenience.

\* ***Absolute Majority Vote Required***

#### Background

The CEO Performance Review Panel exists as a legal requirement under the terms of the CEO's contract of employment, and immediately prior to the 2015 local government elections had the following membership composition:

- \* Mayor Gary Brennan;
- \* Deputy Mayor Brendan Kelly;
- \* Councillor Sam Morris;
- \* Councillor Michelle Steck; and
- \* A Councillor nominated by the CEO.

The terms of reference for this committee is to undertake the annual performance and salary review of the City's Chief Executive Officer.

#### Council Policy Compliance

Council Policy *Annual Performance Appraisal and Salary Review* applies, and was last reviewed by Council on 15 September 2015. The Policy reads as follows:

**POLICY OBJECTIVE**

*To ensure the City of Bunbury complies with section 5.38 of the Local Government Act 1995 which requires that the performance of each employee who is employed for a term of more than one year, including the CEO, be reviewed at least once in relation to every year of employment.*

**POLICY DETAILS**

*The process of Appraisal of the Chief Executive Officer (CEO) must be formalised to ensure equity in assessment against criteria established in the Chief Executive Officer's Contract of Employment and/or in the immediately previous performance assessment.*

*The Council will appoint members to a Committee to undertake a review and make a recommendation to Council on the CEO's performance. The Committee must comprise at least one Elected Member who has prior experience in performance management, human resources management, or has worked in a senior management capacity. The CEO is entitled to select an Elected Member as a member of the Committee.*

*The CEO Performance Review will be conducted in accordance with the contract of employment and the KPI's set by the previous year's Committee appraisal.*

*For each appraisal, the Committee will consider whether external facilitation is required to undertake the review.*

*The Council shall periodically (not less than annually) review the salary for the Chief Executive Officer to assess whether and what increase in salary and allowances are to be made. The salary and allowances may not be reduced unless the Salary and Allowances Tribunal bands are amended to require it.*

*In the course of the assessment, the committee will separately invite all elected members and each member of the Executive Leadership Team to be interviewed or surveyed before completing the report.*

*Prior to the commencement of the assessment, the CEO will provide his or her own assessment of their performance against the relevant criteria.*

*Elected Members are reminded that they are at liberty to attend all Committee Meetings even if they are not a formalised member of that committee.*

**Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

**Officer Comments**

There is a legal requirement (CEO employment contract) for this committee to continue, and it is recommended that Council make appointments to this committee as per the status quo in terms of numbers.

Additionally, the Mayor has indicated his desire to be a member of the CEO Performance Review Panel in accordance with Section 5.10(4) of the *Local Government Act 1995*.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Not required.

**Councillor/Officer Consultation**

This matter is presented to Council for consideration.

#### 11.2.4 Membership of the Audit Committee

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the Audit Committee.

#### Executive Recommendation

That Council:

1. Appoints Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ as members of the Audit Committee.
2. Appoints Stephen Foster and John Barratt as community members of the Audit Committee.

\* ***Absolute Majority Required***

#### Background

An Audit Committee is a legal requirement under the provisions of section 7.1A of the *Local Government Act 1995*. The City of Bunbury Audit Committee comprises five members (three (3) elected plus two (2) community) and had the following membership composition immediately prior to the 2015 local government elections:

1. Mayor Gary Brennan
2. Councillor Miguel
3. Councillor Steck
4. Mr Stephen Foster – Community Member
5. Mr John Barratt – Community Member

The terms of reference for this committee is as follows:

- a) *Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;*
- b) *Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;*
- c) *Develop and recommend to Council:*
  - \* *a list of those matters to be audited; and*
  - \* *the scope of the audit to be undertaken;*
- d) *Recommend to Council the person or persons to be appointed as auditor;*



- e) *Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include:*
  - \* *the objectives of the audit;*
  - \* *the scope of the audit;*
  - \* *a plan of the audit;*
  - \* *details of the remuneration and expenses to be paid to the auditor; and*
  - \* *the method to be used by the local government to communicate with, and supply information to, the auditor;*
- f) *Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;*
- g) *Liaise with the CEO to ensure that the local government does everything in its power to:*
  - \* *assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and*
  - \* *ensure that audits are conducted successfully and expeditiously;*
- h) *Examine the reports of the auditor after receiving a report from the CEO on the matters to:*
  - \* *determine if any matters raised require action to be taken by the local government; and*
  - \* *ensure that appropriate action is taken in respect of those matters;*
- i) *Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;*
- j) *Review the scope of the audit plan and program and its effectiveness;*
- k) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO;*
- l) *Review the level of resources allocated to internal audit and the scope of its authority;*
- m) *Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;*
- n) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;*
- o) *Review the local government's draft annual financial report, focusing on:*
  - \* *accounting policies and practices;*
  - \* *changes to accounting policies and practices;*
  - \* *the process used in making significant accounting estimates;*
  - \* *significant adjustments to the financial report (if any) arising from the audit process;*
  - \* *compliance with accounting standards and other reporting requirements; and*
  - \* *significant variances from prior years;*
- p) *Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;*
- q) *Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;*
- r) *Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;*
- s) *Review the annual Compliance Audit Return and report to the council the results of that review, and*
- t) *Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and*

*legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.*

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

Section 7.1A of the *Local government Act 1995* relates to Audit Committees and states:

- (1) *A local government is to establish an audit committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members. \*Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

### **Officer Comments**

A review of the operations of this Committee was undertaken by Council in early 2015, which included a review of the terms of reference and membership composition. Following this review, it was agreed that the status quo be maintained in terms of membership composition and terms of reference post the 2015 City of Bunbury elections.

Community nominations were subsequently sought for membership of the Audit Committee, with two (2) being received by the close of nominations. These were from Mr John Barratt and Mr Stephen Foster, both of whom had previously served on the Audit Committee. As both applications were comprehensive, it is recommended that both Mr Barratt and Mr Foster be reappointed to this committee.

It should be noted that the first meeting of the Audit Committee will be held Monday 2 November 2015 from 10:30am to 12:00 noon.

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

Nil

### **Community Consultation**

Not required.

### **Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### 11.2.5 Membership of the Withers Advisory Committee

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the Withers Advisory Committee.

#### Executive Recommendation

That Council:

1. Appoints Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ as members of the Withers Advisory Committee.
2. Appoints the following persons as community members of the Withers Advisory Committee:
  - a) Barbara Watkins
  - b) Joanna Hugues-Dit-Ciles
  - c) Doug Fimister
  - d) Ken Warnes
  - e) Mary Dunlop
3. Request the Chief Executive Officer write to the unsuccessful community nominees thanking them for their interest.

\* ***Absolute Majority Required***

#### Background

The Withers Advisory Committee comprises eight members (three (3) elected plus five (5) community) and had the following membership composition immediately prior to the 2015 local government elections:

1. Councillor Hayward
2. Councillor Miguel
3. Councillor Steck
4. Mary Dunlop – Community Member
5. Joanna Hugues-Dit-Ciles – Community Member
6. Ken Warnes – Community Member
7. Lyn Warnes – Community Member
8. Gavin Ladhams – Community Member

The terms of reference for this committee is as follows:

1. *To review and progress the Withers Action Plan.*
2. *Endorse or amend recommendations subject to conditions as per Council Decision 34/14.*
3. *Receive information from Council and the Withers Community to assist decision making.*
4. *To provide stronger community relations in Withers.*
5. *Oversees projects implemented from the Withers Reserve.*

#### **Council Policy Compliance**

Not Applicable

#### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

#### **Officer Comments**

Council reviewed the operations of the Withers Advisory Committee at its meeting held on 7 July 2015, where it was resolved to *“continue the Withers Advisory Committee until all funds in the Withers Reserve have been allocated”* (refer Decision 240/15). The status quo in terms of membership composition and terms of reference was also maintained.

Accordingly, community nominations were sought for the five (5) community positions on the Withers Advisory Committee, with six (6) being received by the close of nominations. Officers undertook an assessment of the nominations against the relevant selection criteria identified on the application form, and subsequently recommend the appointment of Barbara Watkins, Joanna Hugues-Dit-Ciles, Doug Fimister, Ken Warnes, and Mary Dunlop as community members of the Withers Advisory Committee.

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

Nil

#### **Community Consultation**

Not required.

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

This matter is presented to Council for consideration.

### 11.2.6 Membership of the RoadWise Committee

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the Bunbury RoadWise Committee.

#### Executive Recommendation

That Council:

1. Appoints Councillors \_\_\_\_\_ and \_\_\_\_\_ as members of the Bunbury RoadWise Committee.
2. Appoints the following persons as community members of the Bunbury RoadWise Committee:
  - a) Sgt Craig Clarke
  - b) Brad Brooksby
  - c) Paul Cassidy
  - d) Keith Harraway
  - e) Lisa Gartrell
  - f) Peter Stewart
  - g) Lyn Gell

\* ***Absolute Majority Required***

#### Background

The Bunbury RoadWise Committee comprises two Elected Members and up to twelve (12) community members. The Committee had the following membership composition immediately prior to the 2015 local government elections:

1. Councillor Cook
2. Councillor McCleary
3. Sgt Craig Clarke – Community Member (Bunbury Police)
4. Alan Roberts – Community Member (MRWA)
5. Lyn Gell – Community Member (St John Ambulance)
6. Keith Harraway – Community Member (RAC)
7. Lisa Gartrell – Community Member (RAC)
8. Peter Stewart – Community member (DFES)
9. Brad Brooksby – Community Member (NB: currently contracted to the City of Bunbury)

10. Tegan Studsor – Community Member
11. Paul Cassidy – Community Member MRWA

The terms of reference for this committee is as follows:

*The Bunbury RoadWise Committee will work with the Peel South West Regional Road Safety Committee and Road Safety Council to:*

- \* *Prepare, implement and evaluate a local road safety action plan.*
- \* *Engage the local community (including individuals, community groups and government and commercial organisations) on matters relating to road safety issues.*
- \* *Establish and maintain an effective network of road safety stakeholders within the area.*
- \* *Use road safety statistics and state-wide campaigns to increase the community awareness of major road safety issues in the area.*
- \* *Coordinate agency responses to identify road safety issues in the area in partnership*
- \* *Provide information and feedback to Local, State and Regional levels concerning road safety issues relevant to Bunbury*
- \* *Identify and become involved in programmes, projects and initiatives including grant funding.*
- \* *Promote Bunbury RoadWise and its programmes to the community*
- \* *Delegate tasks amongst members to share the expertise and human resources of the committee.*
- \* *Evaluate on an ongoing basis, the effectiveness of projects and committee operations.*

#### **Council Policy Compliance**

Not Applicable

#### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

#### **Officer Comments**

The Bunbury RoadWise Committee is a committee that Council is obligated to establish in order to meet the objectives of the Local Government Road Safety Strategy (issued by the State Government's Office of Road Safety).

A review of the operations of this Committee was undertaken by Council in early 2015, which included a review of the terms of reference and membership composition. Following this review, some minor amendments were made, particularly in relation to the adoption of a reduced quorum for the committee. The status quo was maintained in terms of membership composition.

Nominations have been sought for the "up to 12" community positions on the Bunbury RoadWise Committee, with seven (7) being received by the close of nominations. Each of the seven (7) nominees are previous members of the Committee, and it is therefore recommended that all seven (7) be reappointed.

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Not required.

**Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### 11.2.7 Membership of the International Relations Committee

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the International Relations Committee.

#### Executive Recommendation

That Council:

1. Appoints the Mayor and Councillor \_\_\_\_\_ as members of the International Relations Committee.
2. Appoints the following persons as community members of the International Relations Committee:
  - a) Pauline Vukelic
  - b) Edwin Zhuang
  - c) Kim Cuong Le
  - d) Felicity Farnell
  - e) Paul Springate
3. Amends the membership composition of the International Relations Committee to remove the proxy member and include 2 ex-officio roles as below:
  - a) One member from the South West Development Commission
  - b) One member from Edith Cowan University South West Campus
5. Appoints the following persons as ex-officio members of the International Relations Committee:
  - a) Mark Exeter
  - b) Lyn Farrell
6. Request the Chief Executive Officer write to the unsuccessful community nominees thanking them for their interest.

\* ***Absolute Majority Required***

#### Background

On 4 August 2015, Council resolved to establish a new committee of Council, (the International Relations Committee), with the following terms of reference:

1. *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.*



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.*

The membership composition of the committee was resolved to be seven (7) members, comprising two (2) Elected Members and five (5) community members, with an Elected Member as a proxy.

#### **Council Policy Compliance**

Not Applicable

#### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

#### **Officer Comments**

Community nominations were sought for the five (5) community positions on the International Relations Committee, with eleven (11) being received by the close of nominations. Officers undertook an assessment of the nominations against the relevant selection criteria identified on the application form, and subsequently recommend the appointment of Pauline Vukelic, Edwin Zhuang, Kim Cuong Le, Felicity Farnell and Paul Springate as community members of the International Relations Committee.

Further, two of the nominations received were from employees of the South West Development Commission and Edith Cowan University South West Campus as part of their professional roles. As primary stakeholders in the development of Bunbury's international relationships, it is felt that both organisations warrant the creation of ex-officio advisory roles in their name.

Additionally, the Mayor has indicated his desire to be a member of the International Relations Committee in accordance with Section 5.10(4) of the *Local Government Act 1995*.

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

Nil

#### **Community Consultation**

Not required.

**Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### 11.2.8 Membership of the Youth Advisory Council

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the Youth Advisory Council.

#### Executive Recommendation

That Council:

1. Increases the Membership of the Youth Advisory Council to fourteen (14) youth members and maintains the current quorum of seven (7) which must consist of a minimum of two (2) elected members.
2. Appoints Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ as members of the Youth Advisory Council.
3. Appoints the following persons as youth members of the Youth Advisory Council:
  - a) Alexander James Berndt
  - b) Stephen May
  - c) Sean Smith
  - d) Jake Thompson Lee Elson
  - e) Karl Joseph Sullivan
  - f) Madison Clarke
  - g) Ebony Mere Hribar
  - h) Shani Szabo
  - i) Eliza Lyon
  - j) Kaila Hartmann
  - k) Matilda Wilson
  - l) Meagan Ashleigh Fowler
  - m) Jeremy Fuller
  - n) Alex Tombleson

\* ***Absolute Majority Required***

#### Background

The Youth Advisory Council currently (YAC) comprises fifteen (15) members (three (3) elected plus twelve (12) youth representatives), and had the following membership composition immediately prior to the 2015 local government elections:

1. Councillor Morris
2. Councillor Miguel
3. Councillor McNeill
4. Sean Smith
5. Rachel Rainey
6. Ebony Hribar
7. Jack Manoni
8. Shannon Muir
9. Shani Szabo
10. Rebecca Green
11. George Andrews
12. Stephen May
13. Karl Sullivan
14. Tahlia Bennell
15. Jade Riley

The terms of reference for the YAC is as follows:

1. *To identify and advise on youth trends, gaps and opportunities in the Bunbury area.*
2. *To advise Council on the development of policies that is responsive to the needs of youth.*
3. *To engage with the young people of the Bunbury area to draw consultation and feedback on youth trends, opportunities and gaps to present to Council.*
4. *To assist and be actively involved in the ongoing development and delivery of youth targeted projects, programs and events. (Annually: Australia Day and National Youth Week).*
5. *To engage with the wider youth community to create/look for partnerships and opportunities to support young people in the areas of upskilling, youth leadership and the active involvement for youth driven initiatives.*

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

### **Officer Comments**

Council reviewed the operations of the YAC at its meeting held on 7 July 2015, where it was resolved that the YAC continue its operation post the 17 October 2015 elections, and maintain the status quo in terms of membership composition and terms of reference.

Accordingly, nominations were sought for the twelve (12) youth positions on the YAC, with fourteen (14) being received by the close of nominations.

Officers undertook an assessment of the nominations against the relevant selection criteria identified on the application form, and subsequently recommend the appointment of all fourteen applicants to the Youth Advisory Council, being: Alexander James Berndt, Stephen May, Sean Smith, Jake Thompson Lee Elson, Karl Joseph Sullivan, Madison Clarke, Ebony Mere Hribar, Shani

Szabo, Eliza Lyon, Kaila Hartmann, Matilda Wilson, Meagan Ashleigh Fowler, Jeremy Fuller and Alex Tombleson

**Analysis of Financial and Budget Implications**

Nil

**Community Consultation**

Not required.

**Councillor/Officer Consultation**

This matter is presented to Council for consideration.

### 11.2.9 Membership of the Community Access Committee

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

Local Government elections were held on Saturday, 17 October 2015 to fill six (6) Councillor vacancies. Section 5.11 of the *Local Government Act 1995* stipulates that positions on Council committees become vacant at each ordinary elections day.

The purpose of this report is for Council to consider appointments to the Community Access Committee.

#### Executive Recommendation

That Council:

1. Appoints Councillors \_\_\_\_\_ and \_\_\_\_\_ as members of the Community Access Committee.
2. Appoints the following persons as community members of the Community Access Committee:
  - a) Shelley Leech
  - b) Peter Needham
  - c) Thomas Blair
  - d) Peter Sears
  - e) Kathryn Hewitt
  - f) Carol Szabo
  - g) Jason Hall
  - h) Aishath Shizleen
  - i) Charlotte White

\* ***Absolute Majority Required***

#### Background

The Community Access Committee comprises two Elected Members and up to 10 community members. The terms of reference for this committee is as follows:

*The City of Bunbury Community Access Committee exists to guide the Bunbury City Council towards attaining best practice on matters of access and inclusion. The Community Access Committee is to make recommendations to Council based on the following Terms of Reference:*

1. *To develop proposals and make recommendations to Council on matters of access and inclusion relating to City of Bunbury buildings, facilities, services and information.*
2. *To seek funding opportunities that improve access and inclusion within the City of Bunbury.*

3. *To provide advice and information to City of Bunbury Officers and Councillors on decisions of best practice on matters of access and inclusion relating to Council buildings, facilities, services or information throughout Bunbury, and*
4. *To provide information to the private sector in relation to access and inclusion to assist in development and redevelopment of buildings and facilities.*
5. *To monitor the implementation of the Disability Access and Inclusion Plan for City of Bunbury buildings, facilities, services and information.*

### **Council Policy Compliance**

Not Applicable

### **Legislative Compliance**

Subdivision 2 of Division 2 of Part 5 of the *Local Government Act 1995* deals with the establishment of committees.

### **Officer Comments**

This Community Access Committee was established by Council in response to the provisions of the *WA Disability Services Act 1993*. It advises Council on matters of access and monitors the implementation of the *Disability Access and Inclusion Plan* for City of Bunbury buildings, facilities, services and information.

A review of the operations of this Committee was undertaken by Council on 7 July 2015, which included a review of the terms of reference and membership composition. Following this review, Council resolved that the Community Access Committee continue its operation post the 17 October 2015 elections, and maintain the status quo in terms of membership composition and its terms of reference.

Nominations have been sought for the “up to 10” community positions on the Community Access Committee, with nine (9) being received by the close of nominations. Officers have assessed each of the nominations, all of which are considered suitable for membership of the Committee. Accordingly, it is recommended that all nine (9) nominees be appointed to the Community Access Committee as community members.

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

Nil

### **Community Consultation**

Not required.

### **Councillor/Officer Consultation**

This matter is presented to Council for consideration.

**11.2.10 Schedule of Accounts Paid for the Period 1 September 2015 to 30 September 2015**

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-1: Schedule of Accounts Paid

**Summary**

The City of Bunbury "*Schedule of Accounts Paid*" covering the period 1 September 2015 to 30 September 2015 has been issued to elected members **under separate cover**. The schedule contains details of the following transactions:

1. Municipal Account – payments totalling \$16,649,297.26
2. Advance Account – payments totalling \$15,475,382.26
3. Trust Account – payments totalling \$13,653.76
4. Visitor Information Centre Trust Account – payments totalling \$19,621.80
5. Bunbury-Harvey Regional Council Municipal Account – payments totalling \$363,122.69
6. Bunbury-Harvey Regional Council Advance Account – payments totalling \$333,978.05

**Executive Recommendation**

The Schedule of Accounts Paid for the Period 1 September 2015 to 30 September 2015 be received.



**11.2.11 Bunbury Airport, Lot 507 (DP74949) South Western Highway, Davenport on Certificate of Title Volume LR3163 Folio 11.**

<b>Applicant/Proponent:</b>	Various Applicants
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-2: List of Lessees Appendix CEO-3: Bunbury Airport Expansion Plan

**Summary**

The City of Bunbury has recently undertaken an airport expansion which will provide an additional nineteen (19) new hangar sites. Six (6) of the sites have been requested by Applicants. A list of current Applicants is **attached** at Appendix 2. A location plan is **attached** at Appendix 3.

**Executive Recommendation**

Council agrees to grant Six (6) new Airport Hangar Leases to the Applicants at the Bunbury Airport located on Lot 507 (DP74949) South Western Highway, Davenport for a term of five (5) years with a further option of five (5) years subject to the terms and conditions, and the following:

1. The applicant to pay all costs associated with the lease application including document preparation.
2. Advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.
3. The Approval of the Minister for Lands.

**Background**

It is envisaged that the new hangar leases will significantly contribute towards the financial viability of the Bunbury Airport while providing increased aviation services to the area such as light aeroplane and helicopter repairs. The new hangar sites will also provide increased capacity for larger twin engine aircraft.

The Bunbury Airport is comprised within Reserve 27686, Lot 507 (DP74949) South Western Highway, Davenport and is held by the City of Bunbury under Management order 3040/1963 Crown Land Record Volume LR3163 Folio 11 for the purpose of "Airport" with the power to lease subject to the consent of the Minister for Lands.

Pursuant to Section 18 of the Land Administration Act 1997, "in-principle" approval is required from the Office of the Minister for Lands subject for formal approval being granted on receipt of the Lease document.

New Lease Details

Commencement:	1/12/2015
Term:	Five (5) years with a further option of five (5) years
Expiry Date:	30/11/2020
Rental:	\$5.00m <sup>2</sup> per annum exclusive of GST
Rent Review:	Every Anniversary from the date of commencement, determined by CPI and market rental every third anniversary.
Outgoings:	Responsibility of the Lessee.
Insurance:	The Lessee to maintain Public Risk and General Insurance Policies over the premises with Public Liability to be set at \$10(M).
Special Conditions:	Lessee responsible for maintaining and upkeep of the demised premises. The applicant to pay all costs associated with the lease application including document preparation.

**Council Policy Compliance**

Not Applicable.

**Legislative Compliance**

Section 3.58 of the Local Government Act 1995.

**Officer Comments**

The Team Leader Airport and Design advises that hangar sites at the Bunbury Airport are eagerly sought after and for quite some time available hangar space has been at a premium. There have been many requests for hangar space with most applicants having to find alternative arrangements elsewhere and others joining a waiting list. The majority of hangar leases are renewed every five (5) to ten (10) years and rarely become available. As a result of the recent expansion the City of Bunbury has the opportunity to offer a significant number of new hangar leases which has attracted great interest. The new leases will increase airport revenue quite significantly (in the long term) and with the recent announcement of the second RAC Rescue Helicopter to be based in Bunbury the new Expansion will create a vibrant hub for light aircraft within the region.

**Analysis of Financial and Budget Implications**

The lease rental calculated is based upon a report provided by the Valuer General following the Valuer General's extensive review of similar airports throughout Western Australia. A copy of the lease rental cost per m<sup>2</sup> is attached at Appendix CEO-2.

**Community Consultation**

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

### 11.2.12 Lot 554 Francis Street, Bunbury

<b>Applicant/Proponent:</b>	Department of Lands
<b>Responsible Officer:</b>	Felicity Anderson, Manager Major Projects
<b>Executive:</b>	Andrew Brien, Chief Executive officer
<b>Attachments:</b>	Appendix CEO-4: Letter proposed Disposal Lot 554 Francis Street Appendix CEO-5: Site Plan Lot 554 Francis Street Appendix CEO-6: Storm Water Drainage Plan Lot 554 Francis Street Appendix CEO-7: Waste Water Infrastructure Plan Lot 554 Francis Street

#### Summary

The Department of Lands, Land and Asset Management Unit have contacted the City of Bunbury advising that this land is now surplus to Government requirements. Correspondence is **attached** at Appendix CEO-4. The site plan is **attached** at Appendix CEO-5 and services plans are **attached** at Appendix CEO-6 and Appendix CEO-7 respectively.

Prior to incurring any costs, staff are seeking the Council's position on the opportunity to acquire the land and advise the Department of Lands should they be interested.

#### Executive Recommendation

That Council request the Chief Executive Officer undertake an investigation into the acquisition of Lot 554 Francis Street, Bunbury with a further report to be provided prior to any offer being made.

#### Background

The City was contacted in September 2015 seeking comments and assistance, relating to the Department of Lands proposed plan for disposal of the Lot 554 Francis Street. Lot 554 is zoned special use under TPS7.

It was noted that this land adjoins two (2) existing lots on Tuart Street being Lots 8 and 256 Tuart Street that are owned in freehold by the City of Bunbury.

Officers had discussions with the Department of Lands in September and October seeking clarification over the proposed disposal. It was confirmed by the Department that in accordance with requirements the land would be offered to Government Agencies and Local Government in the first instance, prior to being offered on the open market.

The Department is still undertaking the necessary requirements prior to finalising the Lot for disposal. Once ready for disposal a valuation will be sought and interested parties advised. That is there is no "value" of the land currently available for Council's consideration

It was suggested that should the City of Bunbury be interested in acquiring the property then formal advice should be sent to the Department stating the City's interest subject to valuation.

#### Council Policy Compliance

Not applicable.

**Legislative Compliance**

Not applicable.

**Analysis of Financial and Budget Implications**

At present there is no value for the land available. Should Council decide it is interested in acquiring the land and are able to negotiate a purchase, Council will need to allocate the appropriate funds.

**Community Consultation**

Nil

### 11.2.13 Financial Management Report for the Period Ending 30 September 2015

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-8: Statement of Comprehensive Income Appendix CEO-9: Statement of Financial Activity Appendix CEO-10: Statement of Net Current Assets Appendix CEO-11: Capital Works Expenditure Summary Appendix CEO-12: Operating Project Summary

#### Summary

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

1. Statement of Comprehensive Income (**attached** at Appendix CEO-8)  
Actual Financial Performance to 30 September 2015
  - Actual income of \$43.16M is \$222K greater than the year-to-date budgeted income of \$42.93M.
  - Actual expenditure of \$9.63M is \$814K less than the year-to-date budgeted expenditure of \$10.44M (refer explanation within the report).
  - Actual operating surplus of \$33.52M is \$1.03M more than the year-to-date budgeted operating deficit of \$32.49M.
2. Balance Sheet year-to-date and forecast balances are currently not available until the end of year audit for 2014/15 has been completed and the financial system rolled-over to 2015/16. A balance sheet will be provided with the October 2015 Financial Statements.
3. Capital Works (**attached** at Appendix CEO-11)
  - Actual capital works of \$2.72M (which excludes \$3.36M of committed expenditure) is \$1.45M less than the year-to-date budgeted capital works of \$4.17M, (refer explanation within report).
4. Operating Project Expenditure (**attached** at Appendix CEO-12)
  - Actual operating project expenditure of \$485K (which excludes \$386K of committed expenditure) is \$307K less than the year-to-date budgeted operating project expenditure of \$792K, (refer explanation within report).

#### Executive Recommendation

The Financial Management Report for the period ending 30 September 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-8)
- Statement of Financial Activity (**attached** at Appendix CEO-9)
- Statement of Net Current Assets (**attached** at Appendix CEO-10)
- Capital Works Expenditure Summary (**attached** at Appendix CEO-11)

- Operating Projects Summary (attached at Appendix CEO-12)

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

### Council Policy Compliance

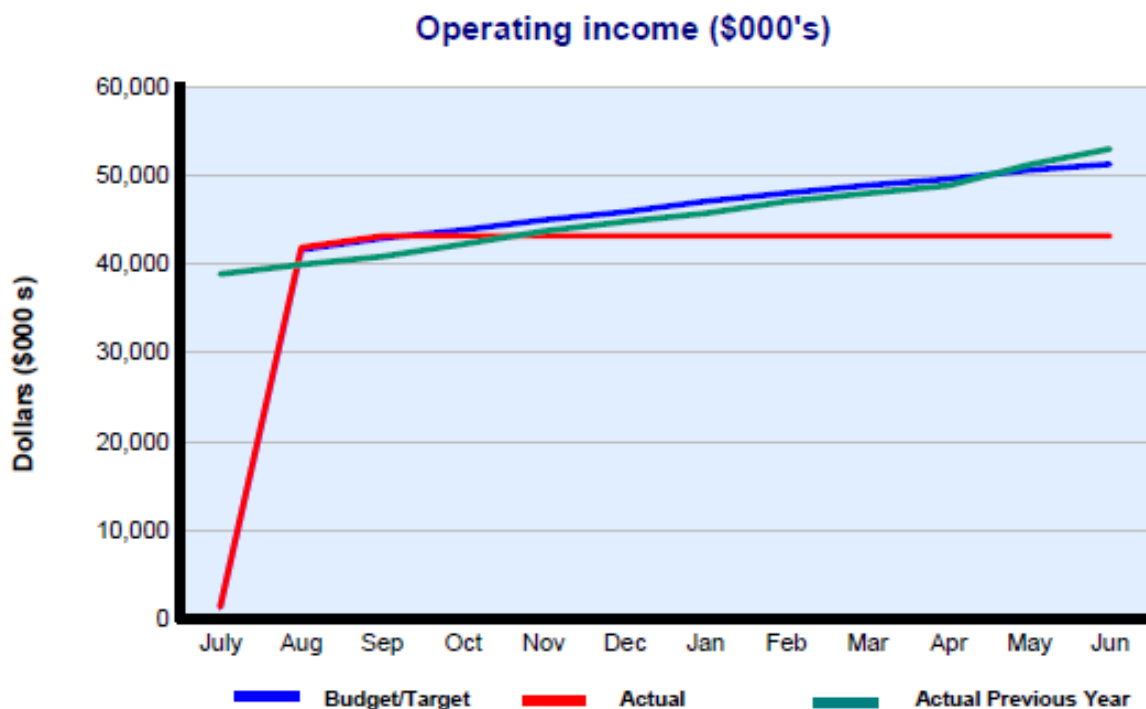
Not applicable.

### Legislative Compliance

In accordance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (attached at Appendix CEO-9) reporting on the revenue and expenditure as set out in the annual budget under Regulations 22 (1) (d) for this month.

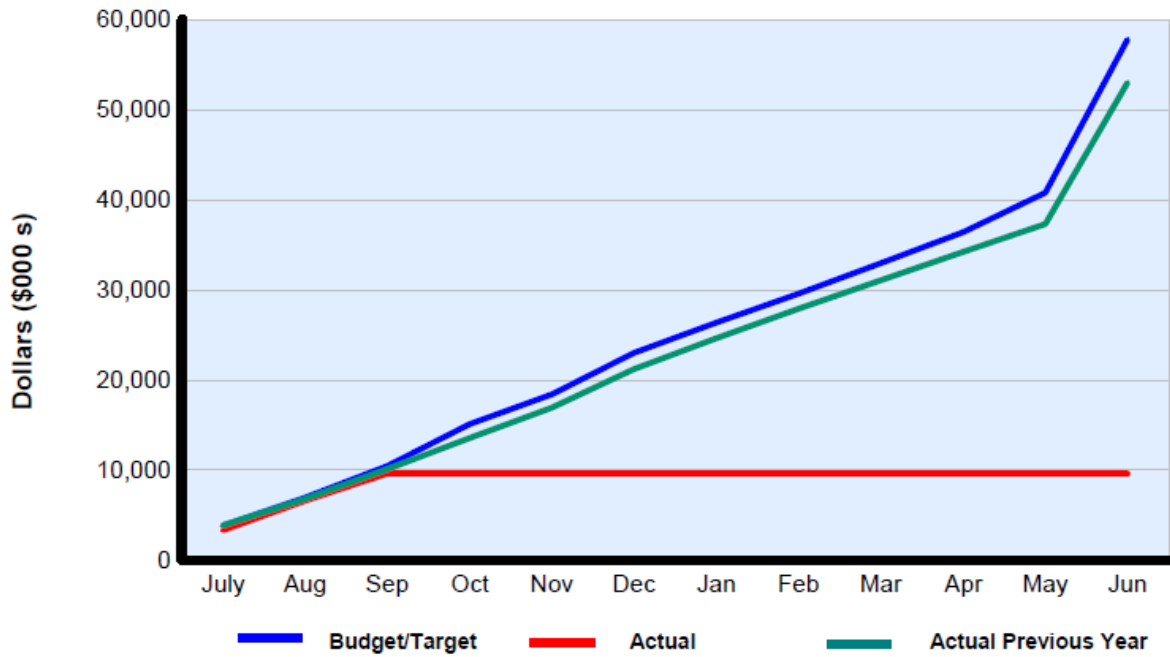
### Officer Comments

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.



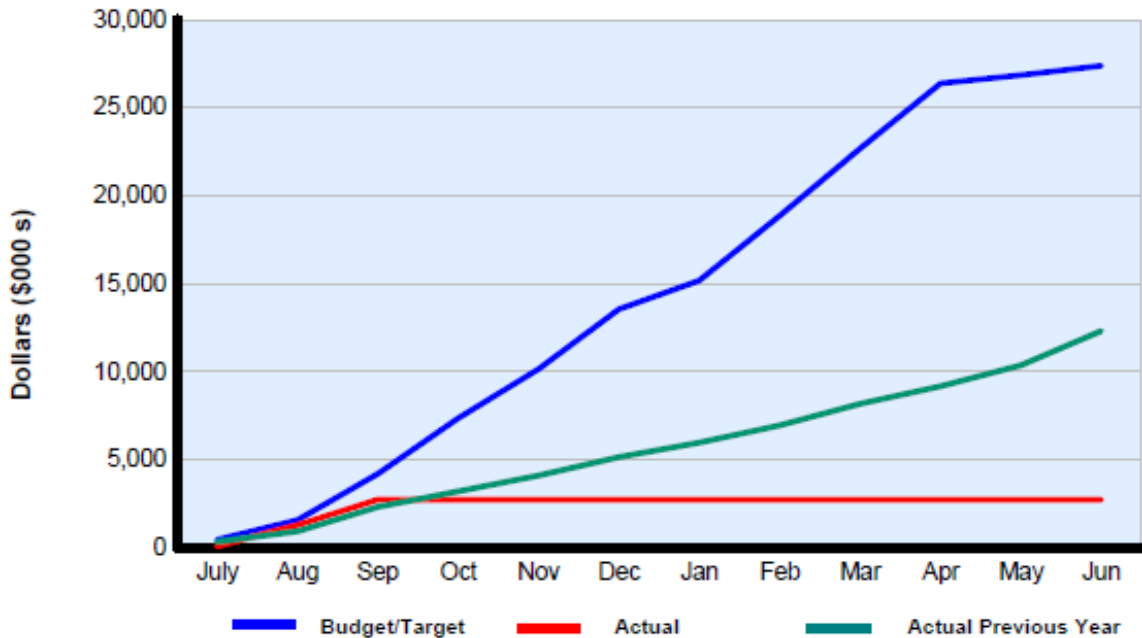
**Note:** Operating income includes: rates, fees and charges, operating grants and subsidies, contributions reimbursements and donataions, interest and other revenue.

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



**Note:** Actual operating expenditure for both base and operating projects is \$814K under the year-to-date budget due to timing of works commencing. Note that there is operating project committed expenditure of \$386K.

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



**Note:** The capital expenditure variance to the end of September 2015 of \$1.45M 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 \$3.36M.

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>The Total Operating Income variance between actual and budget-to-date is a favourable variance of \$221,702. There are a number of income items that have a minor actual variance above or below budget-to-date due to the timing of the receipt of income.</p>	<p>\$221,702 0.52%</p>
<p><b>Rates</b>  <i>Rates Interim Income</i> – Higher than anticipated interim rates have been raised on commercial and industrial property improvements. A forecast change has been included in the October Budget Review.</p>	<p>\$28,087 23%</p>
<p><b>Contributions, Reimbursements and Donations</b>  <i>Reimbursement Income</i> – Favourable year-to-date variance of \$23,683 is mainly due to Workers Compensation reimbursements being received of \$39K which is offset by employee costs.</p>	<p>\$23,447 13%</p>
<p><b>Fees and Charges</b>  <i>Property Lease and Rental Fee Income</i> – Unfavourable year-to-date variance of \$74,036 is mainly due to income expected from the Plaza Shopping Centre lease which is yet to be finalised. A forecast change has been included in the October Budget Review.</p> <p><i>Building and Planning Fee Income</i> – Favourable year-to-date variance of \$77,241 is mainly due to a public open space fee of \$80K charged on a future subdivision. Funds to be transferred to Town Planning Act Section 20A Reserve and used for future development of public open space. A forecast change has been included in the October Budget Review.</p>	<p>\$175,650 2%</p>
<b>Operating Expenditure</b>	
<p>The Total Operating Expenditure variance between actual and budget-to-date is a favourable variance of \$814,574. There are a number of expenditure items that have a minor actual variance above or below budget-to-date due to the timing of expenditure.</p>	<p>\$814,574 8%</p>
<p><b>Materials and Contracts</b>  <i>Material Expenses</i> – Favourable year-to-date variance of \$216,625, mainly due to the timing of expenditure. This will be monitored on a monthly basis.</p> <p><i>Contractors Expense</i> – Favourable year-to-date variance of \$346,308 mainly due to the timing of Operating Projects. Please refer to the Operating Expenditure Report for project details. This will be monitored on a monthly basis.</p>	<p>\$633,821 20%</p>



<b>Statement of Financial Activity</b>	<b>YTD Actual to Budget Variance</b>
<b>Operating Revenues</b>	
See explanation above included in the Statement of Comprehensive Income variances.	\$188,736 2.06%
<b>Operating Expenses</b>	
See explanation above included in the Statement of Comprehensive Income variances.	\$814,573 8%
<b>Capital Expenses</b>	
<b>Acquisition of Assets</b> – Variance due to delay in progress of various projects. Note that there is committed expenditure of \$3.36M. Refer to Capital Expenditure report for project details.	\$1,454,080 35%

**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.

**11.2.14 Budget Review October 2015**

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Executive:</b>	Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-13: Budget Review 2015 Appendix CEO-8: Statement of Comprehensive Income Appendix CEO-9: Statement of Financial Activity Appendix CEO-10: Statement of Net Current Assets Appendix CEO-11: Capital Works Expenditure Summary Appendix CEO-12: Operating Project Summary

**Summary**

Council adopted the 2015/16 Budget on 30 July 2015 of \$75.7M, comprising of \$27.3M capital works, \$2.2M debt reduction and \$46.2M in operating expenditure (excluding depreciation).

Budget reviews are conducted in October and February each year as part of the financial management processes within the City of Bunbury. In addition, it is also necessary to adjust the budgeted financial position at 30 June 2015 to agree with the actual financial position, (which was a favourable variance of \$11,441).

A budget review has been completed and the changes to operating income and expenditure will decrease the Operating Deficit from \$6,568,592 to \$6,557,542, a decrease of \$11,050. Capital Expenditure has increased by \$350,156 and Capital Income increased by \$68,000.

As a result of the above changes the budgeted surplus funds at 30 June 2016 will decrease by \$259,665 from a surplus of \$649,885 to a surplus of \$390,220.

The following supporting documents are **attached** at Appendix CEO-13 – 6 for the period ending 30 September 2015:

- |                                     |                 |
|-------------------------------------|-----------------|
| - Budget Review October 2015        | Appendix CEO-13 |
| - Statement of Comprehensive Income | Appendix CEO-8  |
| - Statement of Financial Activity   | Appendix CEO-9  |
| - Statement of Net Current Assets   | Appendix CEO-10 |
| - Capital Works Expenditure Summary | Appendix CEO-11 |
| - Operating Projects Summary        | Appendix CEO-12 |

**Executive Recommendation**

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

Increase in Opening Funds (to adjust budgeted position at 30 June 2015 to agree with actual financial position)	\$11,441
Operating Revenue:	
- Increase in Rates	\$84,004
- Decrease Fees and Charges	<u>(\$14,883)</u>

	\$69,121
Operating Expenses:	
- Increase Material and Contracts	(\$47,071)
- Increase Insurance	(\$6,000)
- Increase Other Expense	<u>(\$5,000)</u>
	(\$58,071)
Capital Revenue:	
- Increase Transfers from Reserves	\$68,000
Capital Expenditure:	
- Increase in Materials and Contracts	<u>(\$350,156)</u>
Decrease in Closing Funding Surplus 30 June 2016	(\$259,665)

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

### **Background**

The Executive Leadership Team and Finance Staff have reviewed the 2015/16 Budget for the period ending 30 September 2015. The budgeted financial position at 30 June 2015 has also been adjusted to agree with the actual financial position.

Budget review items have been identified and supporting financial statements prepared incorporating year to date budget forecasts to 30 June 2016.

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

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

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

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

*\*Absolute majority required.*

This budget review is in addition to the above legislative requirement and a February Budget Review will be presented to Council in March 2016.

### Officer Comments

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

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

### Analysis of Financial and Budget Implications

The changes to operating income and expenditure will decrease the Operating Deficit from \$6,568,592 to \$6,557,542, a decrease of \$11,050. Capital Expenditure has increased by \$350,156 and Capital Income has increased with a net transfer of reserve funds of \$68,000.

As a result of the above changes the budgeted surplus funds at 30 June 2016 will decrease by \$259,665 from \$649,885 to a surplus of \$390,220 as shown below:

Increase in Opening Funds (to adjust budgeted position at 30 June 2015 to agree with actual financial position)	\$11,441
Less Deficit from Budget Review Report (attached at Appendix CEO-13)	(\$339,106)
Plus Net Increase in Transfer from Reserves:	
CBD Contribution Parking Reserve	\$21,899
Central Traffic Area (2) Reserve	\$3,973
Central Traffic Area (3) Reserve	\$65,028
General Parking Reserve	\$44,100
College Grove Reserve	\$8,000
Town Planning Act Section 20A Reserve	<u>(\$75,000)</u>
	\$68,000
Reduction in Closing Funds from Budget Review	(\$259,665)

Note: Included in the above reduction in Closing Funds are the following decisions by Council:

Establishment of alfresco dining in CBD (Resolution 246/15)	(\$25,954)
Support to Bunbury Rowing Club CSRFF application (Resolution 279/15)	(\$5,000)
Detailed design of Water Playground (Resolution 346/15)	<u>(\$168,156)</u>
	(\$199,110)

Details of the budget changes contained within this budget review are shown in the Budget Review October 2015 Report attached at Appendix CEO-13 and the Financial Statements attached at Appendices CEO-8, CEO-9, CEO-10, CEO-11 and CEO-12.

### Community Consultation

Not applicable.

**Councillor/Officer Consultation**

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

### 11.2.15 Major Project Report – Period 1 July to 30 September 2015

<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	Andrew Brien, Chief Executive Officer
<b>Executive:</b>	Andrew Brien, Chief Executive Officer
<b>Attachments:</b>	Appendix CEO-14: Major Projects Report

#### Summary

As per Council decision 254/15 Major Projects updates are to be presented to Council in conjunction with the two budget reviews and a final report at the end of the financial year.

This report is the first report presented to Council for the 2015/16 financial year. Please refer to the Major Projects Report 2015/16 for period 1 July to 30 September 2015 **attached** at Appendix CEO-14.

#### Executive Recommendation

That Council receives and notes the Major Projects update report for the period ending 30 September 2015.

#### Background

The Major Projects report is a positive tool to help effectively manage and report on current year Major Projects being undertaken by the City of Bunbury, and is submitted to Council three times a year in line with budget reviews and end of financial year. The project groupings that are identified within the report have been previously determined by Council.

It should be noted that the progress of the projects in this report will not necessarily have an update due to project delivery and consultation at different stages. The percentage completed or progress of the project that is reported is reflective of the project delivery (effort) not the financial expenditure. A financial summary is provided below the progress line indicating income and expenditure including the committed expenditure, actual expended funds and budget allocations and this is not reflective of the percentage completed.

#### Council Policy Compliance

Not applicable

#### Legislative Compliance

Not applicable

#### Officer Comments

This report will be circulated to Council three time a year or as requested by Council. It should be noted that if any Elected Member wishes to receive an update on any major project outside of this timeframe, this option is still available.

**Analysis of Financial and Budget Implications**

Not applicable

**Community Consultation**

There is no requirement for community consultation.

**Councillor/Officer Consultation**

Not applicable

**11.3 Director Corporate and Community Services**

Nil.



## **11.4 Director Planning, Development and Regulatory Services Reports**

### **11.4.1 Southern Joint Development Assessment Panel (SJDAP) – Local Government Nominations**

<b>File Ref:</b>	A04208
<b>Applicant/Proponent:</b>	Internal Report
<b>Responsible Officer:</b>	John Kowal, Acting Director Planning, Development and Regulatory Services
<b>Executive:</b>	John Kowal, Acting Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Nil

#### **Summary**

Under Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the City of Bunbury is requested by the Director General, Development Assessment Panels to nominate four (4) Elected Members of the Council, comprising two (2) local government members and two (2) alternate local government members to sit on the local South West Joint Development Assessment Panel (SJDAP), as and when required.

Nominations for four (4) local government SJDAP nominees must be supported by a curriculum vitae in addition to the following mandatory information of: name, address, email, mobile and land line telephone numbers, date of birth, employer(s), position(s).

Only one (1) position as an Alternate Member is required to fill the vacancy left by former Councillor Neville Mc Neill. The following Elected Members remain appointed to the SJDAP for the period 27 July 2015 – 26 April 2017:

- (a) Councillor Murray Cook (Member);
- (b) Councillor Betty Mc Cleary (Member); and
- (c) Mayor Gary Brennan (Alternate member).

#### **Executive Recommendation**

That Council nominate Councillor \_\_\_\_\_ as the Alternate Member for local government representation on the SJDAP in addition to those already appointed.

#### **Background**

A SJDAP is an independent body established under the Development Assessment Panel (DAP) regulations that is responsible for assessing and determining development applications as if they were the responsible authority.

A key component of planning reform in Western Australia, Development Assessment Panels (DAP) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

Each DAP consists of five (5) panel members, three (3) being specialist members and two (2) local government elected members. The role of SJDAP members is to determine development applications through consistent, accountable and professional decision-making processes.

The SJDAP determines development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The regulations state that SJDAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

Property developers can opt to have Development Applications valued between \$2 million and \$10 million, determined by the SJDAP. It is mandatory for Development Applications \$10 million or more to be determined by the SWJDAP.

The SJDAP covers the following local government areas of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup and Nannup.

### **Council Policy Compliance**

Not applicable

### **Legislative Compliance**

The nomination of local government members to the SJDAP is in accordance with the *Planning and Development Act 2005* and associated Planning and Development (Development Assessment Panels) Regulations 2011.

### **Officer Comments**

The Council at its meeting of 20 January 2015 (Council Decision 27/15 and 28/15), nominated the following elected members to be members of the SJDAP:

- a) Councillor Murray Cook (Member);
- b) Councillor Betty McCleary (Member);
- c) Councillor Neville McNeill (Alternate Member); and
- d) Mayor Gary Brennan (Alternate Member).

The Department of Planning accepted the appointment of the Elected Members listed above for the period 27 July 2015 – 26 April 2017.

The local government election has resulted in a change to the SJDAP representation due to former Councillor Neville McNeill no longer being an Elected Member. In the case where this occurs the vacancy must be filled by an Elected Member to fulfil Council obligations.

The period of appointment for all SJDAP members will expire on 26 April 2017 regardless of whether an Elected Member has been appointed part way through a term. Appointment to the SJDAP is for a period of up to two (2) years or when an Elected Member ceases to be an Elected Member (whichever comes first). At two yearly intervals the re-nomination process re-commences with the Department of Planning

**Analysis of Financial and Budget Implications**

There are no direct financial implications; however local SJDAP members are entitled to be paid for their attendance at SJDAP training and at SJDAP meetings, unless they fall within a class of persons excluded from payment.

Members who are not entitled to payment of a sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These members are not entitled to be paid without the Ministers consent, and such consent can only be given with the prior approval of Cabinet.

**Community Consultation**

Not applicable

**Councillor/Officer Consultation**

Not applicable

**11.4.2 Proposed Electronic Graphic Display Screen Sign and Increased Height to Existing Limestone Wall Base at Lot 100 (#121) King Road, East Bunbury**

<b>File Ref:</b>	P14370, DA/2014/228
<b>Applicant/Proponent:</b>	Pinnacle Planning on behalf of Donald Charles Maasdorp
<b>Responsible Officer:</b>	Bob Karaszkewych, Director Planning, Development and Regulatory Services
<b>Executive:</b>	Bob Karaszkewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPDRS-1: MRWA Crash Matrix Report Appendix DPDRS-2: Proposed Signage Illustration Appendix DPDRS-3: Local Planning Policy: Signage and Advertising Appendix DPDRS-8: MRWA comments dated 9 October 2015 Appendix DPDRS-9: Excerpt from Council Minutes (1 September 2015)

**Summary**

At its meeting of 1 September 2015, Council resolved to defer consideration of the matter to replace an existing billboard sign near the intersection of King Road, Picton Road and Sandridge Road in East Bunbury with an LED illuminated electronic graphic display screen, referring it to the Policy Review and Development Committee (the Committee) for review:

Council Decision 307/15

*That the item titled “Proposed Electronic Graphic Display Screen Sign and Increased Height to Existing Limestone Wall Base at Lot 100 (#121) King Road, East Bunbury” be referred to the Policy Review Committee on the following grounds:*

- \* *There are some perceived inconsistencies between this proposal and at least one other which could be regarded as similar and has been approved by the City of Bunbury;*
- \* *The issue of “electronic graphic display screens” as a means of signage in locations other than the CBD given the prospect of greater use of such signs in future;*
- \* *A qualification in the relevant policy that the City of Bunbury recognises that advertising by means of signage is a legitimate function of business and is enshrined in the policy as such.*

*and then referred back to the Council Meeting to be held 29 September 2015 for consideration.*

The previous Agenda report on the item, from the Council meeting of 1 September 2015 is **attached** at Appendix DPDRS-9.

The matter was tabled at a meeting of the Committee held 15 September 2015, however the Committee determined not to deal with the matter of the Development Application itself, as it wasn't within the terms of reference of the Committee.

The matter was deferred by the applicant's request from Council meeting of 29 September 2015 to 13 October 2015.

The report is presented back to Council for determination pursuant to Council Decision 307/15.

The application for planning approval has been referred to Main Roads Western Australia (MRWA) and the Bunbury RoadWise Committee, which have both objected to the proposal on road safety grounds. Since the previous Agenda report, MRWA has provided further comments on the proposal, which are **attached** at Appendix DPDRS-8: MRWA comments dated 9 Oct 2015.

Due to the proposal's non compliances with Local Planning Policy: Signage and Advertisements and the plausible adverse impacts on road safety and the visual amenity of the locality, the application for planning approval is recommended for refusal.

MRWA advised that the intersection has a crash rate being the highest (previously second to the Eelup intersection before the roundabout infrastructure upgrades were installed) in Bunbury and ranked 266 in the State refer to **attached** Appendix DPDRS-1: MRWA Crash Matrix Report.

The recent upgrades include line-marking, signage, lane configuration and traffic lights to the roundabout, rather than the addition of the roundabout

### **Executive Recommendation**

That Council resolves to:

1. Refuse the application for planning approval (application reference: DA/2014/228) for the development of the proposed electronic graphic display screen sign and increased height of the existing limestone wall base at Lot 100 (street address number 121) King Road, East Bunbury, in accordance with the City of Bunbury's Town Planning Scheme No. 7, for the following reasons:
  - (a) The proposed electronic graphic display screen sign being located outside of the 'City Centre Zone' is contrary to Local Planning Policy: Signage and Advertisements. Table 3 of the Local Planning Policy lists 'electronic graphic display screen' signage as being 'X' not permitted in the 'Residential Zone'.
  - (b) The proposed electronic graphic display screen sign is inconsistent with the aims of the Scheme and objectives of the 'Residential Zone', and the display of third party advertising in a zoning outside the 'City Centre Zone' is contrary to Local Planning Policy: Signage and Advertisements.
  - (c) The proposed sign face area of 40.3m<sup>2</sup> exceeds the prescribed maximum of 20m<sup>2</sup> for electronic graphic display screen signs, and hence, represents a significant variation to the specifications set out in Local Planning Policy: Signage and Advertisements.
  - (d) The proposal is contrary to objective (c) of Local Planning Policy: Signage and Advertisements, which relates to the safety and operation of roads designated as 'Other Regional Roads Reserve'.
  - (e) The proposal is likely to result in adverse impacts on road safety and the visual amenity of the locality, and hence, does not represent orderly and proper planning.
2. Advise the applicant, landowner and submitters of Council's decision.

### **Background**

Council at its meeting held on 1 September 2015 considered agenda item 10.4.3 to replace an existing billboard sign near the intersection of King Road, Picton Road and Sandridge Road in East Bunbury with an LED illuminated electronic graphic display screen.

Council minutes from the 1 September 2015, relating to this application are **attached** at Appendix DPDRS-9.

The Council received a presentation by the consultant Ben Carter of Pinnacle Planning and the landowner Charles Maasdorp. On review of the transcript of the presentation, a range of key issues have been identified and are discussed below.

1. *Bunbury Farmers Market sign being “a benchmark”*

This should not be considered as representing a “benchmark”, as signage and advertising controls for the Bunbury Farmers Market site are specific to that Special Use Zone, which requires a Detailed Area Plan and an associated Precinct Signage Plan. The Detailed Area Plan does not specifically nominate a maximum sign face area for the site; and as such, the City of Bunbury has discretion in determining an appropriate total signage area.

The Bunbury Farmers Market digital illuminated (static) screen has the dimensions of 3.2m by 4.5m, or an area of 14.4m<sup>2</sup> per side. This sign is visible from both an easterly and westerly direction. It should be noted that the proposal for an LED illuminated electronic graphic display screen on Lot 100 (#121) King Road, East Bunbury, would have the dimensions of 12.6 m by 3.2m or an area of 40.3m<sup>2</sup>, which would be approximately three (3) times larger in area than the Bunbury Farmers Market sign.

The proposal is depicted in Appendix DPDRS-2, and illustrates the substantial nature of the proposed LED illuminated electronic graphic display screen in comparison to the scale of the existing Bunbury Farmers Market sign.

2. *Main Roads Western Australia statistical information on accidents, unknown*

Although the intersection is not on a designated highway or freeway, the subject site is nevertheless situated on a significant four lane light controlled interchange of King Road, a designated ‘Local Distributor Road Reserve’ under the Local Planning Scheme, with Sandridge and Picton roads which are designated as ‘Other Regional Roads Reserve’ under the Regional Planning Scheme.

Therefore, it is considered that the location and size of the proposed illuminated electronic graphic display screen sign, in conjunction with the frequency of advertisement rotation and the rotation of advertisements during night time hours, will likely result in adverse impacts on road safety and the visual amenity of the locality.

The MRWA has provided a Crash Factor Matrix (29 September 2015) for the intersection of King, Sandridge and Picton roads for the period 2010 to 2014 (Appendix DPDRS-1). The summary of that report lists 83 crashes during that period, of which there were:

- \* 45 vehicles travelling in one direction
- \* 31 vehicles travelling from opposing directions
- \* 5 intersection collisions
- \* 2 manoeuvring

MRWA advised that the intersection has a crash rate being the highest (previously second to the Eelup intersection before the roundabout was installed) in Bunbury and ranked 266 in the State refer to Appendix DPDRS-1: MRWA Crash Matrix Report

3. *City of Bunbury Local Planning Policy: Signage and Advertisements “can be varied”*

Local Planning Policy: Signage and Advertisements was adopted by the Council on 10 June 2014 following an extensive and comprehensive review process that included consultation with the Bunbury Chamber of Commerce and Industry (BCCI) and advertising sign businesses operators in order to arrive at a consensus.

The absence of guidance in the Local Planning Scheme has meant reliance upon the Policy to inform both the assessment of the development proposal by the City of Bunbury from an operational perspective, and Council on matters requiring the exercising of discretion.

Nevertheless, Council may exercise its discretion in granting planning approval for a development application for any sign, with or without conditions, having due regard to the Policy on balance with the merits/nature of the project and its site specific circumstances and conditions.

4. *This is not a standard residential site*

The residential zoned lot containing the existing billboard has an area of 766m<sup>2</sup>. It is capable of being developed for two dwellings sharing common access onto King Road.

5. *To replace a sign that has been there for four years*

The existing billboard has been subject to previous Council decisions and a State Administrative Tribunal (SAT) appeal. The previous sign licence issued restricted the advertising content to community based and locally owned businesses.

6. *LED signage is best suited to specific locations*

*... This prominent location would create a landmark location first of its kind in WA ... Bunbury is a sought after location ... belief that there is a place for third party signage in every City ... reducing signage in general as it allows multiple businesses to utilise the screen ... technology is changing rapidly.*

Western Australia's peak motoring lobby group the RAC recently called for an electronic billboard that is visible from the Mitchell Freeway to be shut down, after it was revealed that it is exposed to approximately 10,000 more drivers and is three times the height of the Kwinana Freeway electronic billboard.

The City of Perth and the Western Australian Planning Commission (WAPC) approved the sign, after considering draft guidelines for electronic billboards prepared by MRWA. The guidelines recommended standards for brightness and rate of change and content, which were adopted as development conditions in the planning approval.

To approve that sign, MRWA had to agree to meet 17 conditions including completing a road safety audit and addressing its recommendations prior to the sign being switched on. That audit assessed the merge distances approaching the sign, the crash history of the location, and a range of factors that might lead to driver distraction.

Nevertheless, the sign which has been the subject of four road safety audits was switched off because of safety concerns regarding driver distraction, resulting in the state

government compensating the developer for its construction cost of \$680,000.

A spokesperson from the RAC stated that: *"It can be seen from long distances, it's elevated and it has the potential to draw people away at merge points and at higher speeds."*

The State Government had said in May 2015 that nine electronic billboards were being considered at various locations, including on the Mitchell and Kwinana freeways. However, before any more electronic billboards are installed, the RAC has requested that a standardised and robust process of review and approval is established.

Given this history, it may be prudent for Council to await the outcome of a standardised and robust process of review and approval before it entertains allowing any LED illuminated electronic graphic display screen(s) outside of the 'City Centre Zone' with frontage to major roads/intersections.

Please note: at the time of writing this report, no further information has been submitted by the applicant to the City of Bunbury, since the previous consideration of this application at Council.

### **Council Policy and Legislative Compliance**

The following regulatory and policy documents are applicable to the assessment of this application for planning approval:

- \* Planning and Development Act 2005;
- \* Greater Bunbury Region Scheme (GBRS);  
*Note: the subject site abuts 'Other Regional Roads Reserve' under the GBRS; however, the Department of Planning has advised that in this circumstance GBRS approval is not required.*
- \* City of Bunbury Town Planning Scheme No. 7 (TPS7); and
- \* Local Planning Policy: Signage and Advertisements (Appendix DPDRS-3)

### **Officer Comments**

Due to the type of development proposed and its proximity to a major intersection, the application was referred to the Bunbury RoadWise Committee and MRWA, both of whom object to the proposal and have provided the following comments:

#### *Bunbury RoadWise Committee*

*"... strongly objects to the "Electronic Graphic Display Screen" proposed for #121 King Road, East Bunbury, as well as any other static signage that may contribute to driver distraction at this important intersection...the intersection was a high volume traffic area identified by Bunbury Police as a "hot spot" qualifying for a red light camera."*

#### *Main Roads Western Australia*

*"The current sign is located approximately 35 metres from the nearest traffic control signal, which is less than half of the recommended minimum distance.  
If the advertising device was to be illuminated there would need to be strict controls applied in relation to colours (to not conflict with the traffic control signals) and luminance or increased levels of driver distraction could result.  
Given that the advertising sign is already situated too close to the traffic control signals, and that there is no scope to achieve the desired clearance distance, Main*



*Roads does not support the proposal to increase the size of the sign or to illuminate it.”*

On 9 October 2015, Main Roads WA responded to the applicant, Pinnacle Planning’s request for review of previous comments provided. A full copy of the correspondence is **attached** at Appendix DPDRS-8: MRWA comments dated 9 Oct 2015.

In summary, the additional comments from Main Roads WA indicate:

- \* *Main Roads has no objection if the local government apply the new Main Roads guidelines ‘Guide to Management of Roadside Advertising’ on its own roads.*  
Note: these guidelines have recently been updated, with one of the revisions being the inclusion of more robust guidelines for electronic signs.
- \* *If this intersection was on the Main Roads network, Main Roads would object based on the following provisions of the Guidelines:*
  - Advertising displays that have the potential to unduly distract drivers due to their design form, orientation or physical size, or iridescence, lustre or brilliance of reflected light, shall not be permitted. Assessment will be undertaken subjectively.
  - Advertising displays that could create a confusing or dominating background, which have the potential to reduce the clarity of a traffic control device or the readability of the road layout, shall not be permitted. Assessment shall be undertaken subjectively.
- \* *For the intersection in question is the crash rate is the second highest in Bunbury and ranked 266 in the State.*
- \* *Main Roads considers that the signage application should be refused on safety grounds.*

### **Alternate Recommendation**

When this matter has been presented to Council previously there has been some support to approve the application. In the event Council is of the view to support the application, a recommendation including appropriate conditions could be considered. The following outlines the proposed conditions and issues.

1. Council would consider a new application for planning approval submitted generally in accordance with Local Planning Policy: Signage and Advertisements for a ‘billboard sign - large’ (e.g. a static sign that may be illuminated by appropriately shielded spot lighting), seeking the following relaxations or variations with respect to this proposal:
  - (a) Table 3: Assessment Categories for Signs and Advertisements, under clause 9.7, which prescribes a ‘billboard sign – large’ as being a not permitted ‘X’ type of sign in the ‘Residential Zone’;
  - (b) Clause 8.4 dealing with ‘Prohibited or Restricted Signs and Advertisements’; specifically, sub-clauses:
    - i (h) with regards to the prohibition of any ‘third party sign’ in the city unless located within the ‘City Centre Zone Signage Control Area’;
    - ii. (e) with regards to the distracting of drivers in close proximity to intersections, traffic signals, ... and vehicle merging and weaving situations. (Illuminated and moving advertisements such as flashing, variable message or rotating signs cause the most distraction, particularly where they produce glare or dazzle);
  - (c) Clause 8.5 dealing with ‘Third Party Signs and Advertisements’; specifically, that third party signs and advertisements may only be located within the ‘City Centre Zone Signage Control Area’;
  - (d) Clause 8.8 dealing with Signs and Advertisements Along or Near Main Roads

- regarding consideration of illuminated or non-illuminated signs and advertisements being visible from a highway or a main road, and, illuminated signs or advertisements being located within 50 metres of traffic signals on a highway or a main road (e.g. an “Other Regional Roads Reserve”);
- (e) Appendix A: Table 2: Standard Design Requirements for Signs and Advertisements, with regards to the dimensions of a ‘billboard sign – large’ being increased from the specified maximum total sign face area of 36m<sup>2</sup> per face to 40.3m<sup>2</sup>; and
  - (f) Clause 8.10 Illumination (static), which relates to all zones in the Local Planning Policy Area, with regards to the design, hours of operation and permitted luminance level of an illuminated sign or advertisement (measured in candelas per square metre) not exceeding the levels shown in Table 1: Maximum Luminance Levels (i.e. 300cd/m<sup>2</sup> within 100 metres of residential premises or land included in the ‘Residential Zone’). Noting that the requirements for a sign with non-static illumination, also called ‘animated signs’, are outlined in clause 9.5 of the policy.
2. The application for planning approval is to be accompanied by a Development Impact Statement that, amongst other relevant matters for consideration, addresses the following:
- (a) Detailed rationale and justification for each relaxation or variation from the Local Planning Policy: Signage and Advertisements being sought. Specific impact assessment and justification must be made with respect to the proposed increased height of the sign above natural ground level - in relation to it projecting above the height of residential building rooflines in close proximity.
  - (b) Mitigations required for the treatment of any potential impact on road safety and the visual amenity of adjacent residential areas; undertake public notification that includes the Bunbury Chamber of Commerce and Industry and as otherwise determined by the City of Bunbury; and reconciliation of the matters/objections raised by Main Roads Western Australia on the function and safety of adjacent roads.

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

The application for planning approval relates to private property, therefore, has no direct budgetary or financial implications for the City of Bunbury.

If the applicant is aggrieved by Council’s decision they may apply for a review of the decision through the SAT, in those circumstances the City may incur legal costs.

### **Community Consultation**

The development application was advertised for public comment from 15 to 28 October 2014. In total, five (5) objections were received from surrounding landowners, the MRWA and the Bunbury RoadWise Committee.

### **Councillor/Officer Consultation**

The proposal has been referred to the City of Bunbury’s Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report. Additionally, the proposal was referred to the Department of Planning, MRWA and Bunbury RoadWise Committee for advice.

### **Delegation of Authority**

This application for planning approval has been referred to Council for its determination, as submissions objecting to the proposal were received during the public consultation process, and therefore, cannot be determined under delegation.

### **Relevant Precedents**

The Bunbury Farmers Market electronic graphic display screen sign (located at #2-6 Vittoria Road, Glen Iris) is not considered to be a relevant precedent based on the following:

1. The sign was approved under delegation in 2013 (application reference DA/2013/266), which was prior to the adoption of Local Planning Policy: Signage and Advertisements. Nonetheless, the development plans were submitted and approved by MRWA.
2. The proposed LED illuminated electronic graphic display screen on Lot 100 (#121) King Road, East Bunbury, is 40.3m<sup>2</sup> in area, which is approximately three (3) times larger in area than the Bunbury Farmers Market digital screen of 14.4m<sup>2</sup> displaying static images.
3. Please refer to **attached** Appendix DPDRS-2, which illustrates the substantial nature of the proposed LED illuminated electronic graphic display screen in comparison to the scale of the existing Bunbury Farmers Market sign.

### 11.4.3 Proposed Grouped Dwelling at Strata Lot 2 (#9A) Wright Street Withers

<b>File Ref:</b>	P11155, DA/2015/182/1
<b>Applicant/Proponent:</b>	Home Group WA
<b>Responsible Officer:</b>	Martin Hughes, Planning Officer
<b>Executive:</b>	Bob Karaszkewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPDRS-4: Location Plan Appendix DPDRS-5: Site, Service and Floor Plans

#### Summary

An application for planning approval was lodged by Home Group WA seeking to develop a grouped dwelling at Strata Lot 2 (#9A) Wright Street, Withers. The proposal has been assessed against the City of Bunbury Town Planning Scheme No.7 (TPS7) and State Planning Policy 3.1: Residential Design Codes (R-Codes), where variations are proposed in relation to clause 5.1.3 dealing with lot boundary setbacks for two parapet walls to be built up to the boundary.

Where the deemed-to-comply provisions of the R-Codes are not met, the variations are assessed against the corresponding design principles of the R-Codes. It is considered that the variations relating to the two parapet walls built up to the boundary satisfy the design principles of the R-Codes, and hence, it is recommended that planning approval be granted for the development of the proposed grouped dwelling.

#### Executive Recommendation

That Council resolves to:

1. Approve the application for a grouped dwelling at Strata Lot 2 (#9A) Wright Street, Withers (application reference: DA/2015/182/1) in accordance with the City of Bunbury's Town Planning Scheme No. 7, subject to the following conditions:
  - 1.1 At all times, the development subject of this planning approval must comply with the definition of grouped dwelling as contained in State Planning Policy 3.1 Residential Design Codes.
  - 1.2 All development shall be in accordance with the approved development plans (attached) which form part of this planning approval.
  - 1.3 This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the City of Bunbury has granted prior written consent.
  - 1.4 All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
  - 1.5 Before the development is occupied, external clothes drying facilities must be provided for each dwelling in accordance with clause 5.4.5 of the State Planning

Policy 3.1 Residential Design Codes (the R-Codes). External clothes drying facilities must be effectively screened from public view at all times and to the satisfaction of the City of Bunbury. Details to be submitted with the building permit application.

- 1.6 Before the development is occupied, enclosed lockable storage areas, constructed in a design and material matching the dwellings, with external access, with a minimum dimension of 1.5m and an internal area of at least 4m<sup>2</sup>, must be provided onsite for each dwelling in accordance with clause 5.4.5 of the State Planning Policy 3.1 Residential Design Codes (the R-Codes) and to the satisfaction of the City of Bunbury.
- 1.7 Rubbish bin storage areas must be screened from public view at all times in accordance with clause 5.4.5 of State Planning Policy 3.1 Residential Design Codes (the R-Codes) and to the satisfaction of the City of Bunbury.
- 1.8 The boundary (parapet) walls, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.
- 1.9 The reversing bay shall be kept clear at all times.
- 1.10 Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
- 1.11 Before the development commences, a crossover permit must be obtained from the City of Bunbury. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
- 1.12 Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
- 1.13 Before the development commences, a damage bond to the value of **\$500.00** must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".
- 1.14 A minimum of 1m<sup>3</sup> of storm water storage for each 65m<sup>2</sup> of impervious area must be provided on site in accordance with the city of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties. Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing, and be implemented in accordance with the approved plan prior to the development being occupied.
- 1.15 Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

**Advice Notes:**

1. The City of Bunbury advises that where a planning approval letter contains conditions which are required to be discharged before development commences, to commence development before those conditions are discharged means that the

development is not pursuant to the planning permission and is therefore unauthorised development.

2. An application for an extension of time to an existing planning approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant planning approval are required (e.g. DA number, date of approval, property address). An application shall be received within one month prior to the expiration of the Planning Approval. An extension of time shall only be granted once. Should an extension of time expire a new application for Planning Approval will be required
3. This is a planning approval and it is not a building permit. The development the subject of this approval is also regulated by the Building Code of Australia and a separate building permit must be granted before the development commences. The owner is advised to liaise further with the City of Bunbury's Development Assessment and Building Certification department on (08) 9792 7000.
4. There is a requirement to comply with the *Aboriginal Heritage Act 1972* as amended, which protects all Aboriginal heritage sites in Western Australia whether they are known or otherwise.  
This planning approval does not remove or affect any statutory responsibility or obligation the developer / landowner may have under the *Aboriginal Heritage Act 1972*. The developer / landowner is advised to contact the relevant State Government public authority(s) before commencing any site works to ensure that your statutory responsibilities or obligations are met.  
Damaging or altering an Aboriginal heritage site constitutes an offence under the *Aboriginal Heritage Act 1972* as amended, and is punishable by law. Further information can be obtained from the Department of Indigenous Affairs on (08) 9964 5470 or (08) 9235 8000 or at [www.dia.wa.gov.au](http://www.dia.wa.gov.au).
5. This planning approval does not remove or affect any statutory responsibility or obligation the owner may have under that *Strata Titles Act 1985* (as amended). Under the strata or survey strata plan, a requirement for consent by the strata company or other strata or survey strata owners may be required.
6. It is the owners' responsibility to ensure all required approvals are obtained for the project prior to works commencing on site (including any specified conditions attached to the Planning Approval).  
Separate approvals that are required to be issued prior to works commencing could include – a Building Permit (Building Act 2011/ Building Regulations 2012), Health Approval (Health Act 1911, Food Act 2008, Local Laws etc. for – On site waste disposal, Food premises, Hairdressing premises, Skin penetration premises and Public Buildings) Water Corporation Approval, New Cross Over Permits (Council's Engineering Dept), Landscaping Approval (For any works on verge) etc.  
Failure to obtain any required approvals prior to works commencing can result in separate statutory fines under the relevant legislation e.g. Building without a Building Permit – Building Act s9 Part 2 – first offence \$50,000.  
Further information can be obtained from the City of Bunbury website [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au) – Building Services or Building Certification Department (08) 9792 7120.

7. The Plans and Specifications must be submitted to the Water Corporation for approval. [www.watercorporation.com.au](http://www.watercorporation.com.au), Bunbury Office: Level 3, 61 Victoria Street, Phone: (08) 9791 0400
  8. All documentation submitted with the building permit application shall be in accordance with the Building Regulations 2012 and the Building Code of Australia – Volume 2, including in particular, detailed plans and specifications for the site works (including finished ground and floor levels), storm water and roof run-off disposal, existing easements, cross-over and parking areas (including pavement type), to the satisfaction of Council.
  9. Energy efficiency details of the proposed project to comply with the Building Code of Australia – Volume 2, (Housing Provisions) Part 3.12 for Climate Zone 5.
  10. Where required to obtain Building Permits for retaining walls, the applicant is advised to liaise with the City of Bunbury to determine Building Permit requirements.
  11. When a new crossover is proposed, and before construction of it can commence, a separate verge crossover application must be submitted and approved. A permit application form can be obtained on the City's website [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au).
  12. Please be aware that the subject land is located in a high groundwater table area. Treatments such as subsoil drainage may be required to prevent any increases to groundwater table levels on adjoining properties.
  13. Before development commences, the existing effluent disposal system(s) must be decommissioned in accordance with Division 3 of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*,
  14. The development the subject of this planning approval must comply with the requirements of the *Health Act 1911*.
  15. The development the subject of this planning approval is required to comply with the City of Bunbury Health Local Laws 2001.
2. Advise the applicant, landowner and submitters of Council's decision.

### **Background**

The subject site is located within a well-established neighbourhood area in the suburb of Withers. The subject site was previously subdivided into two strata lots in August 2009, therefore creating Strata Lot 1 (#9B) Wright Street, Withers and Strata Lot 2 (#9A) Wright Street, Withers. The proposed development application is to construct a grouped dwelling on Strata Lot 2 (#9A) Wright Street, Withers.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDRS-4.

### Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Policy Framework are applicable to the assessment of this application for planning approval:

- \* Planning and Development Act 2005
- \* City of Bunbury Town Planning Scheme No. 7
- \* State Planning Policy 3.1: Residential Design Codes.

### Officer Comments

This proposal seeks a variation to the R-Codes by having lot boundary walls adjoining both Strata Lot 1 (#9B) Wright Street and Lot 115 (#11) Wright Street, Withers, in lieu of a single lot boundary wall.

A Site Plan, Floor Plan, Services Plan and Elevation Plan showing the proposed boundary wall is **attached** at Appendix DPDRS-5.

The R-Codes at clause 5.1.3 C3.2.iii states that walls may be built up to a lot boundary '*to one side boundary only*', therefore the proposal of two lot boundary walls does not satisfy the deemed-to-comply provisions and needs to be assessed against the corresponding design principles.

#### R-Codes Design Principle 5.1.3 P3.2

*"Buildings built up to boundaries (other than the street boundary) where this:*

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining owners is not restricted; and*
- *positively contributes to the prevailing development context and streetscape."*

The proposed lot boundary walls provide an effective use of space, providing a larger garage/store area for the proposed dwelling and minimises underused passageways around a dwelling. In addition, the proposed lot boundary walls provide enhanced privacy for the adjoining lots due to not having any major openings or windows, therefore providing a private area for the residents of the adjoining lots.

It is considered that the proposed variation does not compromise the design principle contained in clause 5.1.3 P3.1, which broadly states that buildings reduce impacts of building bulk on adjoining properties, provide adequate sun and ventilation, and to minimise the extent of overlooking. It is considered that the proposed variation would not compromise direct sun to major openings to habitable rooms and outdoor living areas for the adjoining properties due to the east-west orientation of the battle axe lot and the proposed lot boundary walls having a wall height of 2.7m, and the southern boundary wall is only 6.2m long. The proposal would not have any adverse impact on the amenity of the adjoining properties due to the height, scale or impact of the proposal, which is consistent with typical rear lot development proposals.



As per Part 4 – Consultation within the R-Codes, the applicant obtained neighbouring landowner comments from Strata Lot 1 (#9B) Wright Street and Lot 115 (#11) Wright Street, Withers. A submission was received by the owner of SL1 (#9B) Wright Street objecting to the proposed development application. There was no response from the other adjoining owner, therefore it is deemed that the landowner of Lot 155 (#11) Wright Street has no objections to the proposal.

The main issues raised within the submission were in relation to the ability for sunlight to enter the dwelling and the resale value of the property. The aspect of sunlight to major openings to habitable rooms and outdoor living areas for adjoining owners has been considered within the design principles of the R-Codes and determined that the proposal meets the design principles. In addition, it should be noted that an objection based on the proposed development devaluing adjoining land is subjective and not a valid planning consideration in the determination of this application.

For the reasons outlined, the lot boundary setback variation is considered to meet the design principles.

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

This application for planning approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

#### **Community Consultation**

The applicant obtained neighbouring landowner comments from Strata Lot 1 (#9B) Wright Street and Lot 115 (#11) Wright Street, Withers.

A submission was received from the owner of SL1 (#9B) Wright Street, Withers objecting to the proposed development application.

The main issue raised within the submission was in relation to the ability for sunlight to enter the dwelling and the resale value of the property.

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

The proposal has been referred to the City of Bunbury's Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

#### **Delegation of Authority**

This application for planning approval has been referred to Council for its determination, as submissions objecting to the proposal were received during the public consultation process and therefore, cannot be determined under delegation.

#### 11.4.4 Proposed Scheme Amendment 83 for Additional Use (AU2) Office Lot 410 (#52) Forrest Avenue, South Bunbury

<b>File Ref:</b>	A06449
<b>Applicant/Proponent:</b>	Halsall and Associates
<b>Responsible Officer:</b>	Laura Sabitzer, Senior Planning Officer
<b>Executive:</b>	Bob Karaszewych, Director Planning, Development and Regulatory Services
<b>Attachments:</b>	Appendix DPDRS-6: Local Planning Scheme Amendment 83 Report Appendix DPDRS-7: Location Plan

#### Summary

The purpose of this report is for the Council to consider a scheme amendment submission seeking to apply an 'Additional Use' for an 'Office' at Lot 410 (#52) Forrest Avenue, South Bunbury.

The subject lot is currently included in the 'Residential Zone' with a residential density coding of 'R60' under the City of Bunbury Town Planning Scheme No.7 (TPS7). An 'Office' use is listed in the Zoning Table as an 'X' not permitted use in the 'Residential Zone'.

Prospective buyers of the property are seeking to establish a financial advisory and mortgage brokerage business, and are therefore requesting to amend Schedule 11 of TPS7 to apply an Additional Use for an 'Office', with a maximum 200 square metres net lettable area.

It is recognised that the portion of Forrest Avenue bounded by Blair and Spencer Streets is a transitional area between commercial and residential areas steadily experiencing development change with increasing demand for small scale commercial and mixed uses.

As the proposal is in keeping with the Council's documented strategic intentions for this section of Forrest Avenue, it is recommended that Council initiates the proposed scheme amendment with a view to further considering the proposal and any submitted comments following public consultation.

#### Executive Recommendation

That Council:

1. In accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to initiate proposed Scheme Amendment 83 to the City of Bunbury Town Planning Scheme No. 7 as a standard amendment by modifying the Scheme accordingly:
  - (a) insert into Schedule 11 of City of Bunbury Town Planning Scheme No. 7 an Additional Use of 'Office' with a maximum floor space of 200 square metres net lettable area at Lot 410 (street number 52) Forrest Avenue, South Bunbury; and
  - (b) modify the Scheme Map by inserting the notation 'AU2' with identifying boundary encompassing Lot 410 (street number 52) Forrest Avenue, South Bunbury;

in accordance with the scheme amending pages and scheme amendment map prepared by the City of Bunbury as part of the local planning scheme amendment report **attached** at Appendix DPDRS-6.

2. Refer a copy of the proposed Scheme Amendment 83 documentation to the Environmental Protection Authority for review and comment.
3. Subject to formal assessment not being required by the Environmental Protection Authority, proceed to advertise proposed Scheme Amendment 83 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Following the public advertising of proposed Scheme Amendment 83, the scheme amendment documentation, including any proposed modifications, along with any public submissions lodged with the City of Bunbury during the public consultation period is to be returned to Council for further consideration.

### Background

Halsall and Associates on behalf of the prospective buyers of the subject property have submitted a scheme amendment application to apply an 'Additional Use' of 'Office' to Lot 410 Forrest Avenue, South Bunbury. A summary of details relating to the subject lot is as follows:

<b>Property address:</b>	Lot 410 (#50 & #52) Forrest Avenue, South Bunbury
<b>Zoning (GBRS):</b>	Urban
<b>Zoning (TPS7):</b>	Residential R60
<b>Existing Land Use:</b>	Single House
<b>Lot Area:</b>	1,532.3m <sup>2</sup>

The applicant has advised that the purpose of the Scheme Amendment 83 is to facilitate an 'Office' use, with the intention to, *"modify the existing dwelling to accommodate office uses for the clients businesses being a financial adviser and mortgage broker"*.

The subject lot and abutting properties are included in the 'Residential Zone' under TPS7. Properties along this section of Forrest Avenue, bounded by Blair and Spencer Streets, currently contain both residential and non-residential uses such as home-based businesses and consulting rooms. The section of Forrest Avenue east of the subject site, toward the Blair Street/Forrest Avenue intersection contains 'motel', 'medical centre', 'community purpose' and 'service station' uses.

A location plan showing the subject site and its surrounds is **attached** at Appendix DPDRS-7.

A report prepared by the applicants regarding the proposed scheme amendment is **attached** at Appendix DPDRS -6.

### Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Policy Framework are applicable to the assessment of initiating this Scheme Amendment request:

- \* *Planning and Development Act 2005*
- \* *Planning and Development (Local Planning Schemes) Regulations 2015*
- \* *Greater Bunbury Region Scheme (GBRS)*
- \* *City of Bunbury Town Planning Scheme No. 7 (TPS7)*

- \* Local Planning Strategy for Activity Centres and Neighbourhoods
- \* Local Planning Policy: Non Residential Development in or adjacent to Residential Areas
- \* Draft Local Planning Scheme No. 8 (LPS8)

Please note that the Planning and Development (Local Planning Scheme) Regulations 2015 take effect as of 19 October 2015 and superseded the Town Planning Regulations 1967.

### **Officer Comments**

It is recognised that this section of Forrest Avenue bounded by Blair and Spencer Streets, is a transitional area between commercial and residential areas, and is steadily experiencing development change, with increasing demand for small scale commercial and mixed uses.

Specifically, Forrest Avenue fulfils an important east–west connection (on route to/from the city centre) between Blair Street and Spencer Street. With vehicular access along the parallel Strickland Street restricted, Forrest Avenue has naturally assumed the role of a higher order ‘Local Distributor Road’ (whilst not formally recognised as such), and in 2010 was carrying an average of 11,600 vehicles per day. In responding to the high volume of vehicular traffic, this section of Forrest Avenue is undergoing transition from a more traditional residential streetscape character to that of a mixed use activity corridor - comprising small scale community purposes and commercial activities.

The draft Local Planning Scheme No.8 (which was initiated by Council on 31 March 2015) zoning for the subject lot proposes ‘Mixed Use Frame Zone’. In preparing this scheme amendment proposal in advance of the formalisation of the revised Scheme, regard has been given to ensuring consistency with the proposed future zoning and related provisions.

It is noted that the Local Planning Strategy for Activity Centres and Neighbourhoods identifies both sides of Forrest Avenue between its intersections with Spencer Street and Blair Street as a “mixed use activity corridor”. This has informed the proposed change in the current TPS7 from ‘Residential Zone’ to the draft Local Planning Scheme No .8 proposed ‘Mixed Use Frame Zone’.

Furthermore, the Greater Bunbury Region Scheme (GBRS) identifies the subject site within the regional ‘Urban Zone’. Hence, the proposed additional use of ‘Office’ would not be inconsistent with the stated purpose of the ‘Urban Zone’ under the GRBS, which is *“to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities”*.

As the subject site is currently bounded by lots containing dwellings, it is important that any future ‘Office’ development on the site remains compatible and does not compromise the predominantly residential character and amenity of the locality. Therefore, future development of a non-residential use at the site would be assessed at development application stage in accordance with Local Planning Policy: Non Residential Development in or adjacent to Residential Areas. This Local Planning Policy provides guidelines for non-residential land use through requiring appropriate boundary treatments (i.e. fencing, landscaping and setbacks) to adjoining residential sites and other design standards.

It is noted that preference for such scheme amendment requests are considered on a larger scale, rather than spot re-zonings of a single site. However, as the proposal is in keeping with Council’s documented strategic intentions for this section of Forrest Avenue and will further stimulate

appropriate small scale commercial uses along this “mixed use activity corridor”, proposed Scheme Amendment 83 is supported and recommended for initiation.

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

The procedure for considering a scheme amendment submission has no associated financial or budgetary implication other than the costs associated with public consultation.

### **Community Consultation**

Scheme amendments are required to be advertised for public comment for a minimum period of 42 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Public consultation will include the following measures:

- \* letters sent to surrounding landowners and relevant public authorities
- \* public notification signs erected onsite
- \* public notice of proposal published in a locally circulated newspaper
- \* public notice of proposal posted on the City of Bunbury’s website
- \* copies of plans and supporting information made available at the City of Bunbury’s customer service centre.

### **Councillor/Officer Consultation**

The proposed scheme amendment has been referred to the City of Bunbury’s Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

### **Relevant Precedents**

- \* Scheme Amendment 64 was gazetted in February 2014 and applied an Additional Use – AU1 – ‘Car Park’ at Lots 101 and 102 South Western Highway, Picton. The purpose of this gazetted scheme amendment was to formalise a ‘Car Park’ used by employees of BHP Billiton Worsley Alumina.
- \* Scheme Amendment 73 was gazetted in September 2015 and rezoned six lots along Strickland Street (road parallel to Forrest Avenue) from residential to a commercial mixed use precinct through Special Use Zone No. 58 (S.U.58).
- \* Scheme Amendment 76 involves the rezoning of five lots on the opposite side of Forrest Avenue to Residential/Mixed Use through Special Use Zone No. 59 (S.U.59). This proposed scheme amendment was recently initiated by Council in July 2015.

**11.5 Director Works and Services Reports**

Nil.

## 12. Applications for Leave of Absence

### 12.1 Request for Leave of Absence – Cr Wendy Giles

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

#### Summary/Background

Cr Wendy Giles requests leave of absence from all Council-related business from 29 October 2015 to 12 November 2015 inclusive.

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

#### Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Wendy Giles is granted leave of absence from all Council-related business from 29 October 2015 to 12 November 2015 inclusive.

### 12.2 Request for Leave of Absence – Cr Murray Cook

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

#### Summary/Background

Cr Murray Cook requests leave of absence from all Council-related business from 2 November 2015 to 11 November 2015 inclusive.

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

#### Executive Recommendation

Pursuant to Section 2.25 of the Local Government Act 1995, Cr Murray Cook is granted leave of absence from all Council-related business from 2 November 2015 to 11 November 2015 inclusive.

**13. Motions on Notice**

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

**14. Questions on Notice**

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

Nil.

**14.2 *Questions from Members***

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

**16. Meeting Closed to Public**

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

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

**17. Closure**